



TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTL  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

**REGULAR MEETING NOTICE OF THE  
BUTTE COUNTY AIR QUALITY  
MANAGEMENT DISTRICT GOVERNING BOARD  
April 27, 2023 - 10:00 a.m.**

**Meeting Location:**

**Butte County Association of Governments Board Room  
326 Huss Drive, Suite 100, Chico, California**

Members of the public are encouraged to attend the meeting in real time using the Zoom information listed below. Please note: To join the video conference, you will need a webcam and computer audio (speakers and microphone). If you do not have either, you may dial 1-669-900-9128 to join by audio only.

<https://us02web.zoom.us/j/87111751705?pwd=em1GWGk2cVJZTExqYmwraGw2T1pqdz09>

**Zoom Meeting ID: 871 1175 1705 Passcode: 298155**

The Governing Board is committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at (530) 332-9400, Monday through Friday, 7:30 a.m. to 4:30 p.m. to request disability-related modifications, accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting. Every reasonable attempt will be made to provide such accommodations.

- |  |              |
|--|--------------|
| <b>1. Call to Order and Roll Call.</b>   | <b>Chair</b> |
| <b>Consider approval of Board Member's request to participate remotely and utilize Just Cause or Emergency Circumstance per AB 2449.</b> |              |
| <b>2. Additions and Deletions to the Consent Agenda.</b>   | <b>Chair</b> |

**CONSENT AGENDA**

- |  |                      |
|--|----------------------|
| <b>3.1</b> Minutes of the March 23, 2023, Meeting of the Board of Directors.           | <b>Cora Collins</b>  |
| <b>3.2</b> Activity Report on Butte County Air Quality Management District Activities. | <b>Stephen Ertle</b> |
| <b>3.3</b> Financial Status Report for Fiscal Year 2022-2023.                          | <b>Aleah Ing</b>     |
| <b>3.4</b> Status Report on Calendar of Events.  | <b>Stephen Ertle</b> |
| <b>3.5</b> Status Report on Communications.  | <b>Cora Collins</b>  |

- |     |  |                      |
|-----|--|----------------------|
| 3.6 | Approve Participation in Pilot 105 Grant Program for Fiscal Year 23.   | <b>Stephen Ertle</b> |
| 3.7 | Approve AB 617 Community Air Protection Implementation Grant Program for Fiscal Year 2022-2023. Resolution 2023-04 | <b>Jason Mandly</b>  |

## **REGULAR AGENDA**

### **ITEMS FOR ACTION**

- |     |  |   |
|-----|--|---|
| 4.  | <b>Items removed from the consent agenda for Board consideration and action - if any.</b>              | <b>Chair</b>                            |
| 5.  | Carl Moyer Policies & Procedures Updates & New Lawn & Garden Program. Resolution 2023-05               | <b>Jason Mandly</b>                     |
| 6.  | CalPERS <i>California Employers' Pension Prefunding Trust</i> (CEPPT) 115 Trust Account Authorization. | <b>Aleah Ing</b>                        |
| 7.  | 3 <sup>rd</sup> Quarter Fiscal Year 2022-2023 Budget Amendments.                                       | <b>Aleah Ing</b>                        |
| 8.  | Authorization for Temporary Reduction of Office Front Counter Hours.                                   | <b>Stephen Ertle</b>                    |
| 9.  | Public Hearing: Rule 500 Proposed Amendments. Resolution 2023-02                                       | <b>Stephen Ertle/<br/>Patrick Lucey</b> |
| 10. | Recognition of Service Upon Retirement - Cora Collins  | <b>Stephen Ertle</b>                    |

### **ITEMS FOR INFORMATION**

- |     |   |                      |
|-----|---|----------------------|
| 11. | <b>APCO Report.</b> Report from the Air Pollution Control Officer on current areas of potential interest to your Board, including air quality-related activities at the local, State, and federal scenes.   | <b>Stephen Ertle</b> |
| 12. | <b>Other Business.</b>  | <b>Chair</b>         |
| 13. | <b>Public Comment Period.</b> Any person may address the Board of Directors on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agenda item when that time is called. The chair requests that each person addressing the Board limits their presentation to five (5) minutes. | <b>Chair</b>         |
| 14. | <b>Adjourn to Closed Session.</b><br>Public Employment Pursuant to Government Code Section 54957.<br>Position: Air Pollution Control Officer  | <b>Chair</b>         |
| 15. | <b>Report From Closed Session.</b>  | <b>Chair</b>         |

## **ADJOURNMENT**

- |     |  |              |
|-----|--|--------------|
| 16. | <b>The next Board of Directors Meeting is scheduled for May 25, 2023, at 10:00 a.m. at the Butte County Association of Governments Board Room, 326 Huss Drive, Suite 100, Chico, California.</b> | <b>Chair</b> |
|-----|--|--------------|

Questions, comments, and correspondence may be directed to:  
Cora Collins, Clerk of the Board  
[ccollins@bcaqmd.org](mailto:ccollins@bcaqmd.org) or 530-332-9400 ext. 100  
629 Entler Avenue, Suite 15 Chico, CA 95928



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Air Pollution Control Officer

PATRICK LUCEY  
Assistant Air Pollution Control Officer

## Draft Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting of March 23, 2023

### Members Present:

Bill Connelly	Supervisor, District 1
Peter Durfee	Supervisor, District 2
Tami Ritter	Supervisor, District 3
Tod Kimmelshue	Supervisor, District 4
Doug Teeter	Supervisor, District 5
Addison Winslow	Councilmember, Chico
Angel Calderon	Councilmember, Gridley
Eric Smith	Vice Mayor, Oroville
Rose Tryon	Vice Mayor, Town of Paradise

### Members Absent:

Chuck Nuchols	Vice Mayor, Biggs
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### Staff Present:

Stephen Ertle	Air Pollution Control Officer
Aleah Ing	Administrative Service Officer
Kelly Towne	Accounting Technician
Cora Collins	Clerk of the Board

### Staff Remote:

Jason Mandly	Senior Air Quality Planner
Sam Nassie	Air Quality Compliance Specialist

### Others Present:

Carrie Schroder	Smith & Newell, Certified Public Accountants
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Due to the COVID-19 pandemic, members of the public are encouraged to attend the meeting using Zoom. Public comments were accepted before and during the meeting by emailing [ccollins@bcaqmd.org](mailto:ccollins@bcaqmd.org).

### 1. **Call to Order and Roll Call.**

Chair Ritter called the meeting to order at 10:00 a.m. at the BCAG Board Room, 326 Huss Drive, Suite 100, Chico, California.

### 2. **Additions and Deletions to the Consent or Regular Agenda.**

No additions or deletions.

629 Entler Avenue, Suite 15 ♦ Chico, CA 95928

## Agenda Item 3.1

**3. Consent Agenda.**

- 3.1 Minutes of the January 26, 2023, Meeting of the Board of Directors.
- 3.2 Activity Report on Butte County Air Quality Management District Activities.
- 3.3 Financial Status Report for Fiscal Year 2022-2023.
- 3.4 Status Report on Calendar of Events.
- 3.5 Status Report on Communications.
- 3.6 Consider approval of Board Policy - Alternative Means of Board Member Teleconferencing Under the Brown Act.
- 3.7 Notice of Butte County Association of Governments Transportation Grant Support Letter.

**ACTION REQUESTED: Approve Consent Agenda Items.**

Board comments: None.

Public comments: None.

**A motion was made by Supervisor Durfee and seconded by Supervisor Kimmelshue to approve the Consent Agenda Items.**

AYES: Supervisor Connelly, Supervisor Durfee (motion), Supervisor Ritter, Supervisor Kimmelshue (seconded), Supervisor Teeter, Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon, Vice Mayor Smith.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Nuchols.

**ITEMS FOR ACTION**

**4. Items removed from the Consent Agenda for Board consideration and actions.**

No items removed from the Consent Agenda.

**5. Receive Audit Presentation for Fiscal Year 2021-2022 and Approve.**

**ACTION REQUESTED: Receive and file, Audit Report prepared by Smith & Newell, Certified Public Accountants.**

Carrie Schroder, Smith & Newell Certified Public Accountants, presented the Audit Report for Fiscal Year 2021-2022. The District received an unqualified opinion for the 2021-2022 Audit Report, which is the highest opinion to receive. The independent examination of the District's financial statements has not revealed any actual or possible material misstatements, resulting in no findings or recommendations.

The Net Position has decreased over the years, with expenses exceeding revenue, most significantly due to a decrease in restricted grant funds, Intergovernmental (grant) revenue, recognition of implementation funds, contributions to other agencies (grant) expenses, and GASB 68 reporting requirements. The Net Position during the 2021-2022 fiscal year was \$312,136, compared to \$716,844 during the prior year.

Ms. Schroder provided a summary of the Independent Auditors Report – page 1, Statement of Net Position - page 9, Balance Sheet - page 11, Statement of Revenues Expenditures and Changes in Fund Balance - page 13, and Budgetary Comparison Schedule - page 42.

Board discussion:

Supervisor Kimmelshue and Supervisor Ritter asked for clarification on receivables from grants and ERC in the audit process. Clarification was provided.

Public comments: None.

**A motion was made by Supervisor Teeter and seconded by Vice Mayor Tryon to receive and file the Audit Report prepared by Smith & Newell, Certified Public Accountants.**

AYES: Supervisor Connelly, Supervisor Durfee, Supervisor Ritter, Supervisor Kimmelshue, Supervisor Teeter (motion), Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon (seconded), Vice Mayor Smith.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Nuchols.

**6. Consider Approving a Contract for Laserfiche Workflow Development by UBEO.**

**ACTION REQUESTED: Consider Approving a Statement of Work Contract for Laserfiche Workflow Development by UBEO Business Services (formerly Ray Morgan and Company).**

Stephen Ertle, Air Pollution Control Officer, requested approval of a Laserfiche Workflow to provide efficiency in implementing the upcoming FARMER Grant projects. The grant process involves significant staff resources, including processing, ranking, awarding, contracting, and tracking grant projects and proceeds. The Laserfiche Workflow would help staff streamline the entire process. Existing surplus FARMER Grant implementation funds are available to cover the cost and have been approved by the State. Once the Laserfiche Workflow is developed it can be used year after year.

Board discussion:

Will it affect the human element? – Laserfiche Workflow will not replace the human element.

What is the financial impact? – No financial impact, Laserfiche Workflow will be paid with available surplus funds.

What is the timeframe from application to board approval of FARMER grant projects? – 3 months to 3 years depending on the availability of equipment and timing of the recipient.

Details on how efficient the service is. – Benefits are operational.

Will the District own the workflow? – No, it is not software, rather a collection of settings within Laserfiche.

Any additional fees? One time cost with no additional fees.

Public comments: None.

**A motion was made by Vice Mayor Tryon and seconded by Supervisor Kimmelshue and Councilmember Winslow to approve a Statement of Work Contract for Laserfiche Workflow Development by UBEO Business Services**

AYES: Supervisor Connelly, Supervisor Durfee, Supervisor Ritter, Supervisor Kimmelshue (seconded), Supervisor Teeter, Councilmember Winslow (seconded), Councilmember Calderon, Vice Mayor Tryon (motion), Vice Mayor Smith.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Nuchols.

**7. Receive Annual Air Quality and Check Before You Light (CBYL) Report and Approve.**

**ACTION REQUESTED: Receive report and approve.**

Jason Mandly, Senior Air Quality Planner, presented the Air Quality Summary for 2022 and the District's 2022-2023 Check Before You Light Program season. 2022 was an overall good year.

**Ozone** – Monitors in Chico and Paradise did not exceed the 2015 federal 8-hour ozone standard. This marks the second time (2019) that no ozone exceedances were documented at either monitoring site since the year 2000.

**PM<sub>2.5</sub>** – Fine particulate – smoke. Butte County continues to meet the federal PM<sub>2.5</sub> standard since 2013 when the U.S. EPA officially recognized that Butte County's monitoring data showed attainment of the standard. In October 2017, the District submitted a PM<sub>2.5</sub> Redesignation Request and Maintenance Plan to CARB which was approved in November 2017. The Redesignation Request and Maintenance Plan was then submitted to U.S. EPA which was approved effective August 2018. Two (2) exceedances during the summer months were due to smoke from the Mosquito Fire in Eldorado and Placer Counties and there were no exceedances during the winter months.

**PM<sub>10</sub>** – Coarse particulate – dust. Butte County has one (1) monitor located in Chico. There were no exceedances on the Federal level and 11 exceedances on the State level. State standards are more stringent than federal standards.

**Two (2) monitoring locations in Paradise** – CARB is planning to move the two (2) monitors to a single location in Paradise, possibly to Clark Road & Nunneley Road.

**2022-2023 Check Before You Light (CBYL)** – There were no advisories issued for the season and no exceedances of the federal 24-hr. PM<sub>2.5</sub> standard at the Chico, Paradise, or South Chico monitoring locations. This was the second season in a row with these conditions. The District conducted outreach, with the theme "Don't Burn Wet Wood", by including information about wood-burning in the Chico Enterprise-Record and the Chico News and Review and updating a television ad focusing on burning dry and well-seasoned wood with KNVN & KHSL.

Board discussion:

Why are the monitors being moved? CARB pays two (2) people to maintain the two (2) monitors. Consolidate to one (1) location and one (1) person to maintain. The State operates and maintains the monitors and chooses the location of the monitors, not BCAQMD.

Who sets the CBYL season? The Board selected and approved the season and coincides with when wood stoves are in use and weather patterns that can cause stagnation and increased PM concentrations.

Supervisor Kimmelshue and Vice Mayor Tryon mentioned future concerns: Expect more burning, farmers are removing orchards, due to poor economics of walnuts and almonds. Also, PG&E has raised gas rates which might lead to more emissions from increased woodstove use.

Public comments: None.

**A motion was made by Supervisor Durfee and seconded by Vice Mayor Tryon to receive and approve the Annual Air Quality and Check Before You Light (CBYL) Report.**

AYES: Supervisor Connelly, Supervisor Durfee (Motion), Supervisor Ritter, Supervisor Kimmelshue, Supervisor Teeter, Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon (seconded), Vice Mayor Smith.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Nuchols.

**8. APCO Report.**

**ACTION REQUESTED:** None. This item is provided for information and discussion.

No report.

**13. Other Business.** None.

Supervisor Kimmelshue asked when were air quality districts established? Staff replied: 1968. Supervisor Kimmelshue continued, was it the intention of the State of California to help fund these districts? Staff replied: the Health and Safety Code states every county or jurisdiction *shall* have an air district and this law authorizes the County to adopt fees to support it. He concluded, so it's a true unfunded mandate. Staff agreed.

**14. Public Comment Period.** Any person may address the Board of Directors on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agenda item when that time is called. The Chair requests that each person addressing the Board limits their presentation to five (5) minutes.

**15. Adjourn to Closed Session.** No closed session was held.

**16. Report From Closed Session.** None

**17. The meeting adjourned at 10:50 a.m. The next Board of Directors Meeting is scheduled for April 27, 2023, at 10:00 a.m. at the Butte County Association of Governments Board Room, 326 Huss Drive, Suite 100, Chico, California.**

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Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on March 23, 2023.

ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board

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PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **Activity Report.**

**ISSUE:**

Summary of District activities for calendar years 2021, 2022 and year 2023 as of March 31<sup>st</sup>.

**ACTION REQUESTED:**

Accept and file report.

Attachment:  
2023 Activity Report

## 2023 Activity Report

Activity	2021	2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD <sup>1</sup>
Permits to Operate Issued/Renewed	788	813	51	66	44										161
Authority to Construct Permits Issued	46	50	4	2	0										6
Portable Equipment Registrations	22	34	1	2	1										4
Engine Registrations Issued/Renewed	30	261	0	0	0										0
Inspections Performed by Facility	115	496	40	36	32										108
Inspections Performed by Permits	193	658	35	50	40										125
Status Change Reports Received	45	3	1	4	0										5
Agricultural Burn Days <sup>2</sup>	345	356	31	28	31										90
Agricultural No-Burn Days <sup>2</sup>	20	9	0	0	0										0
Burn Permits Issued	845	750	62	79	62										203
Burn Notifications	4,332	5,152	291	451	191										933
Rice Fields Reported Harvested	341	375	0	0	0										0
Complaints Received	135	134	6	2	4										12
Notices of Noncompliance Issued	70	104	4	5	4										13
Notices to Comply Issued	13	23	0	0	0										0
Public Outreach	524	499	37	30	44										111
Environmental Documents Reviewed	2	5	0	1	0										1
Public Records Requests	X	64	1	1	3										5

<sup>1</sup> YTD = Year-to-date totals

X=2022 First Year Reporting Public Records Requests



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Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Aleah Ing, Administrative Services Officer

Re: **Financial Status Report for Fiscal Year 2022-2023.**

**ISSUE:**

Financial Status Report.

**ACTION REQUESTED:**

Accept and file report.

**DISCUSSION:**

The attached financial report summarizes the District's finances during the period of July 1, 2022, to March 31, 2023, and Balance Sheet for the period ending March 31, 2023. The District operated within overall budgeted expenditures, however proposed budget amendments recommended in Agenda Item 7, if approved, will move the current projected fiscal year budget into deficit. Agenda Item 7 provides details.

Attachments:

Fiscal Year 22-23 March Balance Sheet

Fiscal Year 22-23 March Revenue & Expense Report

**Butte Co. Air Quality Management Dist.**  
**Balance Sheet**  
As of March 31, 2023

**Mar 31, 23**

**ASSETS**

**ASSETS**

**Current Assets**

**Checking/Savings**

1002 · Cash on Hand - Change Box	200.00
1003 · Bank of America - General-0648	243,510.38
1004 · Bank of America - Payroll-0649	7,192.86
1007 · B of A Reserve Acct - 1789	320,309.49
1010 · B of A -Grant 1	0.34
1011 · Tri Counties - Carl Moyer 2618	737,019.48
1012 · Tri Counties - FARMER - 6831	1,924,341.28
1013 · Tri Counties - CAP-6855	128,956.15
1017 · Tri Counties - AB 617-6818	59,508.19
1018 · State LAIF Acct	1,217,757.94

<b>Total Checking/Savings</b>	4,638,796.11
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**Accounts Receivable**

1200 · Accounts Receivable	973,918.79
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<b>Total Accounts Receivable</b>	973,918.79
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**Other Current Assets**

1102 · Due From Other Governments	122,831.60
1500 · Undeposited Funds	1,043.28

<b>Total Other Current Assets</b>	123,874.88
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<b>Total Current Assets</b>	5,736,589.78
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<b>TOTAL ASSETS</b>	5,736,589.78
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**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

**Accounts Payable**

2001 · A/P - Grantees	2,154,951.58
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<b>Total Accounts Payable</b>	2,154,951.58
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**Credit Cards**

2400 · Credit Cards	931.73
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<b>Total Credit Cards</b>	931.73
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**Other Current Liabilities**

**2100 · Accrual Payroll & Benefits**

210004 · HI 125	812.01
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210011 · PERS Survivor Benefits	2.39
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210013 · MED FLEX	1,625.84
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<b>Total 2100 · Accrual Payroll &amp; Benefits</b>	2,440.24
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**2107 · Unearned Revenue**

210904 · FARMER	367,931.46
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210906 · Carl Moyer	87,450.51
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210910 · Community (CAP)	294,239.95
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210914 · AB 617	59,494.99
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**ASSETS**

<b>Total 2107 · Unearned Revenue</b>	<u>809,116.91</u>
<b>Total Other Current Liabilities</b>	<u>811,557.15</u>
<b>Total Current Liabilities</b>	<u>2,967,440.46</u>
<b>Total Liabilities</b>	2,967,440.46
<b>Equity</b>	
<b>3100 · Reserves</b>	320,255.00
<b>3200 · Restricted Fund</b>	
<b>3004 · Carl Moyer Program</b>	483,970.59
<b>3005 · Reserved FARMER Prgm</b>	717,227.99
<b>3012 · Community (CAP)</b>	<u>829,267.69</u>
<b>Total 3200 · Restricted Fund</b>	<u>2,030,466.27</u>

**Butte Co. Air Quality Management Dist.**  
**Profit & Loss Budget vs. Actual**  
 March 2023 -75% of the Year

Accrual Basis

	Jul '22 - Mar 2'	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>421 · License and Permits</b>				
4213010 · Ag Burn Permits	64,585.05	91,000.00	-26,414.95	70.97%
4213013 · Ag Engine Registration Program	0.00	350.00	-350.00	0.0%
4213020 · Title V Permits	4,564.28	4,500.00	64.28	101.43%
4213030 · Operating Permits	233,077.21	345,000.00	-111,922.79	67.56%
4213035 · Portable Engine Registration	42,798.84	39,500.00	3,298.84	108.35%
4213038 · Asbestos Program	0.00	5,000.00	-5,000.00	0.0%
4213040 · Auth to Construct	23,150.22	29,000.00	-5,849.78	79.83%
4213060 · Misc. Other Permits	300.00	600.00	-300.00	50.0%
<b>Total 421 · License and Permits</b>	<b>368,475.60</b>	<b>514,950.00</b>	<b>-146,474.40</b>	<b>71.56%</b>
<b>430 · Fines, Forfeitures &amp; Penalties</b>				
4300001 · Civil Settlements	46,995.52	24,000.00	22,995.52	195.82%
<b>Total 430 · Fines, Forfeitures &amp; Penalties</b>	<b>46,995.52</b>	<b>24,000.00</b>	<b>22,995.52</b>	<b>195.82%</b>
<b>441 · Interest Income</b>	<b>12,977.44</b>	<b>2,000.00</b>	<b>10,977.44</b>	<b>648.87%</b>
<b>451 · Intergovernmental</b>				
<b>45000 · Governmental Funds</b>				
4500001 · State Subvention	65,301.09	55,200.00	10,101.09	118.3%
4511001 · DMV Surcharge	536,112.35	740,000.00	-203,887.65	72.45%
<b>Total 45000 · Governmental Funds</b>	<b>601,413.44</b>	<b>795,200.00</b>	<b>-193,786.56</b>	<b>75.63%</b>
<b>45105 · Direct Grant Funds</b>				
4510500 · AB 2588 Hot Spots Fee	0.00	134.00	-134.00	0.0%
4510501 · 105 Pilot Project Grant Funding	0.00	60,546.00	-60,546.00	0.0%
4510502 · AB 197 Funding	0.00	8,583.00	-8,583.00	0.0%
4510503 · AB 617 Funding	34,570.91	87,997.90	-53,426.99	39.29%
4510504 · Prescribed Fire Grant	498.58	32,700.00	-32,201.42	1.53%
4510505 · GHG Oil & Gas Funding	0.00	6,000.00	-6,000.00	0.0%
<b>Total 45105 · Direct Grant Funds</b>	<b>35,069.49</b>	<b>195,960.90</b>	<b>-160,891.41</b>	<b>17.9%</b>
<b>45109 · Pass Through Grants</b>				
4510904 · FARMER Funding	612,237.50	0.00	612,237.50	100.0%
4510906 · Carl Moyer Grant	561,315.20	438,375.00	122,940.20	128.05%
4510915 · Community Air Program (CAP)	1,182,572.85	1,216,360.65	-33,787.80	97.22%
<b>Total 45109 · Pass Through Grants</b>	<b>2,356,125.55</b>	<b>1,654,735.65</b>	<b>701,389.90</b>	<b>142.39%</b>
<b>Total 451 · Intergovernmental</b>	<b>2,992,608.48</b>	<b>2,645,896.55</b>	<b>346,711.93</b>	<b>113.1%</b>
<b>471 · Miscellaneous Revenue</b>				
4712523 · Other Misc. Revenue	34,426.02	24,395.00	10,031.02	141.12%
4712550 · Implementation Funds	201,278.99	863,438.41	-662,159.42	23.31%
<b>Total 471 · Miscellaneous Revenue</b>	<b>235,705.01</b>	<b>887,833.41</b>	<b>-652,128.40</b>	<b>26.55%</b>
<b>Total Income</b>	<b>3,656,762.05</b>	<b>4,074,679.96</b>	<b>-417,917.91</b>	<b>89.74%</b>
<b>Gross Profit</b>	<b>3,656,762.05</b>	<b>4,074,679.96</b>	<b>-417,917.91</b>	<b>89.74%</b>
<b>Expense</b>				
<b>511 · Payroll Expenses</b>				
<b>511001 · Salaries &amp; Wages</b>	<b>611,516.27</b>	<b>901,250.00</b>	<b>-289,733.73</b>	<b>67.85%</b>
512000 · Extra Help	0.00	16,000.00	-16,000.00	0.0%
514000 · Overtime	0.00	4,000.00	-4,000.00	0.0%
<b>518 · Employee Benefits</b>				
518008 · Health Care	151,951.42	233,457.00	-81,505.58	65.09%
518009 · Cafeteria	22,359.27	41,100.00	-18,740.73	54.4%
518010 · Other Employee Benefits	16,690.37	22,378.00	-5,687.63	74.58%
518700 · Retirement Pension	96,969.45	144,085.86	-47,116.41	67.3%
518800 · Contrib to Pension Liability	130,886.00	135,390.00	-4,504.00	96.67%
518900 · Retiree's OPEB	38,736.18	36,601.00	2,135.18	105.83%
518901 · Contrib to OPEB Liability	19,795.00	19,795.00	0.00	100.0%
<b>Total 518 · Employee Benefits</b>	<b>477,387.69</b>	<b>632,806.86</b>	<b>-155,419.17</b>	<b>75.44%</b>
<b>Total 511 · Payroll Expenses</b>	<b>1,088,903.96</b>	<b>1,554,056.86</b>	<b>-465,152.90</b>	<b>70.07%</b>
<b>520 · Materials &amp; Supplies</b>				
521104 · Postage	2,223.73	3,500.00	-1,276.27	63.54%
522201 · Office Supplies	6,859.04	9,500.00	-2,640.96	72.2%
523001 · Telecommunications	10,964.54	16,000.00	-5,035.46	68.53%
524544 · Utilities - Elec/Gas/Wtr/Grbge	5,846.84	8,720.00	-2,873.16	67.05%

	<b>Jul '22 - Mar 21</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
525545 · Auto Fuel Costs/ Road Expense	3,361.60	6,500.00	-3,138.40	51.72%
<b>Total 520 · Materials &amp; Supplies</b>	<b>29,255.75</b>	<b>44,220.00</b>	<b>-14,964.25</b>	<b>66.16%</b>
<b>530 · Servies &amp; Other Operating</b>				
531201 · Household Janitorial	3,757.00	5,700.00	-1,943.00	65.91%
532527 · Insurance -Liability & Vehicle	13,974.47	16,872.00	-2,897.53	82.83%
533533 · Memberships, Dues & Subscript..	5,273.90	6,000.00	-726.10	87.9%
534537 · Public & Legal Notices	1,248.87	3,500.00	-2,251.13	35.68%
535540 · Public Outreach	4,493.00	13,700.00	-9,207.00	32.8%
536101 · Training	3,604.00	10,500.00	-6,896.00	34.32%
537202 · Travel & Conference Expenses	8,129.44	30,030.00	-21,900.56	27.07%
<b>Total 530 · Servies &amp; Other Operating</b>	<b>40,480.68</b>	<b>86,302.00</b>	<b>-45,821.32</b>	<b>46.91%</b>
<b>540 · Rents Lease, Repair, NonCapital</b>				
541538 · Property Rents & Leases	266.00	56,460.00	-56,194.00	0.47%
542539 · Equipment Rents & Leases	549.18	740.00	-190.82	74.21%
543103 · Office Furniture & Equip	1,590.79	3,300.00	-1,709.21	48.21%
543203 · Computer Equipment	8,542.94	12,500.00	-3,957.06	68.34%
543204 · Computer Software-Subscriptions	8,640.18	30,900.00	-22,259.82	27.96%
543541 · Air Monitoring Equipment & Main	1,122.00	5,735.00	-4,613.00	19.56%
544001 · Vehicles Maintenance	1,037.37	4,960.00	-3,922.63	20.92%
544042 · IT Maintenance	17,243.59	35,100.00	-17,856.41	49.13%
544103 · Building Maintenance	2,382.69	15,225.00	-12,842.31	15.65%
<b>Total 540 · Rents Lease, Repair, NonCapital</b>	<b>41,374.74</b>	<b>164,920.00</b>	<b>-123,545.26</b>	<b>25.09%</b>
<b>550 · Professional/Consulting Service</b>				
551137 · AB2588 Hot Spots Fee	134.00	134.00	0.00	100.0%
551536 · Professional Services	26,905.40	66,200.00	-39,294.60	40.64%
551547 · Legal Services	12,000.00	18,500.00	-6,500.00	64.87%
555580 · Contingencies	0.00	20,000.00	-20,000.00	0.0%
<b>Total 550 · Professional/Consulting Service</b>	<b>39,039.40</b>	<b>104,834.00</b>	<b>-65,794.60</b>	<b>37.24%</b>
<b>560 · Grants</b>				
560006 · Carl Moyer Grant	194,003.64	677,974.23	-483,970.59	28.62%
560007 · Community Air (CAP)	732,379.75	1,566,115.86	-833,736.11	46.76%
560009 · WoodSmoke Grant	0.00	0.00	0.00	0.0%
560020 · Special Clean Air Grants	24,404.53	35,000.00	-10,595.47	69.73%
560021 · FARMER	235,242.04	340,232.53	-104,990.49	69.14%
<b>Total 560 · Grants</b>	<b>1,186,029.96</b>	<b>2,619,322.62</b>	<b>-1,433,292.66</b>	<b>45.28%</b>
<b>565 · Debt Service</b>				
565087 · GASB 87 Lease Principal	43,871.41			
565987 · GASB 87 Lease Interest & Other	2,628.59			
<b>Total 565 · Debt Service</b>	<b>46,500.00</b>			
<b>570 · Capital Outlay</b>				
571105 · Buildings & Improvements	0.00	0.00	0.00	0.0%
573105 · Vehicles -Fixed Asset Inventory	0.00	0.00	0.00	0.0%
<b>Total 570 · Capital Outlay</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Total Expense</b>	<b>2,471,584.49</b>	<b>4,573,655.48</b>	<b>-2,102,070.99</b>	<b>54.04%</b>
<b>Net Ordinary Income</b>	<b>1,185,177.56</b>	<b>-498,975.52</b>	<b>1,684,153.08</b>	<b>-237.52%</b>
<b>Net Income</b>	<b>1,185,177.56</b>	<b>-498,975.52</b>	<b>1,684,153.08</b>	<b>-237.52%</b>

\*Budget Amendments are begin presented to the board and will reflect on the next financial report.

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TAMI RITTER, CHAIR  
Supervisor, District #3

ANGEL CALDERON, VICE CHAIR  
Councilmember, Gridley

BILL CONNELLY  
Supervisor, District #1

PETER DURFEE  
Supervisor, District #2

TOD KIMMELSHUE  
Supervisor, District #4

DOUG TEETER  
Supervisor, District #5

CHUCK NUCHOLS  
Vice Mayor, Biggs

ADDISON WINSLOW  
Councilmember, Chico

ERIC SMITH  
Vice Mayor, Oroville

ROSE TRYON  
Vice Mayor, Paradise

STEPHEN ERTL  
Air Pollution Control Officer

PATRICK LUCEY  
Assistant Air Pollution Control Officer

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **Calendar of Events.**

DATE	EVENT	LOCATION
April 3-7	Oil and Gas Training	Colusa
April 5	Fire Safe Council Meeting	Paradise
April 7	Sacramento Valley Basinwide Control Council Meeting (BCC)	Willows
April 12-13	EPA RWS Workshop	Remote
April 12-13	CAPCOA Enforcement Managers Meeting	Auburn
April 17-21	National Air Toxics Conference	Chicago
April 18	GDF Vapor Recovery Meeting	Zoom
April 19	Technical Advisory Committee (TAC)	Davis
April 19-20	CAPCOA Rural Committee Meeting	Chico
April 24-25	CAPCOA Engineering Managers Meeting	Zoom
<b>April 27</b>	<b>Butte County AQMD Board Meeting</b>	<b>Chico</b>
May 8	Staff CPR Training	Chico
May 11	Organizational Change Staff Training-Collaboration Workshop	District Office
May 17	Technical Advisory Committee (TAC)	Sacramento
<b>May 25</b>	<b>Butte County AQMD Board Meeting</b>	<b>Chico</b>
May 29	Memorial Day	Office Closed
June 1	Organizational Change Staff Training-Collaboration Workshop	District Office
June 2	Sacramento Valley Basinwide Control Council Meeting (BCC)	Colusa
June 7	Fire Safe Council Meeting	Paradise
June 19	Juneteenth	Office Closed
June 21	Technical Advisory Committee (TAC)	Yuba City
<b>June 22</b>	<b>Butte County AQMD Board Meeting</b>	<b>Chico</b>

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# Agenda Item 3.4

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

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*Vice Mayor, Paradise*

STEPHEN ERTLE  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Cora Collins, Clerk of the Board

Re: Status Report on Communications.

**ISSUE:**

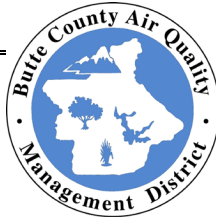
Recent Governing Board correspondence.

- The Budget and Finance Committee met on April 6, 2023 via Zoom.
- Stephen Ertle met with individual Board Members to discuss the Budget.

**ACTION REQUESTED:**

None. For information only.

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TAMI RITTER, CHAIR  
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*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **Approve Participation in Pilot 105 Grant Program for Fiscal Year 2023.**

**ISSUE:**

District selected to participate in EPA Pilot Grant Program including availability of \$61,012 in Clean Air Act funding.

**ACTION REQUESTED:**

Approve participation in the Pilot 105 Grant Program for Fiscal Year 2023 and authorize the APCO to sign a Memorandum of Understanding with CAPCOA.

**DISCUSSION:**

The Butte County Air Quality Management District (District) has been selected again to receive a federal Clean Air Act grant from the U.S. Environmental Protection Agency (EPA) in the amount of \$61,012 for the period of October 1, 2022 through September 30, 2023. The EPA Region 9 Air Division has established a year-to-year grant pilot project to support certain aspects of the air pollution control programs of eight non-grantee California Air Districts. These funds will be passed through the Bay Area Air Quality Management District to the California Air Pollution Control Officers Association (CAPCOA), then to selected pilot recipients, including the District. CAPCOA will assist the pilot recipients by receiving and compiling invoices, processing checks, and compiling information from individual reports.

The grant funding would be applied towards programs the District is currently undertaking. Attached is the workplan continuing previous efforts into the next year of the grant. The District will also be entering into an MOU with CAPCOA attached for Fiscal Year 2023.

Attachments:

Grant award notification email dated March 20, 2023

Pilot 105 Grant Work Plan for Fiscal Year 2023

CAPCOA MOU for Fiscal Year 2023

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# Agenda Item 3.6

## Stephen Ertle

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**From:** Kalie Bonomo <kalie@capcoa.org>  
**Sent:** Monday, March 20, 2023 6:25 PM  
**To:** Stephen Ertle  
**Cc:** Tung Le  
**Subject:** FW: FY23 CAA 105 CAPCOA "Pilot Project" Funding

Hi Stephen,

The long awaited 105 allocation is here. Butte will be receiving \$61,012.

An MOU will be sent your way very soon for signature. At that point please send us your workplan for the period from October 2022 – September 2023.

Normally the mid-year report would be due soon but seeing as you have not received funding Tung and I are working with EPA to figure out what they want this year.

	<b>FY23 Amounts</b> <u>.77% Increase</u>
Butte	\$61,012
Eastern Kern	\$65,941
Great Basin	\$74,240
Imperial	\$89,130
Mojave	\$87,797
Placer	\$75,562
San Luis Obispo	\$62,962
Yolo Solano	\$80,665
CAPCOA	\$25,233
	<b>\$622,542</b>

**Kalie Bonomo, EIT**

Air Quality Specialist  
CAPCOA

---

**From:** Kalie Bonomo <[kalie@capcoa.org](mailto:kalie@capcoa.org)>  
**Sent:** Monday, March 20, 2023 5:18:04 PM  
**To:** Yeary, Asia <[Yeary.Asia@epa.gov](mailto:Yeary.Asia@epa.gov)>; Barry Young <[byoung@baaqmd.gov](mailto:byoung@baaqmd.gov)>; Marina Smotkin <[msmotkina@baaqmd.gov](mailto:msmotkina@baaqmd.gov)>  
**Subject:** Re: FY23 CAA 105 CAPCOA "Pilot Project" Funding

Thank you Asia!

We were waiting for this funding breakdown. Now CAPCOA can put together the MOUs for each of the air districts

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---

**From:** Yeary, Asia <[Yeary.Asia@epa.gov](mailto:Yeary.Asia@epa.gov)>  
**Sent:** Monday, March 20, 2023 5:05:24 PM  
**To:** Kalie Bonomo <[kalie@capcoa.org](mailto:kalie@capcoa.org)>; Barry Young <[byoung@baaqmd.gov](mailto:byoung@baaqmd.gov)>; Marina Smotkin <[msmotkina@baaqmd.gov](mailto:msmotkina@baaqmd.gov)>  
**Subject:** FY23 CAA 105 CAPCOA "Pilot Project" Funding

Hi Kalie, Barry and Marina,

I hope you are well. I think there is some confusion. Each year the CAPCOA “pilot project” funding should be available to the districts starting at the beginning of October or whenever the subgrant between BAAQMD and CAPCOA is finalized. Is the subgrant not yet finalized? I am a little confused as to why the smaller districts are saying they do not have access to their portions of the \$622,542 in funding for the “pilot project” and they have to wait until mid-year to start their projects. Does this happen every year? Is it because you have been waiting on these amounts? If so, thank you for your patience but you do not have to wait on these amounts to give CAPCOA access to the \$622,542 in funding. They can have access and the districts can begin work starting October 1 of each year or whenever the subgrant is finalized. Perhaps we should have a meeting about this to discuss? I want to make sure we are all on the same page moving forward. We should also discuss the “administrative” funding for CAPCOA and what that is used for/ when that is available.

Here are the amounts for CAPCOA’s current pilot funding:

	<b>FY23 Amounts</b> <b>.77% Increase</b>
Butte	\$61,012
Eastern Kern	\$65,941
Great Basin	\$74,240

Imperial	\$89,130
Mojave	\$87,797
Placer	\$75,562
San Luis Obispo	\$62,962
Yolo Solano	\$80,665
CAPCOA	\$25,233
	<b>\$622,542</b>

Thank you for your patience! I look forward to discussing.

Best,

Asia Yeary  
U.S. EPA Region 9  
Grants Project Officer  
808-342-5675



## Butte County Air Quality Management District FY23 Pilot 105 Work Plan (10/1/22-9/30/23)

Task and Description of Outcomes/Goals	Associated Activities	Timeline	Final	Contact
<b>PSD Permitting</b>			\$5,370	
Adopt rules and develop tools to become the PSD permitting authority within the District	1. Rule Amendments for GHG/SILs/SMC corrections	TBD (Est. - pending EPA guidance and rule finalization)		Riley Peacock (530) 332-9400, x-107
	2. New staff training	Ongoing		Patrick Lucey, (530) 332-9400, x-106
<b>NESHAPs/NSPS</b>			\$74,980	
To continue the implementation of NESHAPs HHHHHH, XXXXXX, OOOO/HH, JJJJJ, and ZZZZ; Review of new proposed and adopted NESHAPs and NSPS regulations	1. For new sources, identify conditions on Authority to Construct Permit.	Ongoing		Riley Peacock (530) 332-9400, x-107
	2. For existing permitted sources, NESHAPs compliance inspections, records review and other implementation actions:			Patrick Lucey, (530) 332-9400, x-106
	a. HHHHHH (coatings) approximately 50 permitted facilities	Ongoing		Patrick Lucey (530) 332-9400, x-106
	b. XXXXXX (coatings) one affected source	Ongoing		Patrick Lucey (530) 332-9400, x-106
	c. ZZZZ (RICE) approximately 200 stationary sources and 350 ag engines	Ongoing		Riley Peacock (530) 332-9400, x-107
	d. Continue to track requirements for JJJJJ (Area Source Boilers)	Ongoing		Riley Peacock (530) 332-9400, x-107
	e. BBBBBB (Gasoline Distribution Terminals) (1 sources)	Ongoing		Riley Peacock (530) 332-9400, x-107
	f. CCCCCC (Gasoline Dispensing Facilities) approx. 130 sources	Ongoing		David Campbell (530) 332-9400, x-102
	3. Review and determine applicability of new proposed and finalized regulations	Ongoing		Patrick Lucey (530) 332-9400, x-106
	4. NEW-Obtain Asbestos NESHAPS Delegation and Implement new Asbestos Rule	6/30/2023		Ursula Parker (530) 332-9400, x-104

## Butte County Air Quality Management District FY23 Pilot 105 Work Plan (10/1/22-9/30/23)

Task and Description of Outcomes/Goals	Associated Activities	Timeline	Final	Contact
	5. New Program and Ongoing Staff Training	Ongoing		Patrick Lucey (530) 332-9400, x-106
<b>New Source Review</b>			\$ 12,204	
Continue preconstruction review of sources	1. ICIS reporting for Major Sources-Continue data entry	Ongoing		Riley Peacock (530) 332-9400, x-107
	2. Ongoing ICIS Training	6/30/2022		Riley Peacock (530) 332-9400, x-107
	3. Follow changing EPA policies on NSR	Ongoing		Riley Peacock (530) 332-9400, x-107
	4. Develop electronic notification guidelines	9/30/2023		Riley Peacock (530) 332-9400, x-107
	5. New staff general NSR training	Ongoing		Patrick Lucey (530) 332-9400, x-106
<b>GHG Permitting</b>			\$ 3,905	
Continue to implement applicable GHG requirements to local major sources	1. Monitor existing potential sources to track applicability.	Ongoing		Riley Peacock (530) 332-9400, x-107
	2. Staff training	Ongoing		Patrick Lucey (530) 332-9400, x-106
<b>PM2.5 Attainment Related Activities</b>			\$ 27,825	
Continue implementation of programs to maintain attainment status	1. Woodstove-related PM2.5 Forecasting and Outreach	Ongoing		Jason Mandly, (530) 332-9400, x-108

### Butte County Air Quality Management District FY23 Pilot 105 Work Plan (10/1/22-9/30/23)

Task and Description of Outcomes/Goals	Associated Activities	Timeline	Final	Contact
	2. Mobile EBAM and PM sensor training, deployment, and reporting	Staff trained and EBAM / sensors deployed as needed.		Jason Mandly (530) 332-9400, x-108
	3. Exceptional Events Analysis and Reporting (2020)	Ongoing		Jason Mandly (530) 332-9400, x-108
	4. NEW-Develop Exceptional Events Mitigation Plan for PM 2.5 from Wildfires	4/28/2024		Jason Mandly (530) 332-9400, x-108
<b>Ozone Attainment-Related Activities</b>			\$ 10,251	
Begin Attainment plan development including inventory review	1. Emissions Inventory Review and Refinement with ARB	~1/2 Completed		Riley Peacock (530) 332-9400, x-107
	2. CARB approval of emissions inventory.	Ongoing		Riley Peacock (530) 332-9400, x-107
	3. Attainment Plan Development	9/30/2025		Jason Mandly, (530) 332-9400, x-108
	4. Proposed adoption of area source graphic arts coating rule	9/30/2023		Riley Peacock (530) 332-9400, x-107
<b>Reporting</b>			\$ 2,441	
Updates on grant activity status	1. CAPCOA Mid-year Status Report	4/15/2023		Patrick Lucey (530) 332-9400, x-106
	2. CAPCOA Final Status Report	10/15/2023		Stephen Ertle, (530) 332-9400, x-113
		Total Est. Budget	\$136,975	

Grant amount                      \$60,546



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION  
AND THE BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
FOR EPA GRANT PASSTHROUGH PROJECT**

The California Air Pollution Control Officers Association (CAPCOA) and the Butte County Air Quality Management District hereby enter into this Memorandum of Understanding (MOU), which shall be effective from October 1, 2022 through September 30, 2023 after execution by both parties.

RECITALS

WHEREAS, CAPCOA has requested and received EPA Region 9 approval for the Bay Area Air Quality Management District (BAAQMD) to pass through \$622,542 to CAPCOA for a pilot air grant reallocation project to assist six to eight small California air districts that do not currently receive Clean Air Act funding to support certain aspects of their air pollution control programs;

WHEREAS, the Butte County Air Quality Management District has been allocated \$61,012 of the total;

WHEREAS, CAPCOA has agreed to assume sole responsibility for ensuring that the air districts receiving the grant funding adhere to the requirement of the grants;

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. CAPCOA will collect comprehensive work plans for pilot grantees, receive and compile invoices from them, process checks to them, and compile information and submit reports to BAAQMD.


2. CAPCOA will ensure that the pilot grantee districts will use the pilot funding for air activities such as strategic planning and evaluation, compliance assistance, developing state implementation plans, monitoring air and emissions, rulemaking, operating permits, and other air pollution control program-related activities.
3. If the district does not comply with the reporting or any other requirements as specified in the Butte County Air Quality Management District Pilot 105 Work Plan, or as subsequently updated with EPA's concurrence, the district will be responsible for reimbursing EPA the grant funding upon request.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

BUTTE COUNTY AIR QUALITY  
MANAGEMENT DISTRICT

CALIFORNIA AIR POLLUTION CONTROL  
OFFICERS ASSOCIATION

\_\_\_\_\_  
Stephen Ertle, APCO

  
\_\_\_\_\_  
Erik White, President

\_\_\_\_\_  
Date

*3/21/23*  
\_\_\_\_\_  
Date

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTL  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Jason Mandly, Senior Air Quality Planner

Re: **Approve AB 617 Community Air Protection Implementation Grant Program for Fiscal Year 2022-2023. (Resolution 2023-04)**

**ISSUE:**

The District is tentatively allocated an additional \$48,987.00 in Fiscal Year 2022-2023 funds by the California Air Resources Board (CARB) to implement the goals of AB 617.

**ACTION REQUESTED:**

Approve Resolution 2023-04 allowing the Air Pollution Control Officer to sign the grant agreement amendment with CARB and accept funds.

**DISCUSSION:**

The District is tentatively approved for a grant under the Community Air Protection (CAP) Program for Fiscal Year 2022-2023 from funding provided by SB 170 (Chapter 240, Budget Act of 2021). This grant award is for related expenses necessary to implement AB 617 (C. Garcia, Chapter 136, Statutes of 2017).

This funding allocation is the 6<sup>th</sup> year of funding under this program. AB 617 Implementation funding has been used to evaluate the applicability of statewide AB 617 stationary source control measures, emission inventory activities, wildfire recovery efforts, staff training, air monitoring support, public outreach, and for the funding of local CAP Support Grants.

Your Board is requested to approve Resolution 2023-04 to allow the Air Pollution Control Officer to sign a grant agreement with CARB and request disbursement of FY 2022-2023 funds.

Attachment:

Resolution 2023-04 Authorize Grant Agreement with the California Air Resources Board to Implement AB 617 Community Air Protection Program for Fiscal Year 2022-2023

*629 Entler Avenue, Suite 15 ♦ Chico, CA 95928*

# Agenda Item 3.7

**RESOLUTION 2023-04  
BEFORE THE BOARD OF DIRECTORS OF  
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA  
AUTHORIZE GRANT AGREEMENT WITH THE CALIFORNIA AIR RESOURCES BOARD  
TO IMPLEMENT AB 617 COMMUNITY AIR PROTECTION PROGRAM FOR  
FISCAL YEAR 2022-2023**

Resolution 2023-04..... )  
Authorize Grant Agreement with the ..... )  
California Air Resources Board to Implement ..... )  
AB 617 Community Air Protection Program ..... )  
For FY 2022-2023..... )

WHEREAS, in 2017 the California Legislature passed, and the Governor signed Assembly Bill (AB) 617 titled the "Community Air Protection Program";

AND WHEREAS, AB 617 requires the California Air Resources Board (CARB) to improve air pollution data collection and reporting, requires expedited pollution control retrofits at large stationary sources, increases penalties for air pollution violations, requires enhanced air pollution monitoring in certain communities, requires CARB to adopt a statewide emissions reduction strategy focusing on pollution-burdened communities, and requires CARB and local air districts to implement community emissions reduction programs;

AND WHEREAS, funding was provided for related expenses necessary to implement AB 617 in the State FY 2022-2023 Budget;

AND WHEREAS, the Butte County Air Quality Management District (District) has been tentatively allocated a grant of \$48,987 to assist the District in the implementation of District responsibilities during the implementation of AB 617;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board, hereby accepts the grant funds and authorizes the Air Pollution Control Officer to execute the grant agreement with CARB and take related actions subject to District legal counsel review;

BE IT FURTHER RESOLVED, that the Butte County Air Quality Management District Board hereby authorizes the Air Pollution Control Officer to accept additional AB 617 Implementation funds that may become available from CARB, CAPCOA, or other Air Districts, and amend the budget accordingly.

On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 27<sup>th</sup> day of April 2023 by the following:



AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.

ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board

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TAMI RITTER, CHAIR  
Supervisor, District #3

ANGEL CALDERON, VICE CHAIR  
Councilmember, Gridley

BILL CONNELLY  
Supervisor, District #1

PETER DURFEE  
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Vice Mayor, Paradise

STEPHEN ERTL  
Air Pollution Control Officer

PATRICK LUCEY  
Assistant Air Pollution Control Officer

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Jason Mandly, Senior Air Quality Planner

Re: Carl Moyer Policies & Procedures Updates & New Lawn & Garden Program.

**ISSUE:**

Staff requests the Board approve addition of a Lawn and Garden Equipment Program and amendments to the District's Carl Moyer Program Policies & Procedures Manual.

**ACTION REQUESTED:**

Adopt proposed Resolution 2023-05 approving additions and amendments to the District's Carl Moyer Program Policies & Procedures Manual.

**DISCUSSION:**

The District was awarded \$263,375 in Fiscal Year 2021-2022 Carl Moyer Program State Reserve funds to implement Lawn and Garden Equipment (L&GE) replacement projects. Eligible projects under this funding source include replacing commercial-grade combustion L&GE with electric L&GE, including charging cord and backup batteries. Eligible entities include landscaping or land management businesses, agencies, schools, and non-profit organizations.

To allow for commercial-grade L&GE replacement projects, the California Air Resources Board (CARB) updated the State Carl Moyer Program Guidelines in March 2023. These updates expanded the types of projects that could be funded and the maximum funding amounts. In order to begin a L&GE Program, the District is required to update the Carl Moyer Program Policies and Procedures Manual with information on how the L&GE Program will be implemented locally. District staff are working with neighboring Air Districts in and around the Sacramento Valley to construct a regionally consistent L&GE program based on the State Guidelines and input from potential Participating Merchants. The attached proposed appendices of the District's Policies and Procedure Manual outline how a L&GE Program will be implemented locally.

629 Entler Avenue, Suite 15 ♦ Chico, CA 95928

# Agenda Item 5

Although the District currently only has funding for commercial-grade L&GE projects, the proposed L&GE program would allow for residential L&GE projects whenever funding is available (through Community Air Protection Incentives, for example).

**Summary of Proposed L&GE Program**

1. District opens application period (first application period for Commercial L&GE in late spring, early summer 2023).
2. Eligible entity submits application and photo of combustion L&GE to be replaced.
3. District reviews application for completeness and issues a Voucher to the applicant.
4. Applicant submits Voucher to Participating Merchant to reduce the cost of new zero-emission L&GE.
5. Existing combustion equipment is surrendered and scrapped within 30 days of purchase.
6. Participating Merchant submits paperwork for reimbursement of voucher amount.

**Maximum Voucher Amounts**

<b>Equipment</b>	<b>Residential Voucher Amount</b>	<b>Commercial Voucher Amount</b>
Chainsaws / Trimmers / Edgers / Brushcutters	<b>\$300</b>	<b>\$700</b>
Leaf Blowers / Leaf Vacuums	<b>\$200</b>	<b>\$1,400</b>
Walk Behind Lawn Mowers	<b>\$330</b>	<b>\$1,500</b>
Ride-on or Stand/Sit Mowers	<b>\$2,000</b>	<b>\$15,000</b>

CARB also recently updated the Infrastructure chapter in the State Carl Moyer Program Guidelines to clarify definitions and administrative items. To stay consistent with the State Guidelines, the District is proposing amendments to the District’s Infrastructure Program.

**Attachments:**

- New Appendix K CMP Lawn and Garden Equipment Program
- New Appendix K-1 Lawn and Garden Equipment Program Application (Commercial)
- New Appendix K-3 Lawn and Garden Equipment Program Voucher Template
- New Appendix K-4 Lawn and Garden Equipment Program Voucher Tracking Form
- New Appendix K-5 Lawn and Garden Equipment Program Voucher Equipment Destruction Form
- New Appendix K-6 Lawn and Garden Equipment Program Merchant Agreement
- Amended Appendix J CMP Infrastructure Program Underline-Strikeout
- Proposed Resolution 2023-05 Amendments to the Carl Moyer Policies and Procedures Manual

Butte County Air Quality Management District  
Carl Moyer Program Policies and Procedures  
**LAWN AND GARDEN EQUIPMENT PROGRAM**

## **Introduction**

The Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) provides monetary grants for the incremental cost of cleaner than required technology. The 2017 Moyer Program Guidelines provide minimum requirements for projects including eligible project source categories supported by the program. Lawn and Garden Equipment Replacement projects are addressed in Chapter 9 of the Moyer Program Guidelines. In 2023, CARB updated Chapter 9 to ensure a streamlined approach to reducing emissions from small off-road engines (SORE) by funding the replacement of zero-emission equipment. These updates support the goal to transition California to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible according to the Governor’s Executive Order N-79-20.

This document is an addendum to the Butte County Air Quality Management District’s (District) Carl Moyer Program Policies and Procedures Manual describing the implementation of the District’s Lawn and Garden Equipment (L&GE) Program consistent with Chapter 9 of the Moyer Program Guidelines. All projects and applicants must meet the minimum requirements stated in the 2017 Moyer Program Guidelines, CARB Technical Advisories, and District Carl Moyer Policies and Procedures to which this addendum is made.

## **Program Goals and Objectives**

The L&GE Program offers incentives, when funding is available, toward the replacement of existing combustion lawn and garden equipment with cordless, zero-emission lawn and garden equipment. The emission reductions are surplus because zero-emission lawn and garden equipment is not currently required by end users. This program will include outreach and educational components to inform applicants about available technology and capabilities and the benefits of switching to zero-emission equipment.

The L&GE Program will provide vouchers to qualifying applicants for the purchase of cordless, zero-emission lawn and garden equipment from Participating Merchants. Funding sources and allocations as approved by the District Governing Board will govern if vouchers will be issued to Commercial entities, Residential individuals, or both.

## **Project Eligibility**

### Commercial Applicants

The following entities are eligible to apply for the Commercial component of the L&GE Program:

- a. California businesses that provide landscape maintenance services for residential, commercial, institutional, or public properties;
- b. Public agencies, businesses, or non-profit entities that conduct commercial-scale landscaping activities on their properties;

- c. Public agencies, businesses, or non-profit entities conducting forest management, land management, and fire hazard reduction activities.

For purposes of this Program, a “California business” means the individual and/or business applicant resides in California. A business resides in California if its principal place of business is physically located in California and it has held a California business license for at least two (2) years.

Applicants must have owned and operated the existing combustion lawn and garden equipment for a minimum of two (2) years and intend to operate the replacement equipment within California for a minimum of 36 months from the date of purchase. The majority of use (greater than 50%) is intended to be in Butte County. Additional eligibility requirements may be incorporated based on the source of funding (such as with Community Air Protection Incentives).

Additional funding opportunities may be available for small businesses through the State Clean Off-Road Equipment Voucher Incentive Project (CORE) program. To qualify, a small business must meet the CORE program’s definition which is:

A small business means an independently owned and operated business that is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 100 or fewer employees. Commencing January 1, 2019, the average annual gross receipts threshold shall be fifteen million dollars (\$15,000,000). (Gov. Code § 14837(d)(1)(A)) ([Participate \(Landscape\) - Clean Off-Road Equipment Voucher Incentive Project \(californiacore.org\)](https://www.californiacore.org))

#### Residential Applicants

When funding is available for Residential projects, individuals are eligible to apply if they reside in Butte County. Applicants must have owned and operated the existing combustion lawn and garden equipment for a minimum of two (2) years and intend to operate the replacement equipment within California for a minimum of 36 months from the date of purchase. Additional eligibility requirements may be incorporated based on the source of funding (such as with Community Air Protection Incentives).

#### Equipment

The Program supports the replacements of the following types of lawn and garden equipment:

- Chainsaws/Trimmers/Edgers/Brushcutters
- Leaf blowers/Vacuums
- Walk Behind Lawn Mowers
- Riding Lawn Mowers

Existing combustion lawn and garden equipment must be in operational condition at the time of application submission. This means the equipment must be able to start, move and has all operational parts intact. Applicant will certify this information on the application form and operational condition will be certified by Participating Merchants prior to destruction and recycling.

Destruction of the existing combustion equipment is required. Combustion equipment must be surrendered to the Participating Merchant within 30 days of purchase of the replacement lawn and garden equipment. The equipment must be in operational condition when delivered, and destroyed by the Participating Merchant or a scrap / recycling facility within 60 days of receipt.

Replacement Equipment must serve the same function and perform the same work as the existing equipment. New, cordless zero-emission electric equipment must be purchased from a Participating Merchant.

Equipment Merchants interested in participating in this program must agree to the terms and conditions of this program by signing an agreement with the District. Only Merchants who have signed an agreement with the District will be eligible to participate in the program.

**Vouchers**

The L&GE Program will provide vouchers to eligible applicants towards the purchase of eligible equipment. Eligible purchases include cordless, zero-emission electric lawn and garden equipment, batteries and/or charging cables to support the selected equipment. Purchases of batteries and/or charging cables without equipment is not eligible for funding. Voucher amounts must be less than or equal to 100% of the total eligible purchase costs. Co-Funding is allowed under the 2017 Moyer Program Guidelines, Chapter 2, Sections I, N, or O; however, the sum of all funds cannot exceed amounts set by Chapter 9, Table 9-1, shown below:

<b>Equipment</b>	<b>Maximum Residential Voucher Amount</b>	<b>Maximum Commercial Voucher Amount</b>
Chainsaws/Trimmers/Edgers/Brushcutters	\$300	\$700
Leaf Blowers/Vacuums	\$200	\$1,400
Walk Behind Lawn Mowers	\$330	\$1,500
Ride-on or Stand/Sit Mowers	\$2,000	\$15,000

Program Workflow

1. Prior to implementation, District will train Participating Merchants and execute a Merchant Agreement. The District will also coordinate with local scrap and recycling facilities to prepare a list of District authorized locations to perform the destruction required by this program. The District will conduct outreach to the public to announce the program opening and application solicitation.
2. Applicants will complete Voucher Application Form and submit along with supporting materials to the District.
3. Applications received by the District will be date stamped. District staff will review each application for completeness. If the application is not deemed complete, District Staff will contact the applicant within 30 days, identifying the information or documentation still needed to finalize the review of their application. District staff will document this notification in the application packet or file. Any application not completed after 30 days of District Staff’s notification will be deemed incomplete and removed from the pending application list.
4. Vouchers will be issued in the order the applications were originally received, with an expiration date of four (4) weeks from issuance.

5. Vouchers will be accepted by Participating Merchants at the time of sale and applied as a discount. Participating Merchants will notify the District of the sale once the customer has completed the purchase and received their new equipment.
6. Applicants will deliver their existing equipment to a Participating Merchant to be scrapped. Equipment must be verified as operational. If equipment is deemed inoperable, the facility will reject it. Participating Merchant will ensure and verify equipment is destroyed within 60 days of delivery.
7. Participating Merchants will be reimbursed within 30 days by the District once the purchase is completed, new equipment is received by applicant, existing equipment is scrapped, and all required documentation is received. Required documents include a completed Voucher, Final Invoice, Voucher Tracking Form, and Equipment Destruction Form.
8. The District will maintain records and report to CARB as required by the Moyer Program Guidelines.

## **Agreements**

### Merchant Agreements

For equipment dealerships or retailers to participate in the Program, they must qualify, be trained on and agree to follow the Program policies and guidelines. At a minimum, the following requirements must be met:

1. Merchant must have had a valid business license issued in California for a minimum of the last two years.
2. Merchant must agree to allow the air district or CARB to inspect cordless, zero-emission electric L&GE or audit program records covered under this Agreement during normal business hours.
3. Merchant must agree to show the voucher amount on the final invoice or purchase receipt. The voucher amount will not lower the base price of the replacement equipment, nor will it reduce the tax basis of the equipment.
4. Merchant must agree that if it fails to show they are implementing the Program consistent with the Program requirements, the merchant shall return to the air district funds in proportion to any loss of emission reductions compared with the projected reductions of the agreement.

### Salvage, Disposal or Recycling Facility Agreements

The District may enter into agreements with salvage, disposal and/or recycling facilities to participate in the L&GE Program. Any agreement must comply with Moyer Program requirements for salvage and recycling facilities in addition to the following:

1. Statement agreeing to destroy the L&GE and engine within 60 days of receipt in a way that ensures the L&GE engine is no longer operable or repairable.
2. Agreement to notify the District that the combustion L&GE is destroyed by sending documentation indicating the number of L&GE destroyed.

Refer to the 2017 Carl Moyer Program Guidelines and Chapter 9 for a complete list of requirements and terms for the above contracts.



## **Recordkeeping and Reporting**

The District is responsible for maintaining project records and reporting to CARB on the status of the Carl Moyer Program annually. All Program materials will be maintained in accordance with the 2017 Carl Moyer Program Guidelines and will utilize the CARL online database to provide information to CARB on the implementation of the L&GE Program.

### **Attachments:**

**Commercial Lawn and Garden Voucher Application**

**Commercial Lawn and Garden Voucher**

**Carl Moyer Lawn and Garden Voucher Tracking Form**

**Carl Moyer Lawn and Garden Equipment Destruction Form**

**Carl Moyer Lawn and Garden Merchant Agreement**

*To be developed:*

*Residential Lawn and Garden Voucher Application*

*Residential Lawn and Garden Voucher*

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# CARL MOYER COMMERCIAL LAWN & GARDEN PROGRAM 2023 VOUCHER APPLICATION FORM

The goal of the Carl Moyer Commercial Lawn & Garden Program is to provide vouchers to businesses and organizations to help offset the cost of new, zero-emission lawn and garden equipment while replacing older combustion equipment. This voucher application form can be used for replacement projects in **Butte, (other Districts here) Counties** while funding lasts.

**WHO CAN APPLY?**

Businesses that provide landscape maintenance services for residential, commercial, institutional, and public properties.

Public agencies, businesses, and non-profit entities that conduct commercial-scale landscaping activities on their properties.

Public agencies, businesses, and non-profit entities conducting forest management, land management, and fire hazard reduction activities.

Residential use is not eligible through this Commercial Lawn & Garden Program.

**WHAT IS THE PROCESS?**

- 1.** Apply for one or more vouchers using this form and submit to your local Air District.
- 2.** If approved, your local Air District will issue you a voucher for each piece of equipment to be replaced.
- 3.** Turn in your voucher to the Participating Merchant of your choice and they will reduce the purchase price of the new equipment by the voucher amount.
- 4.** Within 30 days of purchasing new equipment, surrender old combustion equipment to the Participating Merchant to be scrapped.
- 5.** Use your new zero-emission lawn and garden equipment as normal.

**WHAT ARE THE VOUCHER AMOUNTS?**

Equipment Type	Maximum Commercial Voucher Amount*
<b>Chainsaws, Trimmers, Edgers, &amp; Brushcutters</b> Including charging cable & additional batteries	<b>\$700</b>
<b>Leaf Blowers &amp; Vacuums</b> Including charging cable & additional batteries	<b>\$1,400</b>
<b>Walk Behind Lawn Mowers</b> Including charging cable & additional batteries	<b>\$1,500</b>
<b>Ride-on or Stand/Sit Mowers</b> Including charging cable & additional batteries	<b>\$15,000</b>
Total funding will be limited to \$35,000 per entity for each Program year.	

\*Maximum voucher amount not to exceed total cost of eligible purchase including taxes, fees, charging cord, and additional batteries.

**IMPORTANT PROGRAM REQUIREMENTS**

- Older equipment must be owned and operated by the applicant and must still be operational.
- Replacement equipment must be new, cordless, zero-emission, and serve the same function as the older equipment being replaced.
- Retroactive purchases are not allowed. Vouchers can only be redeemed with Participating Merchants.

**HOW TO APPLY**

- Complete & sign this application form.
- Include a photo of existing combustion equipment & engine plate (if available).
- Business License or W-9
- Submit the application form to your local Air District.

All sections of the Voucher Application Form (pages 3 and 4) must be completed. A copy should be retained by the Applicant for their records. The voucher program is not responsible for materials lost by mail. Please review the program terms prior to signing below. Submit your completed application with attachments by email, mail, or hand delivery to the Air District where the equipment is primarily used.

County	Air District	Mailing Address	City, ZIP	Email
Butte	Butte County AQMD	629 Entler Avenue #15	Chico, 95928	<a href="mailto:jmandly@bcagmd.org">jmandly@bcagmd.org</a>

**VOUCHER APPLICATION FORM**

**Applicant Information:**

Business / Organization Name (as it appears on IRS Form W-9) Employer/Tax Identification Number

Mailing Address City State Zip Code

Physical Address (if different) City State Zip Code

General Locations of Equipment Use (Counties, Cities, etc.)

Primary Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Existing Equipment to be Replaced:**

<input type="checkbox"/> Chainsaw/Polesaw <input type="checkbox"/> Trimmer <input type="checkbox"/> Edger <input type="checkbox"/> Brushcutter <input type="checkbox"/> Leaf Blower/Vacuum <input type="checkbox"/> Walk-Behind Mower <input type="checkbox"/> Ride-On/Stand Mower		
Manufacturer	Model Year (if known)	Engine Family (on engine plate)

<input type="checkbox"/> Chainsaw/Polesaw <input type="checkbox"/> Trimmer <input type="checkbox"/> Edger <input type="checkbox"/> Brushcutter <input type="checkbox"/> Leaf Blower/Vacuum <input type="checkbox"/> Walk-Behind Mower <input type="checkbox"/> Ride-On/Stand Mower		
Manufacturer	Model Year (if known)	Engine Family (on engine plate)

<input type="checkbox"/> Chainsaw/Polesaw <input type="checkbox"/> Trimmer <input type="checkbox"/> Edger <input type="checkbox"/> Brushcutter <input type="checkbox"/> Leaf Blower/Vacuum <input type="checkbox"/> Walk-Behind Mower <input type="checkbox"/> Ride-On/Stand Mower		
Manufacturer	Model Year (if known)	Engine Family (on engine plate)

<input type="checkbox"/> Chainsaw/Polesaw <input type="checkbox"/> Trimmer <input type="checkbox"/> Edger <input type="checkbox"/> Brushcutter <input type="checkbox"/> Leaf Blower/Vacuum <input type="checkbox"/> Walk-Behind Mower <input type="checkbox"/> Ride-On/Stand Mower		
Manufacturer	Model Year (if known)	Engine Family (on engine plate)

Use additional forms if needed for additional equipment.

Application continues on next page...

District Use Only

Date Received:

Eligibility Verified By:

District Staff: \_\_\_\_\_

Date: \_\_\_\_\_

**VOUCHER APPLICATION FORM (continued)**

**Total Number of New Equipment Requested By Category:**

Chainsaws/Polesaws: \_\_\_\_\_ Trimmers: \_\_\_\_\_ Edgers: \_\_\_\_\_ Brushcutters: \_\_\_\_\_

Leaf Blowers/Vacuums: \_\_\_\_\_ Walk-Behind Mowers: \_\_\_\_\_ Ride-On/Standing Mowers: \_\_\_\_\_

**Co-Funding Disclosure:**

Please list any other financial incentives, including tax credits or deductions, grants, or other public financial assistance for the proposed purchase of replacement lawn & garden equipment:

---

**APPLICANT CERTIFICATION:**

I certify the following:

- a. The business or organization completing this application resides in the State of California. A business resides in California if its principal place of business is physically located in California.
- b. The existing lawn & garden equipment to be replaced is currently owned and operated by the applicant, is operational, and has been owned and operated by the applicant for at least two years.
- c. The business or organization applying for voucher funding intends to own and operate the new, cordless zero-emission electric lawn & garden equipment in California for a minimum of 36 months and is not acquiring the replacement lawn & garden equipment for resale.
- d. The business or organization applying for voucher funding has disclosed all additional co-funding sources and discounts that will be applied to this purchase.
- e. The business or organization applying for voucher funding has not purchased replacement equipment that they are seeking funding for prior to applying to this program.
- f. I understand that if I qualify, I will receive a voucher for each eligible piece of equipment and a current list of Participating Merchants who will honor the voucher if it is submitted by the expiration date written on the voucher.
- g. I understand that I must receive an approved program voucher from the Air District prior to purchasing the new equipment or destroying the old equipment.
- h. I understand that an incomplete or illegible application may be immediately rejected, and I will be notified.
- i. I understand as an applicant that incentive programs have limited funds and shall terminate upon depletion of program funding.
- j. I understand that the existing combustion equipment must be surrendered to the Participating Merchant in operational condition within 30 days of the purchase of new equipment.
- k. I understand that I am responsible to pay the Participating Merchant for the purchase price of new equipment, less the voucher amount.
- l. The Air District issuing the voucher does not warranty any equipment purchased under this voucher program, including, but not limited to, the quality or functionality of the lawn & garden equipment.
- m. Applications will be treated in accordance with Public Records Act requirements. Certain information, subject to those requirements, may be publicly disclosed.

The information provided in this application is true and correct and meets the minimum requirements of the Carl Moyer Commercial Lawn and Garden program.

**Applicant Name (Print):** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



# Butte County Air Quality Management District Carl Moyer Commercial Lawn and Garden Program Voucher

**Voucher Type:** \$700   Chainsaw   Polesaw   Edger   Trimmer   Brushcutter  
                   \$1,400   Leaf Blower   Leaf Vacuum  
                   \$1,500   Walk-Behind Mower  
                   \$15,000   Ride-On Mower   Stand-On Mower

For District Use Only			
Voucher #		Date Issued	
Amount		<b>Expiration Date*</b>	

\_\_\_\_\_ Business / Organization Name

\_\_\_\_\_ Primary Contact Name

\_\_\_\_\_ Applicant Signature (sign before redeeming)

\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_ Date

By signing above you accept the Voucher Terms located on the back of this Voucher.

\*Voucher must be **redeemed** within four (4) weeks of date of issue.

To be completed by Participating Merchant and returned to the District:

Participating Merchant:	Sales Contact:
Customer Name:	Customer Contact:
Date of Sale:	
<b>Participating Merchant Signature:</b>	<b>Date:</b>

For District Use Only

## Voucher Terms

- Eligible project costs include the cost of the new zero-emission lawn & garden equipment, sales tax, fees, charging cord, and additional batteries necessary to complete the same work as the replaced combustion equipment.
- The business or organization redeeming this Voucher resides in the State of California.
- This Voucher cannot be redeemed by the applicant for cash. It only can be used in conjunction with the purchase of a new qualified device from a Participating Merchant. A Voucher given to a non-participating merchant shall not be accepted and the Voucher amount will not be honored by the District.
- The Voucher is not valid until signed by the customer.
- This Voucher must be given to the Participating Retailer at the time of purchase of the new lawn & garden equipment. If you do not provide the original voucher to the Participating Merchant at the time of purchase, the Participating Merchant will not be obligated to give you the discount at the time of purchase or at a later time.
- Funding for the voucher program is first come, first served. The voucher will only be valid for four weeks from date of issuance.
- The District does not warranty any equipment purchased under this voucher program, including, but not limited to, the quality or functionality of the lawn & garden equipment.
- The existing combustion equipment must be surrendered to the Participating Merchant in operational condition within 30 days of the purchase of new equipment.
- This Voucher will be forfeited if false information is provided to the District.



# Carl Moyer Lawn and Garden Program VOUCHER TRACKING FORM

This form is to be completed by the Participating Merchant and sent to the corresponding Air District (see Voucher for issuing Air District). You may use this form for multiple vouchers if they were processed together.

Voucher Number(s): \_\_\_\_\_

Customer's Name: \_\_\_\_\_

Customer's Address: \_\_\_\_\_

**Old Combustion Equipment**

Date old equipment delivered to Participating Merchant: \_\_\_\_\_

Please initial the following statements:

I certify that the old equipment was in-tact and appeared operational. \_\_\_\_\_ Yes

**New Equipment Summary**

Equipment Make/Model	Quantity	Number of Charging Cords	Number of Batteries

I certify that the information contained on this tracking form is accurate and the form is completely filled out. I am a Participating Merchant and agree that I must meet the program requirements in order to receive reimbursement from the participating Air District. This form must be submitted with all sections completed along with the completed Voucher(s), the Equipment Destruction Form, and a copy of final invoice(s) showing the final purchase price of all items

Name of Participating Merchant Representative: \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

To assure quick processing, please make sure you send all items listed.

**Checklist:**

- Signed original Voucher
- Equipment Destruction Form (can be used for multiple Vouchers)
- Photos of destroyed equipment if destroyed by Merchant
- Copy of final invoice(s) showing the final purchase price of all items
- This Voucher Tracking Form
- Invoice from Merchant to District for payment

Please mail or email the completed package to the District that issued the Voucher:

<b>Air District</b>	<b>Contact</b>	<b>Mailing Address</b>	<b>City, ST, ZIP</b>	<b>Email</b>
Butte County AQMD	Jason Mandly	629 Entler Avenue #15	Chico, CA 95928	<a href="mailto:jmandly@bcaqmd.org">jmandly@bcaqmd.org</a>

# Carl Moyer Commercial Lawn and Garden Program EQUIPMENT DESTRUCTION FORM

This form tracks the destruction of the older combustion equipment replaced through the voucher program.  
Replaced combustion equipment must be destroyed and rendered permanently unusable and irreparable  
within sixty days of receipt.

**Voucher Number(s):** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Number of Units Included in this Batch**

Chainsaws / Trimmers / Edgers / Brushcutters	Leaf Blowers / Vacuums	Walk-Behind Mowers	Ride-On / Standing Mowers

.....

**Option 1: Equipment Destroyed by Participating Merchant**

Please include photos of the destroyed equipment.

I certify that the combustion equipment listed above were destroyed and rendered permanently unusable and irreparable.

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

.....

**Option 2: Equipment Destroyed by Scrap / Recycling Facility**

Date Delivered to Scrap / Recycling Facility: \_\_\_\_\_

Name of Scrap / Recycling Facility: \_\_\_\_\_

I certify that the combustion equipment listed above were destroyed and rendered permanently unusable and irreparable.

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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# CARL MOYER LAWN AND GARDEN PROGRAM

WITH PARTICIPATING AIR DISTRICTS IN THE COUNTIES OF BUTTE, (OTHER PARTICIPATING DISTRICTS HERE)

## MERCHANT AGREEMENT

**Parties:** This Merchant Agreement ("Agreement") is for services between Air Quality Management Districts and Air Pollution Control Districts as listed below ("DISTRICTS"), and

(hereinafter called "Subrecipient"), effective as of the last date indicated below.

**Subject Matter:** The subject matter of this Agreement is the Carl Moyer Lawn and Garden Program. Detailed services to be provided by the Subrecipient pursuant to this Agreement are described in the Merchant Provisions, which are incorporated by reference herein.

**Maximum Amount:** In consideration of the services to be performed, the DISTRICTS agree to pay Subrecipient a sum not to exceed the payment provisions specified in the Merchant Provisions.

**Agreement Term:** The period of Subrecipient's performance shall begin upon date of execution, signified by the date of signature by the DISTRICTS, and end on June 30, 2026 or, if earlier, the date on which all project dollars are spent.

**Amendment:** No changes, modifications, or amendments in the terms and conditions of this Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the DISTRICTS and Subrecipient. Any request for an amendment to this Agreement must be made in writing at least thirty (30) days prior to the end date of this Agreement or the request may be denied.

**Cancellation:** This Agreement may be cancelled by any party by giving written notice to the other at least 30 days in advance; provided however, that individual DISTRICTS may terminate this Agreement within the jurisdiction of their District immediately for reasons stated in the Carl Moyer Lawn and Garden Program (Program) Merchant Provisions, incorporated by reference herein.

**Contact persons:**

<b>Subrecipient (Merchant) Name:</b> _____	
<b>Subrecipient Program Contact:</b>	<b>Subrecipient Fiscal Contact:</b>
Name: _____	Name: _____
Phone: _____	Phone: _____
E-mail: _____	E-mail: _____
Fax: _____	Fax: _____
Address: _____	Address: _____
City/St/Zip: _____	City/St/Zip: _____

**Attachments:**

This agreement also consists of the following attachment(s) that are incorporated herein:

- Carl Moyer Lawn and Garden Program Merchant Provisions
- Carl Moyer Lawn and Garden Program Voucher Tracking Form
- Carl Moyer Lawn and Garden Program Equipment Destruction Form

I hereby certify that I understand the conditions and requirements for participation in the Carl Moyer Lawn and Garden Program and agree to fulfill the requirements and comply with the conditions in this agreement that I am entering into with the DISTRICTS.

\_\_\_\_\_  
Signature Subrecipient Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Butte County Air Quality Management District Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

<p><b><u>Butte Program Contact:</u></b>  Name: Jason Mandly  Phone: 530-332-9400 x108  E-mail: <a href="mailto:jmandly@bcaqmd.org">jmandly@bcaqmd.org</a>  Fax: 530-332-9417</p>	<p><b><u>Butte Fiscal Contact:</u></b>  Name: Aleah Ing  Phone: 530-332-9400  E-mail: <a href="mailto:aing@bcaqmd.org">aing@bcaqmd.org</a>  Fax: 530-332-9417</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>
<p><b><u>District Program Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>	<p><b><u>District Fiscal Contact:</u></b>  Name:  Phone:  E-mail:  Fax:</p>

## Carl Moyer Lawn and Garden Program - Merchant Provisions

1. Inform potential customers about Program requirements and timelines.
2. Determine if the customer is participating through a Commercial or Residential Lawn and Garden Program.
3. Accept the voucher from the customer and apply the voucher value as a discount towards the purchase price of the device.

a. New Replacement Lawn & Garden Equipment (L&GE) are valued at the following maximum funding amounts:

Equipment	Residential Voucher Amount	Commercial Voucher Amount
Chainsaws / Trimmers / Edgers / Brushcutters	\$300	\$700
Leaf Blowers / Leaf Vacuums	\$200	\$1,400
Walk Behind Lawn Mowers	\$330	\$1,500
Ride-on or Stand/Sit Mowers	\$2,000	\$15,000

- b. The total voucher amount may not exceed the maximum funding amounts above or exceed the total purchase cost of the new LG&E
- c. Total purchase costs for the new LG&E may include the new zero-emission unit, charging cable, extra batteries necessary to perform needed work, taxes, and fees.
4. Do not take a voucher from a customer if the customer does not purchase the L&GE or sign a contract or enter into a binding agreement to purchase new L&GE.
5. Show the voucher amount on the replacement L&GE invoice or receipt. The receipt of voucher funds does not lower the base price of the L&GE nor does it reduce the tax basis of the L&GE but is an incentive to the L&GE owner that will result in a lower price paid by the participant.
6. Take delivery of the old combustion equipment from the Customer within 30 days of the purchase of the L&GE. Verify that the old equipment was in-tact and appeared operational.
7. Complete and sign the Carl Moyer Lawn and Garden Voucher provided by the customer for each piece of L&GE. Complete and sign the Carl Moyer Lawn and Garden Voucher Tracking Form for each customer (multiple Vouchers can be batched together).
8. Destroy and photograph the surrendered combustion equipment OR deliver surrendered combustion equipment to a scrap or recycling facility for destruction. If delivered to a scrap or recycling facility, the old combustion equipment must be destroyed and rendered permanently unusable within 60 days of receipt and before the DISTRICT can provide payment.
9. Complete and submit to the DISTRICT an Equipment Destruction Form (multiple Vouchers can be batched together).
10. Submit to the DISTRICT completed paperwork with an original invoice for reimbursement. Invoices submitted to the DISTRICT without the required paperwork are not payable (No Exceptions). All paperwork must be submitted to the DISTRICT within thirty (30) days of purchasing new L&GE. The following paperwork must be submitted with invoice:
  - a. Original Voucher completely filled out and signed with all required information showing that the work has been completed. Copies of the voucher will not be accepted.
  - b. Copy of purchase invoice(s) – The purchase invoice(s) shall show all costs, discounts, and Vouchers as line items. The purchase invoice must be signed by the customer and list the manufacturer and the type of L&GE purchased.
  - c. Voucher Tracking Form.
  - d. Equipment Destruction Form referencing the Voucher.
  - e. Photo of destroyed combustion equipment, if destroyed by Participating Merchant.
11. As a Participating Merchant, I understand that the Carl Moyer Lawn and Garden Program must comply with State requirements within Chapter 9 of the 2017 Carl Moyer Program Guidelines located here: <https://ww2.arb.ca.gov/guidelines-carl-moyer>.
12. As a Participating Merchant, I certify that my place of business has carried a valid business license issued in California for a minimum of the last two years.
13. As a Participating Merchant, I understand that the District will not reimburse me for expired vouchers.
14. As a Participating Merchant, I agree to indemnify, defend, and hold harmless the DISTRICTS and their employees, agents, and representatives against any and all liability, loss, and expense, including reasonable attorneys' fees, from any and all claims for injury or damages arising out of my performance under this Agreement, the destruction of combustion L&GE, the sale of replacement L&GE, and any other element of the replacement process.
15. As a Participating Merchant, I agree to address and resolve unanticipated issues expeditiously with the DISTRICTS.



16. As a Participating Merchant, I agree to provide the DISTRICTS and the California Air Resources Board access to my facility and records during normal business hours to inspect for compliance with program requirements, if requested.
17. As a Participating Merchant, I understand the following: This Program involves funding from the state and, as a consequence, Merchants shall comply with all applicable nondiscrimination statutes and regulations during the performance of this Program including but not limited to the following: Merchants and their employees, representatives, and Subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; Merchants shall, unless exempt, comply with the applicable provisions of the Fair Employment and Housing Act (Government Code, Sections 12900 et seq.) and applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Sections 7285.0 et seq.); and the applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations incorporated into this Program by reference and made a part hereof as if set forth in full. Merchants, by signing the Merchant Agreement, provide written notice of their obligations under this clause as required by law.
18. I fully understand that should the Participating Merchant fail to show that they are implementing the Program consistent with L&GE replacement program requirements, the Participating Merchant shall return to the air district funds in proportion to any loss of emission reductions compared with the projected reductions of the agreement.

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Butte County Air Quality Management District  
 Carl Moyer Program Policies and Procedures  
**INFRASTRUCTURE PROGRAM**

This chapter provides project criteria for selecting and funding infrastructure projects that enable emission reductions in meeting State and local air quality goals. All infrastructure projects must be used to fuel or power a covered source as defined by Health and Safety Code section 44275(a)(7). These covered sources include but are not limited to on-road, off-road, and agricultural sources. Statute does not require infrastructure projects to meet a cost-effectiveness threshold. This document expands upon the minimum requirements of Chapter 10 (Infrastructure) of the state CMP Guidelines and the District’s CMP Policies and Procedures Manual.

**A. Project Eligible for Funding**

The following infrastructure projects may be eligible for funding.

1. **Battery Charging Station.** New, conversion of existing, and expansion to existing non-residential battery charging stations. (e.g. workplace charging, direct current fast chargers along freeway roadway corridors, long-term charging at destination areas such as airports and shopping centers, and charging at distribution centers and warehouses). For battery charging stations for electric school buses, please see the District’s On-Road Equipment Replacement Program.
2. **Alternative-Hydrogen Fueling Station.** New, conversion of existing, and expansion to existing hydrogen ~~and natural gas~~ fueling stations.
3. **Stationary Agricultural Pump.** Pump electrification. This project category is part of the District’s Off-Road Equipment Replacement Program.

~~3.~~ To be eligible to partner with other funding sources or programs, the project must not be in progress, completed, nor invoiced and paid. The Air District must evaluate the co-funded project prior to approval and verify the co-funded project with CARB. All requirements of the Moyer program must be met for co-funded projects.

**B. Maximum Eligible Funding Amounts**

1. Table 1 summarizes the maximum eligible funding for each project type as a percentage. The maximum grant amount per project is \$100,000 unless a higher grant amount is approved by the Governing Board. Projects funded with Community Air Protection Incentives are eligible for an additional 10% in funding levels.

**Table 1**  
**Maximum Percentage Eligible for**  
**Moyer Program Infrastructure Projects**

Infrastructure Project	Maximum Percentage Eligible (not to exceed \$100,000 per project)
All Eligible Projects	50%

Publicly Accessible Projects	60%
Projects with Solar/Wind Power Systems (>50% powered)	65%
Publicly Accessible Projects with Solar/Wind Power Systems (>50% powered)	75%
Public School Buses <del>Battery Charging and Alternative Fueling Projects</del>	100%

**C. Project Life**

- (A) Table 2 summarizes the maximum project life.

**Table 2  
Maximum Project Life**

Type	Project Life
Stationary Agricultural Pump Electrification Projects	10 years
All Other Infrastructure Projects	15 years

- (B) The maximum project life does not consider regulatory requirements that may shorten the eligible project life. Regulatory requirements may reduce actual project lives below these maximum values.
- (C) The minimum project life allowed is three years.

**D. Project Criteria**

The qualifications for infrastructure projects are listed below. All projects must also conform to the District’s Policies and Procedures Manual and the state CMP Guidelines.

**1. General Criteria:**

- (A) The project must be permanently installed and located in California.
- (B) The project must comply with all applicable federal, State, local laws and requirements including environmental laws, and State building, environmental and fire codes. For instance, air districts may need to perform CEQA review and obtain approval prior to funding a project.
- (C) Infrastructure projects with on-site wind or solar power generation and pPublicly accessible infrastructure projects must be solicited and selected through a competitive bidding process. State and local public agencies may piggyback from state public contract awards that have been selected through a competitive bidding process.

- (D) Work must be performed by ~~a licensed~~ contractors and/or electricians that meet all required licensing, certification, and statutory requirements for the eligible project type.
- (E) Publicly accessible station must ~~at a minimum~~ be accessible to the public ~~daily during regular business hours.~~ 24-hours a day or as many hours as allowed by local ordinance.
- (F) Equipment and parts must be new. Remanufactured or refurbished equipment and parts are not eligible.
- (G) Except for stationary agricultural pump projects, a completed Uniform Commercial Code-1 Financing Statement Form must be submitted by the air district to the California Secretary of State for infrastructure projects with a grant funding amount of \$50K or greater. The financing statement must list the air district as the secured party.
- (H) The applicant must be able to demonstrate to the air district that the applicant can obtain all required land use permits from agencies needed to install and operate the station.
- (I) For a publicly accessible station, the applicant must provide a description of the geographic location, including an aerial map (i.e. satellite view from an internet based map or city/county map) and specific street address of the proposed station.
- (J) Applicants must demonstrate that they either own the land on which the project will be located, or control it through a long-term lease, easement or other legal arrangement, for the duration of the project life. For a proposed project where the land is not owned by the applicant, an executed lease agreement or letters of commitment lasting for the duration of the project life must be signed by property owners/authorized representatives and must be submitted with the application.
- (K) Applicants must be able to provide documentation that power or fuel is being, or will be, provided to the site (e.g. application, payment to the local utility company for power installation, or contract).

## 2. Eligible Costs:

- (A) Cost of design and engineering, (i.e., labor, site preparation, Americans with Disabilities Act accessibility, signage).
- (B) Cost of equipment (e.g., charging/fueling units, electrical parts, energy storage equipment, materials).
- (C) Cost of installation directly related to the construction of the station.
- (D) Meter/data loggers.
- (E) On-site power generation system that fuels or powers covered sources (i.e., solar and wind power generation equipment).
- (F) Federal, sales, and other taxes.
- (G) Shipping and delivery costs.

~~(G)(H)~~ Fees incurred pre-contract execution (i.e., permits, design, engineering, site preparation), license fees, environmental fees, commissioning fees (safety testing), and onsite required safety equipment.

## 2. Battery Charging Stations:

- (A) ~~Chargers~~ Charging equipment must be a level 2 and higher. ~~to support non-residential stations.~~
- (B) Publicly accessible light-duty charging stations must use a valid and universally accepted charge connector protocol (e.g. Society of Automotive Engineers (SAE), CHAdeMO).
- (C) Charger must be certified by a Nationally Recognized Testing Laboratory (e.g., Underwriter's Laboratories, Intertek) located at <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>.
- (D) Equipment must have at least a one year warranty.
- (E) Grantee must report all publicly available battery charging station installations to the Department of Energy Alternative Fuel Data Center located at <http://www.afdc.energy.gov/locator/stations/>.
- (F) Assembly Bill 841 (Ting, 2020) added Public Utilities Code (PUC) section 740.20, which requires Electric Vehicle Infrastructure Training Program (EVITP) certification to install electric vehicle charging infrastructure and equipment for work performed on or after January 1, 2022, subject to certain exceptions. Therefore, all electric vehicle charging infrastructure and equipment funded by this grant located on the customer side of the electrical meter shall be installed by a contractor with the appropriate license classification, as determined by the Contractors' State License Board, and at least one electrician on each crew, at any given time, who holds an EVITP certification. Projects that include installation of a charging port supplying 25 kilowatts or more to a vehicle must have at least 25 percent of the total electricians working on the crew for the project, at any given time, who hold EVITP certification. One member of each crew may be both the contractor and an EVITP certified electrician.

## 3. Alternative-Hydrogen Fueling Stations:

- (A) For hydrogen fueling stations, grantee must register and report to the Station Online Status System (SOSS) maintained by the California Fuel Cell Partnership ([www.cafcp.org](http://www.cafcp.org)). In addition, grantee must abide by the requirements of the reporting system.

## E. District Administrative Requirements

The District staff will implement the Infrastructure Program using the following administrative procedures:

1. The District releases Request for Proposals (RFPs) for the Carl Moyer Program annually per the District's Policies and Procedures Manual, however projects are generally ranked based on cost-effectiveness which precludes infrastructure projects. The District may release an infrastructure-

specific RFP depending on available funding sources or direction from the District's Governing Board. Infrastructure projects are also eligible to apply during the RFP period for Community Air Protection (CAP) Incentives.

2. The District staff will work with applicants to complete the infrastructure application and may develop additional forms if necessary to collect all information, records, and price quotes necessary to evaluate the proposal and to populate the data fields in the CARB's Clean Air Reporting Log (CARL) database.
3. The District staff will evaluate each proposal to verify the eligibility in accordance with the CMP Guidelines. As part of the evaluation, staff will conduct a pre-inspection of the proposed location.
4. A Grant Contract will be executed for each infrastructure project that is approved by the District Air Pollution Control Officer. A sample Grant Contract is included in the District's Policy and Procedures Manual. An infrastructure-specific Grant Contract is under development and will include the contract requirements found in Chapter 10, Section I of the State Guidelines. Financing terms (if applicable) must be approved prior to the contract being signed.
5. The District will verify and document that each infrastructure project is operational. Inspections will include verification of operation by connecting a vehicle or equipment to the charging or fueling station, or in the case of an agricultural pump or shore power project, by connecting to the electrical grid. For projects that incorporate solar or wind power, the inspection will verify that infrastructure has been installed and connected to the power generation equipment (i.e. solar panels or wind turbines). The District will take photos of the equipment and keep photos in the project file. At the minimum, the photos must include equipment manufacturers, model number, and serial number. For Battery Charging Stations – the District will document the name of manufacturer, serial number and date of manufacture, amperage/voltage, and equipment recharge rate.
6. Payment will be processed once the District confirms the following:
  - a. Approved pre-inspection
  - b. Approved post-inspection – equipment installed and operational
  - c. Approved invoices with warranty information
  - f. Confirmed submittal of a W-9
  - g. District listed as additional insured

All payments will be issued to the Program Participant. Two-party checks may be issued to both the Program Participant and Dealership if requested by the parties.

7. The District will require annual reporting from the Program Participant through the contract life.
8. Specific information about the District's administrative process can be found in the District's Policies and Procedures Manual.

## **J. Additional Infrastructure Program Documents**

1. Infrastructure Sample Contract Infrastructure Application
2. Infrastructure Application





**RESOLUTION 2023-05  
BEFORE THE BOARD OF DIRECTORS OF  
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA  
AMENDMENTS TO THE CARL MOYER POLICIES AND PROCEDURES MANUAL**

Resolution 2023-05 ..... )  
Amendments to the Carl Moyer Program ..... )  
Policies and Procedures Manual ..... )

WHEREAS, the District implements the Carl Moyer Memorial Air Quality Standards Attainment Program in accordance to Health and Safety Code Sections 44286, 44275, 44280-44288, 44290, and 44295-44297, the applicable Carl Moyer Program Guidelines, and the District's Carl Moyer Program Policies and Procedures;

AND WHEREAS, the Butte County Air Quality Management District Board last approved updates to the Carl Moyer Program Policies and Procedures Manual on December 9, 2022;

AND WHEREAS, the Butte County Air Quality Management District Board approved District participation in the Fiscal Year 2021-2022 (Year 24) Carl Moyer Program and authorized the acceptance of supplemental State Reserve funding through Resolution 2022-03;

AND WHEREAS, the Butte County Air Quality Management District entered into an agreement with the California Air Resources Board to fund eligible lawn and garden equipment replacement projects for non-residential entities using Fiscal Year 2021-2022 Carl Moyer Program State Reserve Funds;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby approves the proposed Lawn and Garden Equipment Program and additional amendments to the Carl Moyer Program Policies and Procedures Manual attached herein;

BE IT FURTHER RESOLVED, that the Butte County Air Quality Management District Board hereby authorizes the Air Pollution Control Officer, subject to review by District Counsel, to make such minor modifications in the Carl Moyer Program sample agreements, applications and program information as may be necessary from time to time to ensure the smooth and efficient operation of the Carl Moyer Program and to comply with State requirements.

On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Butte County Air Quality Management District Board of Directors on this 27<sup>th</sup> day of April, 2023 by the following:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

---

Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.

ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board



TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTLE  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Aleah Ing, Administrative Services Officer

Re: **CalPERS California Employers' Pension Prefunding Trust (CEPPT)  
115 Trust Account Authorization.**

**ISSUE:**

Establish a CalPERS California Employers' Pension Prefunding Trust (CEPPT) 115 Trust account for use in reducing the Pension *Unfunded Accrued Liability* (UAL) and to help stabilize annual payments as recommended by the Pension Policy previously adopted by the Board.

**ACTION REQUESTED:**

Staff recommends approval of Resolution 2023-06, the CalPERS CEPPT agreement, and the Delegation of Authority to Request Disbursements.

**DISCUSSION:**

This Governing Board adopted a UAL Pension Management Policy in January that provided guidance toward reducing the pension liability and to stabilize future annual payments. As part of the Policy, the District is to establish and operate a Pension Rate Stabilization Fund for depositing of funds used solely for the purpose of making Additional Discretionary Payments (and Normal Cost payments) as defined in the policy and the 115 Trust. The CEPPT 115 Trust account will help to reduce the pension liability and to stabilize the annual payments for cash flow and budgeting. The CEPPT 115 Trust is very similar to the CalPERS California Employers' Retiree Benefit Trust (CERBT) the District established in June 2017 for the *Other Post Employment Benefit* (OPEB) liability.

Attachments:

CalPERS CEPPT Prefund Agreement

CalPERS CEPPT Delegation Authority

Resolution 2023-06 Agreement to join CalPERS California Employers' Retirement Benefit Trust (CEPPT) Delegation of Authority to Request Disbursements

629 Entler Avenue, Suite 15 ♦ Chico, CA 95928

# Agenda Item 6

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**CALIFORNIA EMPLOYERS' PENSION PREFUNDING TRUST PROGRAM**

**AGREEMENT AND ELECTION  
OF**

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(NAME OF EMPLOYER)

**to Prefund Employer Contributions to a Defined Benefit  
Pension Plan**

WHEREAS (1) Government Code (GC) Section 21711(a) establishes in the State Treasury the California Employers' Pension Prefunding Trust Fund (CEPPT), a special trust fund for the purpose of allowing eligible employers to prefund their required pension contributions to a defined benefit pension plan (each an Employer Pension Plan) by receiving and holding in the CEPPT amounts that are intended to be contributed to an Employer Pension Plan at a later date; and

WHEREAS (2) GC Section 21711(b) provides that the California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control of the administration and investment of the CEPPT, the purposes of which include, but are not limited to (i) receiving contributions from participating employers; (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds; and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the CEPPT and to deposit employer contributions into Employer Pension Plans in accordance with their terms; and

WHEREAS (3) \_\_\_\_\_  
(NAME OF EMPLOYER)

(Employer) desires to participate in the CEPPT upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the CEPPT upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Employer Contributions to a Defined Benefit Pension Plan (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The CEPPT is a trust fund that is intended to perform an essential governmental function (that is, the investment of funds by a State, political subdivision or 115 entity) within the meaning of Internal Revenue Code (Code) Section 115 and Internal Revenue Service Revenue Ruling 77-261, and as an Investment Trust Fund, as defined in Governmental Accounting Standards Board (GASB) Statement No. 84, Paragraph 16, for accounting and financial reporting of fiduciary activities from the

external portion of investment pools and individual investment accounts that are held in a trust that meets the criteria in Paragraph 11c(1).

WHEREAS (6) The CEPPT is not a Code Section 401(a) qualified trust and the assets held in the CEPPT are not assets of any Employer Pension Plan or any plan qualified under Code Section 401(a).

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Employer Representation and Warranty

Employer hereby represents and warrants that it is the State of California or a political subdivision thereof, or an entity whose income is excluded from gross income under Code Section 115(1).

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the CEPPT by adopting this Agreement and filing with the Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to: CalPERS  
CEPPT  
P.O. Box 1494  
Sacramento, CA 95812-1494

Filing in person, deliver to: CalPERS Mailroom  
CEPPT  
400 Q Street  
Sacramento, CA 95811

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement. Employer shall provide the Board such other documents as the Board may request, including, but not limited to a certified copy of the resolution(s) of the governing body of Employer authorizing the adoption of the Agreement and documentation naming Employer's successor entity in the event that Employer ceases to exist prior to termination of this Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both the Board and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the CEPPT, to carry out the purposes of this Agreement, and to maintain the tax-exempt status of the CEPPT. Employer agrees to follow such procedures and processes.

### C. Employer Reports Provided for the Board's Use in Trust Administration and Financial Reporting and Employer Contributions

(1) Employer shall provide to the Board a defined benefit pension plan cost report on the basis of the actuarial assumptions and methods prescribed by Actuarial Standards of Practice (ASOP) or prescribed by GASB. Such report shall be for the Board's use in trust administration and financial reporting and shall be prepared at least as often as the minimum frequency required by applicable GASB Standards. This defined benefit pension plan cost report may be prepared as an actuarial valuation report or as a GASB compliant financial report. Such report shall be:

- 1) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;
- 2) prepared in accordance with ASOP or with GASB; and
- 3) provided to the Board prior to the Board's acceptance of contributions for the reporting period or as otherwise required by the Board.

(2) In the event that the Board determines, in its sole discretion, that Employer's cost report is not suitable for the Board's purposes and use or if Employer fails to provide a required report, the Board may obtain, at Employer's expense, a report that meets the Board's trust administration and financial reporting needs. At the Board's option, the Board may recover the costs of obtaining the report either by billing and collecting such amount from Employer or through a deduction from Employer's Prefunding Account (as defined in Paragraph D(2) below).

(3) Employer shall notify the Board in writing of the amount and timing of contributions to the CEPPT, which contributions shall be made in the manner established by the Board and in accordance with the terms of this Agreement and any procedures adopted by the Board.

(4) The Board may limit Employer's contributions to the CEPPT to the amount necessary to fully fund the actuarial present value of total projected benefit payments not otherwise prefunded through the applicable Employer Pension Plan (Unfunded PVFB), as set forth in Employer's cost report for the applicable period. If Employer's contribution would cause the assets in Employer's Prefunding Account to exceed the Unfunded PVFB, the Board may refuse to accept the contribution. If Employer's cost report for the applicable period does not set forth the Unfunded PVFB, the Board may

refuse to accept a contribution from Employer if the contribution would cause the assets in Employer's Prefunding Account to exceed Employer's total pension liability, as set forth in Employer's cost report.

(5) No contributions are required. Contributions can be made at any time following the effective date of this Agreement if Employer has first complied with the requirements of this Agreement, including Paragraph C.

(6) Employer acknowledges and agrees that assets held in the CEPPT are not assets of any Employer Pension Plan or any plan qualified under Code Section 401(a), and will not become assets of such a plan unless and until such time as they are distributed from the CEPPT and deposited into an Employer Pension Plan.

#### D. Administration of Accounts; Investments; Allocation of Income

(1) The Board has established the CEPPT as a trust fund consisting of an aggregation of separate single-employer accounts, with pooled administrative and investment functions.

(2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the CEPPT (Employer's Prefunding Account). Assets in Employer's Prefunding Account will be held for the exclusive purpose of funding Employer's contributions to its Employer Pension Plan(s) and defraying the administrative expenses of the CEPPT.

(3) The assets in Employer's Prefunding Account may be aggregated with the assets of other participating employers and may be co-invested by the Board in any asset classes appropriate for a Code Section 115 trust, subject to any additional requirements set forth in applicable law, including, but not limited to, subdivision (d) of GC Section 21711. Employer shall select between available investment strategies in accordance with applicable Board procedures.

(4) The Board may deduct the costs of administration of the CEPPT from the investment income of the CEPPT or from Employer's Prefunding Account in a manner determined by the Board.

(5) Investment income earned shall be allocated among participating employers and posted to Employer's Prefunding Account daily Monday through Friday, except on holidays, when the allocation will be posted the following business day.

(6) If, at the Board's sole discretion and in compliance with accounting and legal requirements applicable to an Investment Trust Fund and to a Code Section 115 compliant trust, the Board determines to its satisfaction that all obligations to pay defined benefit pension plan benefits in accordance with the applicable Employer Pension Plan terms have been satisfied by payment or by defeasance with no remaining risk regarding the amounts to be paid or the value of assets held in the



CEPPT, then the residual Employer assets held in Employer's Prefunding Account may be returned to Employer.

#### E. Reports and Statements

(1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.

(2) The Board, at its discretion but at least annually, shall prepare and provide a statement of Employer's Prefunding Account reflecting the balance in Employer's Prefunding Account, contributions made during the period covered by the statement, investment income allocated during such period, and such other information as the Board may determine.

#### F. Disbursements

(1) Employer may receive disbursements from the CEPPT not to exceed, on an annual basis, the amount of the total annual Employer contributions to Employer's Pension Plan for such year.

(2) Employer shall notify the Board in writing in the manner specified by the Board of the persons authorized to request disbursements from the CEPPT on behalf of Employer.

(3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board, and the Board may rely conclusively upon such writing. The Board may, but is not required to, require that Employer certify or otherwise demonstrate that amounts disbursed from Employer's Prefunding Account will be used solely for the purposes of the CEPPT. However, in no event shall the Board have any responsibility regarding the application of distributions from Employer's Prefunding Account.

(4) No disbursement shall be made from the CEPPT which exceeds the balance in Employer's Prefunding Account.

(5) Requests for disbursements that satisfy the above requirements will be processed on at least a monthly basis.

(6) The Board shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements, and is under no duty to make any investigation or inquiry about the correctness of such instruction. In the event of any other erroneous disbursement, the extent of the Board's liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.

## G. Costs of Administration

Employer shall pay its share of the costs of administration of the CEPPT, as determined by the Board and in accordance with Paragraph D.

## H. Termination of Employer's Participation in the CEPPT

(1) The Board may terminate Employer's participation in the CEPPT if:

- (a) Employer's governing body gives written notice to the Board of its election to terminate; or
- (b) The Board determines, in its sole discretion, that Employer has failed to satisfy the terms and conditions of applicable law, this Agreement or the Board's rules, regulations or procedures.

(2) If Employer's participation in the CEPPT terminates for either of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the CEPPT, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D, and Employer shall remain subject to the terms of this Agreement with respect to such assets.

(3) After Employer's participation in the CEPPT terminates, Employer may not make further contributions to the CEPPT.

(4) After Employer's participation in the CEPPT terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.

(5) After Employer's participation in the CEPPT terminates, the governing body of Employer may request either:

- (a) A trustee to trustee transfer of the assets in Employer's Prefunding Account to a trust dedicated to prefunding Employer's required pension contributions; provided that the Board shall have no obligation to make such transfer unless the Board determines that the transfer will satisfy applicable requirements of the Code, other law and accounting standards, and the Board's fiduciary duties. If the Board determines that the transfer will satisfy these requirements, the Board shall then have one hundred fifty (150) days from the date of such determination to effect the transfer. The amount to be transferred shall be the amount in Employer's Prefunding Account as of the date of the transfer (the "transfer date") and shall include investment earnings up to an investment earnings allocation date preceding the transfer date. In no event shall the investment earnings allocation date precede the transfer date by more than 150 days.

- (b) A disbursement of the assets in Employer's Prefunding Account; provided that the Board shall have no obligation to make such disbursement unless the Board determines that, in compliance with the Code, other law and accounting standards, and the Board's fiduciary duties, all of Employer's obligations for payment of defined benefit pension plan benefits and reasonable administrative costs of the Board have been satisfied. If the Board determines that the disbursement will satisfy these requirements, the Board shall then have one hundred fifty (150) days from the date of such determination to effect the disbursement. The amount to be disbursed shall be the amount in Employer's Prefunding Account as of the date of the disbursement (the "disbursement date") and shall include investment earnings up to an investment earnings allocation date preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement date by more than 150 days.

(6) After Employer's participation in the CEPPT terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate. To the extent that assets remain in Employer's Prefunding Account, this Agreement shall remain in full force and effect.

(7) If, for any reason, the Board terminates the CEPPT, the assets in Employer's Prefunding Account shall be paid to Employer to the extent permitted by law and Code Section 115 after retention of (i) an amount sufficient to pay the Unfunded PVFB as set forth in a current defined benefit pension plan(s) cost report prepared in compliance with ASOP and the requirements of Paragraph C(1), and (ii) amounts sufficient to pay reasonable administrative costs of the Board. Amounts retained by the Board to pay the Unfunded PVFB shall be transferred to (i) another Code Section 115 trust dedicated to prefunding Employer's required pension contributions, subject to the Board's determination that such transfer will satisfy applicable requirements of the Code, other law and accounting standards, and the Board's fiduciary duties or (ii) Employer's Pension Plan, subject to acceptance by Employer's Pension Plan.

(8) If Employer ceases to exist but Employer's Prefunding Account continues to exist, and if no provision has been made to the Board's satisfaction by Employer with respect to Employer's Prefunding Account, the Board shall be permitted to identify and appoint a successor to Employer under this Agreement, provided that the Board first determines, in its sole discretion, that there is a reasonable basis upon which to identify and appoint such a successor and provided further that such successor agrees in writing to be bound by the terms of this Agreement. If the Board is unable to identify or appoint a successor as provided in the preceding sentence, then the Board is authorized to appoint a third-party administrator or other successor to act on behalf of Employer under this Agreement and to otherwise carry out the intent of this Agreement with respect to Employer's Prefunding Account. Any and all costs associated with such appointment shall be paid from the assets attributable to Employer's Prefunding Account. At the Board's option, and subject to acceptance by Employer's Pension Plan,

the Board may instead transfer the assets in Employer's Prefunding Account to Employer's Pension Plan and terminate this Agreement.

(9) If the Board determines, in its sole discretion, that Employer has breached the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the CEPPT.

#### I. Indemnification

Employer shall indemnify, defend, and hold harmless CalPERS, the Board, the CEPPT, and all of the officers, trustees, agents and employees of the foregoing from and against any loss, liability, claims, causes of action, suits, or expense (including reasonable attorneys' fees and defense costs, lien fees, judgments, fines, penalties, expert witness fees, appeals, and claims for damages of any nature whatsoever) not charged to the CEPPT and imposed as a result of, arising out of, related to or in connection with (1) the performance of the Board's duties or responsibilities under this Agreement, except to the extent that such loss, liability, suit or expense results or arises from the Board's own gross negligence, willful misconduct or material breach of this Agreement, or (2) without limiting the scope of Paragraph F(6) of this Agreement, any acts taken or transactions effected in accordance with written directions from Employer or any of its authorized representatives or any failure of the Board to act in the absence of such written directions to the extent the Board is authorized to act only at the direction of Employer.

#### J. General Provisions

##### (1) Books and Records

Employer shall keep accurate books and records connected with the performance of this Agreement. Such books and records shall be kept in a secure location at Employer's office(s) and shall be available for inspection and copying by the Board and its representatives.

##### (2) Notice

(a) Any notice or other written communication pursuant to this Agreement will be deemed effective immediately upon personal delivery, or if mailed, three (3) days after the date of mailing, or if delivered by express mail or e-mail, immediately upon the date of confirmed delivery, to the following:

For the Board:

Filing by mail, send to:  
CalPERS  
CEPPT  
P.O. Box 1494  
Sacramento, CA 95812-1494

Filing in person, deliver to:  
CalPERS Mailroom  
CEPPT  
400 Q Street  
Sacramento, CA 95811

For Employer:

(b) Either party to this Agreement may, from time to time by notice in writing served upon the other, designate a different mailing address to which, or a different person to whom, all such notices thereafter are to be addressed.

### (3) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of this Agreement shall survive the termination of this Agreement.

### (4) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

### (5) Necessary Acts; Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

### (6) Incorporation of Amendments to Applicable Laws and Accounting Standards

Any references to sections of federal or state statutes or regulations or accounting standards shall be deemed to include a reference to any amendments thereof and any successor provisions thereto.

(7) Days

Wherever in this Agreement a set number of days is stated or allowed for a particular event to occur, the days are understood to include all calendar days, including weekends and holidays, unless otherwise stated.

(8) No Third Party Beneficiaries

Except as expressly provided herein, this Agreement is for the sole benefit of the parties hereto and their permitted successors and assignees, and nothing herein, expressed or implied, will give or be construed to give any other person any legal or equitable rights hereunder. Notwithstanding the foregoing, CalPERS, the CEPPT, and all of the officers, trustees, agents and employees of CalPERS, the CEPPT and the Board shall be considered third party beneficiaries of this Agreement with respect to Paragraph I above.

(9) Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

A majority vote of Employer's Governing Body at a public meeting held on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year \_\_\_\_\_, authorized entering into this Agreement.

Signature of the Presiding Officer: \_\_\_\_\_

Printed Name of the Presiding Officer: \_\_\_\_\_

Name of Governing Body: \_\_\_\_\_

Name of Employer: \_\_\_\_\_

Date: \_\_\_\_\_

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
MELODY BENAVIDES  
DIVISION CHIEF, PENSION CONTRACTS AND PREFUNDING PROGRAMS  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS  
The effective date of this Agreement is: \_\_\_\_\_

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Delegation of Authority to Request Disbursements  
California Employers' Pension Prefunding Trust  
(CEPPT)

RESOLUTION  
OF THE

\_\_\_\_\_  
(GOVERNING BODY)

OF THE

\_\_\_\_\_  
(NAME OF EMPLOYER)

The \_\_\_\_\_ delegates to the incumbents  
(GOVERNING BODY)

in the positions of \_\_\_\_\_ and  
(TITLE)

\_\_\_\_\_, and/or  
(TITLE)

\_\_\_\_\_ authority to request on behalf of the  
(TITLE)

Employer disbursements from the Pension Prefunding Trust and to certify as to the purpose  
for which the disbursed funds will be used.

By \_\_\_\_\_

Title \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

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**RESOLUTION 2023-06**  
**BEFORE THE BOARD OF DIRECTORS OF**  
**BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT**  
**STATE OF CALIFORNIA CalPERS**  
**CALIFORNIA EMPLOYERS' PENSION PREFUNDING TRUST (CEPPT) 115 PENSION TRUST**

Resolution 2023-06 .....)  
Approve a CEPPT Trust to fund the Pension UAL and .....)  
Adoption of the Delegation Authority to Request Disbursements.....)

WHEREAS, The Butte County Air Quality Management District Board of Directors has reviewed and authorizes the agreement between the Butte County Air Quality Management District and the CalPERS California Employers' Pension Prefunding Trust Fund (CEPPT) to prefund Pension Unfunded Liability.

AND WHEREAS, The Butte County Air Quality Management District Board of Directors wishes to delegate to the incumbents in the positions of Air Pollution Control Officer (APCO), Assistant Air Pollution Control Officer (Assistant APCO) and Administrative Services Officer (ASO) the authority to request on behalf of the Employer disbursement from the Pension Prefunding Plan and to certify as to the purpose for which the disbursed funds will be used;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board, hereby approves the proposed CEPPT contract agreement and authorizes the Chair to sign;

BE IT FURTHER RESOLVED, that the Butte County Air Quality Management District Board of Directors adopts the attached delegation of authority to request reimbursements, authorizing the APCO, Assistant APCO and ASO to request on behalf of the Employer disbursement from the Pension Prefunding Plan and to certify as to the purpose for which the disbursed funds will be used.

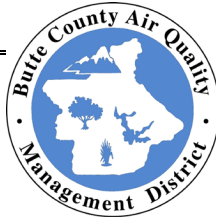
On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 27<sup>th</sup> day of April, 2023 by the following:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Supervisor Tami Ritter, Chair  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.  
ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTLE  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Aleah Ing, Administrative Services Officer

Re: **3rd Quarter Fiscal Year 2022-2023 Budget Amendments.**

**ISSUE:**

Financial activity requiring budget transfer and amendments.

**ACTION REQUESTED:**

Approve budget transfer and amendments to the Fiscal Year 2022-23 Budget.

**DISCUSSION:**

When preparing the budget, the District estimated the Revenue and Expenses anticipated to have been earned and expended during Fiscal Year 2022-23. As the year has progressed, additional information and the current YTD actuals show differences between budgeted and revised projections resulting in the attached budget amendments. An additional explanation is provided with the attached amendments, which will affect the year end fund balance and unearned revenue balances.

The most significant changes to revenues are related to grants with additional project funds and a downward adjustment to implementation recognition caused by staff's ability to complete all administrative functions of various emission reduction grant programs in significantly less time than project in the adopted budget. The expenditure changes were also affected by the grant project fund changes and some decreases in the wages and benefits projections from the initial adopted budget.

The Budget and Finance Committee is aware that these amendments result in a projected deficit and has recommended that staff conduct detailed cost recovery analysis of District Programs.

Attachment:

Fiscal Year 2022-23 3rd Quarter Budget Amendments

*629 Entler Avenue, Suite 15 ♦ Chico, CA 95928*

# Agenda Item 7

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**Butte County Air Quality Management District  
FY 2022-2023 Budget Third Quarter Adjustments**

Board adopted initial budget 6/23/2022; amendments approved 10/27; additional amendments scheduled April 27th

Explaining the reason the unassigned funds changed from the initial adopted budget to the projected budget

	<u>Adopted</u>	<u>Projected</u>	<u>Change</u>	
Unassigned Fund	<b>(10,464.00)</b>		(10,464.00)	6/30/2023 Initially Projected and adopted unassigned fund (after unearned liability)
	-	963,374.77	963,374.77	<b>Increase</b> in restricted funds - Grant project funds that were budgeted to be expended, but didn't happen
	213,989.74	300,343.00	86,353.26	<b>Increase</b> in the starting unassigned balance as of 6/30/21 - from projected to audited
			<u>1,049,728.03</u>	Total Change to Beginning Fund Balance 6/30/22
<b>REVENUE</b>				
Licenses & Permits	514,950.00	513,250.00	(1,700.00)	Licenses & Permits <b>net reduction</b> is due to a reduction of \$5,000 estimated for the asbestos program that will not commence until FY 23-24 and portable engine permits increase of \$3,300 from projected.
Fines & Penalties	24,000.00	47,000.00	23,000.00	Fines & Penalties <b>increase</b> is due to increased inspections of facilities, resulting in increased enforcement action.
Subvention	55,200.00	65,300.00	10,100.00	State Subvention fees are based on the demographics tied to Butte County's population, plus an additional supplemental amount based on request for additional funds for specific expenses. This resulted in an <b>increase</b> of \$10,100 to the funds the District received.
AB617	88,573.18	48,425.00	(40,148.18)	AB617 budget is <b>reduced</b> to recognize fewer hours were needed to administer program than projected. <b>A reduction of these revenues results in an equal increase to the unearned revenue balance which carries forward to next fiscal year.</b>
FARMER (Projects)	-	612,237.50	612,237.50	The Year 5 FARMER grant award amount was unknown so it was not budgeted in FY 22-23. The contract with CARB was signed in January 2023 so the increase shown is the first 1/2 of award that was received March 2023. The remaining 1/2 of grant award will be budgeted for FY23-24. This results in a budget <b>amendment for both revenue and expenses</b> . Pass Through Grant FARMER increase of \$612,237.50 which is offset by the same increase to the expense (see below).
Carl Moyer (Projects)	438,375.00	561,315.20	122,940.20	The \$122,940.20 Amendment to Carl Moyer is due to grant funds invoiced and in the receivables as of 6/30/22. Since this was outside of the 60 day accrual period, the funds were journaled to reduce the income on the P&L and move them to Unavailable Revenue, resulting in the income not being recognized in the Fund Balance. When the funds were received this journal was reversed which then recognized the Grant funds on the P&L, resulting in the need to amend the budget for this additional revenue. This also adjusts the unassigned fund balance to reconcile with the audited unassigned fund balance.
CAP (Projects)	1,216,360.65	1,182,572.85	(33,787.80)	CAP project funds were reduced \$33,787.80 due to the timing of grant projects requiring funds to be restricted. <b>A reduction of project revenue results in an equal increase to the unearned revenue balance which carries forward to next fiscal year.</b>
Misc Revenue	24,395.00	37,395.00	13,000.00	There was an increase in tech evaluation fees due to increased testing observations and engineering evaluations.

Grant Implementation	845,494.96	251,027.30	(594,467.66)	The Grant Implementation (otherwise known as administration revenue) funds account for the District's portion of pass through grants. This was reduced due to the review of projected recognition of funds being less than anticipated. Fewer hours than budgeted were needed to administer these programs. <b>A reduction of implementation revenue results in an equal increase to the unearned fund balance which carries forward to next fiscal year.</b>
Total Revenue	4,057,311.79	4,168,485.85	<u>111,174.06</u>	
Previous Budget Amendments			<u>20,368.17</u>	
			<u><b>90,805.89</b></u>	<b>Net Increase to Revenue \$90,805.89 (Proposed amendments for April Board Meeting)</b>
				Although the Revenue has a net increase the fewer hours needed to administer grants reduced the recognition of implementation revenues resulting in the use of more general fund operating revenue for payment of those hours, an increase to unearned revenue and a reduction to the unassigned fund balance.
<b>EXPENSES</b>				
Wages & Benefits	1,554,056.86	1,521,056.86	(33,000.00)	Initial adopted budget projected 5% salary increase, actual was 3% resulting in 2% decrease in both wages and benefits. From wages \$901,250 to \$881,250, resulting in \$20,000 decrease (2%); Benefits \$632,806.86 to 619, 806.86 resulting in \$13,000 decrease (2%).
Materials & Supplies	42,720.00	44,580.00	1,860.00	Utilities – increase of \$360 is due to GASB 87 and the guidance to separate the portion of rent that is related to the water and trash utilities.
Services & Other Operating	86,102.00	86,302.00	200.00	Janitorial contract increase on 10/7 budget amendment.
Rents, Leases, Repairs & Noncapitalized Improvements	160,810.00	108,760.00	(52,050.00)	Rents- decrease due to GASB 87, and is now located in the Debt Service section (see increase there for both the principal and the interest portion or rent liability).
Carl Moyer Grants	484,949.34	677,974.23	193,024.89	These grant funds were initially projected to be contracted/expended when preparing the initial FY 22-23 budget but didn't occur resulting in restricted funds that needed rebudget for expending during FY 23-24.
CAP Grants	1,391,051.55	1,566,115.86	175,064.31	These grant funds were initially projected to be contracted/expended when preparing the initial FY 22-23 budget but didn't occur resulting in restricted funds that needed rebudget for expending during FY 23-24.
Clean Air	30,000.00	35,000.00	5,000.00	rebudgeted grant from FY 21-22 not expended
FARMER	40,188.40	952,470.03	912,281.63	The Year 5 FARMER grant was unknown and not budgeted. The contract with CARB was signed in January 2023. Due to the timing of anticipated receipt of funds for recognition, ½ of the grant funds were received in March 2023, but the balance is not anticipated to be received until FY 23-24. This results in a budget amendment for both revenue and expenses. Expense Increase of \$612,237.50. The additional \$300,044.13 was rebudgeted for grants funds that are reserved and were initially projected to be contracted/expended when preparing the initial FY 22-23 budget.
Debt Service	-	55,800.00	<u>55,800.00</u>	See Note under Rents.
Previous Budget Amendments	3,894,712.15	5,152,892.98	<u>1,258,180.83</u>	
			<u>678,943.33</u>	This is the rebudgeting of the expense portion of grant project funds that were in the restricted balance on 6/30/2022.
			<u><b>579,237.50</b></u>	<b>Net Increase to Expenses (Proposed amendments for April Board Meeting)</b>
<hr/>				
Restricted as of 6/30/22		963,374.77		
Assigned		<u>320,255.00</u>		
Unassigned		300,343.00		
Total as of 6/30/22		<u><u>1,583,972.77</u></u>		
Excess of Revenues Over/Under Expenses	162,599.64	(984,407.13)	(1,147,006.77)	



Amended Budget Fund Total	696,844.38	599,565.64	(97,278.74)	
Less Restricted		-		Because of the challenges in estimating when a grantee will sign their contract, etc This is projecting that all grant project funds are expended
Less Assigned		<u>329,626.07</u>		Operating Reserve Fund
Unassigned	367,218.31	<u><b>269,939.57</b></u>	(97,278.74)	Resulted in unassigned change
Unearned	377,682.31	745,514.53	367,832.22	Increase to unearned
Balance After unearned Liability	(10,464.00)	<b>(475,574.96)</b>		After Unearned Liability

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTL  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **Authorization for Temporary Reduction of Office Front Counter Hours.**

**ISSUE:**

Front counter staff retirement will cause staffing shortage.

**ACTION REQUESTED:**

Approve reduction to front counter hours until a permanent, replacement can be recruited and hired.

**DISCUSSION:**

The timing for the upcoming retirement of our longtime front office staff coupled with budget limitations are prompting the need to use temporary, part time, staff to support the position for the near future. Maintaining current front counter hours will create additional strain on existing staff when the temporary, part time staff are not in the office. Current Tuesday through Friday from 7:30am to 4:30 pm (closed for lunch from 12:00 pm to 1:00 pm).

Reducing front counter hours to Tuesday through Friday from 7:30 am to 12:00 noon would allow the temporary staff to be present during all front counter hours to minimize impacts to other staff. All District business may still be conducted electronically and by phone during the District regular business hours of Monday through Friday from 7:30 am to 4:30 pm.

I expect minimal impacts to the public if this change is adopted as the current front counter hours have been an under-utilized service since the COVID-19 lockdown ended. As a reminder the District office was closed to the public entirely for 15 months and effectively conducted all business electronically and by phone during that period.

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PATRICK LUCEY  
Assistant Air Pollution Control Officer

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer  
Patrick Lucey, Assistant Air Pollution Control Officer

Re: **Public Hearing: Rule 500, Stationary Source Permit Fees Proposed Amendments**

**ISSUE:**

Amendments to Rule 500 are proposed to address potential budget deficit and increase program cost recovery consistent with the District adopted Fiscal Policy by authorizing a new tiered throughput fee for retail Gas Dispensing Facilities (GDFs) with an annual throughput of 30,000 gallons or more.

**ACTION REQUESTED:**

Following a Public Hearing, accept comments, and approve Resolution 2023-02, adopting the proposed amended rule.

**DISCUSSION:**

**Regulatory Requirements-Federal and State**

GDF's release Volatile Organic Compounds (VOCs) and directly contribute to the District's state non-attainment status for ozone. Butte County is designated nonattainment for the California Ambient Air Quality Standards (CAAQS) for 8-hour and 1-hour ozone. Although the County is meeting National Ambient Air Quality Standards (NAAQS) for 8-hour ozone in the short-term, Butte County is still designated nonattainment for the federal 8-hour standard. Nonattainment for ozone is impacted by emissions from GDF's. Continuing to oversee, regulate and enforce State requirements for GDF's in Butte County is imperative to achieve and maintain state and federal attainment status for ozone. Assuring a level playing field for facilities can only be guaranteed if the program is funded sufficiently to provide program wide oversight.

The Federal Clean Air Act requires the District to take measures to attain and then maintain attainment with NAAQS for ozone. Failure to maintain attainment with the NAAQS could lead to a reclassification from Marginal nonattainment to

629 Entler Avenue, Suite 15 ♦ Chico, CA 95928

# Agenda Item 9

Moderate nonattainment. Such a change would further restrict the District's New Source Review offset ratio, require major sources to implement Reasonable Available Control Technology (RACT), require the District to identify further emission reduction measures as contingency measures, and would require extensive planning efforts to demonstrate progress.

The California Clean Air Act and the California Health and Safety Code requires state nonattainment areas to adopt control measures in an attainment plan to achieve California's ambient air quality standard by the earliest practicable date. Section 40914 of the California Health and Safety Code requires each district plan to demonstrate that the plan includes "every feasible measure." As long as the District remains in nonattainment for the CAAQS for ozone, the District has a responsibility to identify additional feasible measures to reduce emissions of ozone precursors including VOCs.

Feasible measures for reducing ozone precursors include limiting throughput at retail and bulk plant GDFs, motor vehicle and mobile equipment coating facilities, adhesives, sealants, graphic arts and printing facilities, malt beverage production facilities, fiberglass, and polyester resin product manufacturing facilities, and drycleaning facilities.

Meeting the State requirements for GDF facilities is the cost of doing business in California and requires significant District resources to maintain. This cost should be supported by those facilities realizing the benefit of operating here.

California Health and Safety Code, Section 42300 allows the District's Governing Board to establish, by rule, a permit program that requires obtaining a permit from the Air Pollution Control Officer prior to constructing or modifying any equipment which emits or may emit air contaminants. In Butte County, this has been implemented by requiring a permit to construct and operate for each emissions unit operated at a stationary source.

### **Program Cost Analysis and Proposed Fee**

Retail GDFs in the District are required to apply for and maintain a Permit to Operate for their facilities. Considering all stationary source categories permitted by the District, GDFs account for the largest expenditure of staff resources spent on a single source category. The most current (FY 21/22) analysis of program costs shows that the GDF program cost the District \$247,588.05 while revenue for the program totaled only \$64,156.60. The Board adopted Fiscal Policies seeks at least 90% cost recovery for programs. Historic cost recovery has been about 23% per year.

Retail GDF's are the only facility type that the public operate without training which increases the maintenance requirements of regulated equipment. Conducting inspections frequently and interacting with facility owners is critical to assure GDF vapor recovery systems are operated and maintained according to State requirements and to protect the public from the effects of benzene emissions and maintain current ozone attainment status in the District.

The proposed new fee will not impact rural or low throughput GDF's as throughputs under 30,000 gallons a year are exempt. The proposed new fee will cost facilities between 0.021% to 0.375% of annual gasoline sales depending on throughput rates. 82 of the 90 permitted retail GDFs will be subject to the proposed new fee.

Retail GDF Annual Throughput (gallons)	Throughput Fee Multiplier*	Fee	Fee as a Percentage of Gasoline Sales**	Impacted Facilities
0 - 29,999	0x	\$0	0%	8
30,000 - 600,000	5.5x	\$536.97	0.021% - 0.375%	52
600,001 - 1,000,000	20.5x	\$2,001.42	0.044% - 0.066%	10
1,000,001 - 5,000,000	51.5x	\$5,027.95	0.033% - 0.106%	19
5,000,001 +	103x	\$10,055.89	0.021%	1

\* x represents the current District hourly rate of \$97.63 per hour.

\*\* Based on the average cost of 1 gallon of gasoline in Butte County (\$4.70) provided by AAA on April 19, 2023.

### Other District GDF Fee Strategies

Several Districts have throughput fees already in place for retail GDF's. Rule 2:11 from Shasta County Air Quality Management District charges \$27-\$169 per facility. Rule 405 from North Coast Unified Air Quality Management District charges \$303 to \$1425 per facility annually. Rule 1-300 from Mendocino County Air Quality Management District charges facilities \$3.32 to \$6.64 per 1000 gallons of gasoline dispensed. Rule 301 from Monterey Bay Air Resources District charges facilities \$274 to \$8411 per facility depending upon annual throughput.

Other neighboring Districts have emission-based fees. Rule 500 from Colusa County Air Pollution Control District charges \$237.50 for the first ton of emissions and \$39 per additional ton. Rule 156 from Glenn County Air Pollution Control District charges emission fees when facilities exceed 5 tons per year of emissions. Rule 7.6 from Feather River Air Quality Management District charges \$10.45 per ton of emissions. Rule 4.1 from Yolo-Solano Air Quality Management District charges \$45 per ton of emissions. Rule 601 from Placer Air Quality Management District charges \$25.19 per ton of emissions.

There are two (2) neighboring Districts without throughput or emission fees for retail GDF's. These Districts are the Northern Sierra Air Quality Management District which includes Nevada, Plumas and Sierra Counties, and the Tehama County Air Pollution Control District.

Placer Air Quality Management District received Board approval to increase Stationary Source Permit fees in April 2018. The approved increase included four (4) annual steps of 10%, 9%, 8% and 7%. The last step went into effect this year.

The District reached out to other neighboring Districts to inquire about the cost recovery of their Stationary Source Permit Programs. Yolo-Solano Air Quality Management District achieved 91% cost recovery for Fiscal Year 2021/2022 and has an emission fee charged to facilities annually.

Feather River Air Quality Management District does have a minimal emission fee, but their cost recovery is achieved by billing facilities for actual time spent on inspections, evaluations and processing renewal permits on top of a base renewal fee. Feather River Air Quality Management District tracks time spent on a facility throughout the year and bills for actual time spent when the permit comes up for renewal.

## Proposed Rule Amendment Outreach and Comments Received

The District sent post cards **to all permitted retail GDF** facilities on March 28, 2023, to notify these facilities of the proposed amendments and April 27, 2023 Public Hearing.

- The District received one phone call in response to this outreach from an independently owned retail GDF in Paradise. The District explained the proposed changes to the facility owner and informed them of the hearing date. This facility indicated they would not likely attend the hearing and had no further comment.
- APCO Stephen Ertle contacted the two (2) highest throughput, locally owned, retail GDF's in the District to explain the proposed amendments to this Rule and invite them to provide written comments and/or attend the Public Hearing. After a discussion about the intent for cost recovery of the program and providing them with the specific fees proposed both facilities determined they would not provide written comments and would likely not attend the hearing as they understand the need to recover costs and maintain a level regulatory playing among all GDF facilities.
- No written comments have been received to date.

### Attachments:

Resolution 2023-02 Amendments to Rule 500 – Stationary Source Permit Fees

Staff Report for Proposed Amended Rule 500 – Stationary Source Permit Fees



**RESOLUTION 2023-02  
BEFORE THE BOARD OF DIRECTORS OF  
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA  
AMENDMENTS TO RULE 500 – STATIONARY SOURCE PERMIT FEES**

Resolution 2023-02 .....)  
Adopt Proposed Amended Rule 500 .....)  
Stationary Source Permit Fees .....)

WHEREAS, the Butte County Air Quality Management District Board obtains its authority to adopt, amend, or repeal rules and regulations from California Health and Safety Code Sections 40000, 40001, 40701, 40702;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed rules are written such that the meaning can be understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3));

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed rules adopted herein are in harmony with, and not in conflict with or contradictory to existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4));

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the adoption of amended Rule 500, Stationary Source Permit Fees, is necessary to improve cost recovery on retail gas dispensing facilities by authorizing a new emissions-based Throughput Fee for retail facilities dispensing more than 30,000 gallons annually;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amended Rule 500 does not duplicate local, state or federal rules or regulations for permitting programs;

AND WHEREAS, the District staff has made notice of and held public workshop meetings on the proposed amended rules and received comments as included in the Board report, which are included herein as a record of those proceedings;

AND WHEREAS, the Butte County Air Quality Management District Board conducted public hearings on October 20, 2022 and November 17, 2022 concerning the proposed amended rule herein;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby adopts, with an effective date of April 27, 2023, amended Rule 500 – *Stationary Source Permit Fees*, as proposed in the attachments to the March 28, 2023 Staff Report.

On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 27<sup>th</sup> of April 2023 by the following:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.

ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board

# STAFF REPORT

## **Proposed Amendments to Rule 500 - *Stationary Source Permit Fees***

Date of Release: March 28, 2023  
Proposed for Adoption: April 27, 2023

### **Schedule of Hearings**

- Date of Board Adoption Hearing: Thursday, April 27, 2023 at 10:00 a.m., Butte County Association of Governments Board Room, 326 Huss Drive, Suite #100, Chico, CA 95928

**STAFF REPORT**

**Proposed Amendments to Rule 500-Stationary Source Permit Fees**

Date of Release: March 28, 2023

Proposed for Adoption: April 27, 2023

Public Adoption Hearing: Thursday, April 27, 2023  
at 10:00 a.m., Butte County Association of Governments Board Room,  
326 Huss Drive, Suite #100, Chico, CA 95928

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- Attachment A.** Proposed Amended Rule 500-Stationary Source Permit Fees
- Attachment B.** Notice of Public Workshops and Hearing
- Attachment C.** Resolution of Adoption

## STAFF REPORT

### *Executive Summary*

*The federal Clean Air Act, California Health and Safety Code, and local Rules and Regulations of the Butte County Air Quality Management District (District) establish requirements on the District to develop, implement and enforce numerous programs designed to achieve and maintain ambient air quality standards and protect public health. These programs have primarily been funded from District fee sources, such as regulatory and/or user fees (including burn permit fees, stationary source permit fees and State subvention funding). The District does not utilize any County or City general funds.*

*The fees are collected as required by various rules contained in the District Rules and Regulations. A new fee for Retail Gas Dispensing Facilities (GDFs) is being proposed in response to the cost recovery deficit of the stationary source permit program for GDFs. This draft proposes authorizing a new emissions-based, Throughput Fee for Retail GDFs with annual throughputs of 30,000 gallons or more.*

*GDF facilities are unique in the fact that vapor recovery nozzles are the only District permitted equipment that is operated by the public with no prior training or protective equipment requirements. GDF nozzles are a critical source of criteria and toxics emissions requiring significant permitting, testing, and inspection oversight by District staff to assure State and local requirements of operation, maintenance and performance testing are met.*

## 1.0 PROGRAM MANDATES AND REQUIREMENTS

The Butte County Air Quality Management District (District) regulates and enforces various State, local and federal air pollution regulations. The regulations are implemented through various programs, many of which are mandated by State and federal statute. Funding for these programs is primarily through permit fees, State subvention and surcharges on motor vehicle registrations. No local general funds are utilized.

**Table 1**  
State and Federal Mandates and Authorities  
Butte County Air Quality Management District

<b>Program Element</b>	<b>Applicable Code</b>
Control of air pollution shall be through cooperative efforts of State and local governments.	CAA <sup>1</sup> Section 102
Federal requirement for a State Implementation Plan	CAA Section 110
Control of air pollution is to be an intensive State, regional and local effort.	HSC <sup>2</sup> Section 39001
Air pollution is a mandated local and regional responsibility.	HSC Section 39002, 40000
State mandate for air district	HSC Section 40002
State mandate for office of Air Pollution Control Officer (APCO)	HSC Section 40750
Required duties of the APCO	HSC Section 40752 et seq
Requirement for local District Regulations	HSC Sections 40001, 40702
District program must achieve and maintain State and federal ambient air quality standards	CAA Section 110; HSC Section 41500
Stationary source permit systems and fees, including APCO authority to issue or deny permits, require information from an applicant, enforce permit conditions and suspend permits.	CAA Sections 110, 502; 40 CFR <sup>3</sup> Part 52, 40 CFR Part 60, 40 CFR Part 63; 40 CFR Part 70; HSC Section 42300 et seq.
Agricultural burning permit systems and fees, including requirement to allow agricultural burning.	HSC Sections 41852, 41865 and 42311; CCR <sup>4</sup> Section 80100 et seq.
State mandate for attainment plan(s)	HSC 40910 et seq
State mandate for District to supply State information related to air pollution control efforts	HSC 39605
Mandate to implement air toxic programs	CAA Section 300, 40 CFR 63; HSC Section 39665 et seq, 44300 et seq; CCR Section 90700 et seq.
Participation in environmental review process (CEQA)	PRC <sup>5</sup> Section 21000 et seq.
Provide access to public records while protecting from disclosure confidential and proprietary information.	Government Code Section 6254 et seq.

1. CAA refers to the federal Clean Air Act Amendments of 1990.
2. HSC refers to the California Health and Safety Code.
3. CFR refers to the Code of Federal Regulations.
4. CCR refers to the California Code of Regulations.
5. PRC refers to the California Public Resources Code.

## 2.0 PROPOSITION 26 AND RATE SETTING

Proposition 26 was adopted by the voters in California on November 2, 2010 and restricts the ability of state and local agencies to raise revenues to fund government services, facilities, and programs. Proposition 26 generally defines all “fees” as “taxes” with noted exceptions including Regulatory Fees. For taxes proposed by local governments, if the tax is a general tax requires a majority vote of the electorate and if it is a special tax it requires a 2/3 voter approval. A Regulatory Fee is defined as “*A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections and audits, enforcing agricultural marketing orders, and administrative enforcement and adjudication thereof.*” Proposition 26 also requires that fees must be imposed for a specific benefit conferred or privilege granted, not to exceed the reasonable cost of providing the benefit, privilege or service. The fees must be proportional to the benefits received and reduced fees may not be offered to a subgroup if the fees from other sources will be used to offset the costs. The stationary source permit fees identified in Rule 500 are regulatory fees and are not subject to approval by vote of the electorate.

## 3.0 RETAIL GDF STATIONARY SOURCE PERMIT PROGRAM

California Health and Safety Code, Section 42300 allows the District’s Governing Board to establish, by regulation, a permit system that requires a person to get a permit from the Air Pollution Control Officer prior to constructing or modifying any equipment which emits or may emit air contaminants. In Butte County, this has been implemented by requiring a permit to construct for each emissions unit operated at a stationary source. An “emissions unit” is defined as “*an identifiable operation or piece of process equipment such as an article, machine, or other contrivance which emits, may emit, or results in the emission of any affected pollutant directly or as fugitive emissions.*” Retail GDFs in the District are required to apply for and maintain a Permit to Operate for their facilities. Considering all stationary source categories permitted by the District, GDF facilities account for the largest amount of staff resources spent on a single source category. The most current (FY 21/22) analysis of program costs shows that the GDF program cost the District \$247,588.05 while revenue from permit fees totaled only \$64,156.60. Current District policies seek for at least 90% cost recovery for programs. Last year’s cost recovery was 23%.

## 4.0 PROPOSED RULE AMENDMENTS

The District is proposing to implement a new fee for Retail GDF’s with an annual throughput of 30,000 gallons or more. Table 2 below shows the proposed new fee structure:

**Table 2 – Proposed New Retail GDF Fee**

Retail Gasoline Storage Facility Throughput Fee	Multiplier Rate <sup>1</sup>	New Fee	Impacted Facilities
Annual Throughput of 30,000 to 600,000 gallons	5.5x	\$ 536.97	52
Annual Throughput of 600,000 to 1,000,000 gallons	20.5x	\$ 2,001.42	10
Annual Throughput of 1,000,001 to 5,000,000 gallons	51.5x	\$ 5,027.95	19
Annual Throughput of 5,000,001 gallons or more	103x	\$10,055.89	1

1. The current hourly rate is \$97.63.

## 5.0 PROGRAM ELEMENTS AND COSTS

The Stationary Source Permit Program consists of several distinct program elements that are mandated by state law which are collectively implemented through the issuance of a permit and the collection of information needed to verify compliance with the underlying state mandate. Examples of the program elements include the annual renewal of each sources Permit(s) to Operate, compliance inspections, and submittal of the Emissions Inventory to the California Air Resources Board (CARB).

In support of the District programs, staffing is currently as follows:

- One (1) Administrative Assistant
- One (1) Administrative Technician
- One (1) Accounting Technician
- One (1) Administrative Services Officer
- One (1) Air Quality Compliance Specialist II
- One (1) Senior Air Quality Compliance Specialist
- One (1) Air Quality Compliance Specialist I
- One (1) Air Quality Engineer I
- One (1) Senior Air Quality Planner
- One (1) Assistant Air Pollution Control Officer
- One (1) Director/Air Pollution Control Officer

District cost analysis shows that more than 1635 hours per year of staff time is spent on GDF's. In Fiscal Year 2021-2022, the District spent a total of 5338 hours on the stationary source permit program. This equates to 30% of staff time on stationary source permitting is spent solely on GDF's. The District is proposing to implement a new fee for Retail GDF's with an annual throughput of 30,000 gallons or more.

### 5.1 Current Program Costs and Revenues

The District has reviewed the total revenue associated with the Stationary Source Operating Permit Program and the total staff time required to implement specific core provisions of the program. Direct costs and indirect costs were used to determine the total program cost and that dollar amount was then compared to the revenue to determine the relative percent cost recovery. Fiscal year 2021-2022 was used for the analysis.

**Table 3 FY 21-22 Program Costs and Revenues**

<b>Program</b>	<b>State Mandate</b>	<b>Federal Mandate</b>	<b>Direct Revenue</b>	<b>Program Costs<sup>1</sup></b>	<b>Percent Cost Recovery</b>
GDF	Yes	Yes	\$64,156.60	\$247,588.05	26%

1. Program costs include direct staff hours spent implementing the program elements along with fully-loaded overhead costs.



## 5.2 Estimated Cost Impacts

Using \$5.08 for the average cost for a gallon of gasoline (AAA posted average for Butte County on August 30, 2022), facilities subject to the proposed new Retail GDF Throughput Fee will pay between 0.019% and 0.347% of sales of each gallon dispensed annually. The proposed new Retail GDF Throughput Fee is estimated to bring an additional \$153,000 in revenue for the District annually. This will increase cost recovery from 26% to 88% which gets close to the District policy goal of at least 90% cost recovery. Table 4 below shows the estimated cost recovery of the program including this proposed additional revenue.

**Table 4 Projected Cost and Revenues for GDFs**

<b>Program</b>	<b>State Mandate</b>	<b>Federal Mandate</b>	<b>Direct Revenue</b>	<b>Program Costs<sup>1</sup></b>	<b>Percent Cost Recovery</b>
GDF	Yes	Yes	\$217,156.60	\$247,588.05	88%

1. Projected Program costs include direct staff hours spent implementing the program elements along with fully loaded overhead costs.

## 6.0 ALTERNATIVES

The Governing Board may choose to:

- a) Approve the amendments as proposed; or
- b) Modify the proposed amendments after receiving public comments during the hearing; or
- c) Take no action or deny the proposed amendments.

## 7.0 SOCIOECONOMIC IMPACTS

The provisions of Section 40728.5 of the California Health and Safety Code, requiring an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of any District rule or regulation does not apply to air districts in the Northern Sacramento Valley Air Basin. Section 40728.5(c) exempts districts with a population of less than 500,000 persons from the required socioeconomic impact analysis. Since the Butte County population is less than 500,000 persons, a socioeconomic analysis is not required.

## 8.0 ENVIRONMENTAL REVIEW AND COMPLIANCE

Proposed Amendments are administrative in nature. Pursuant to state CEQA Guidelines, (General Exemption, Section 15061(b)(3)) the District finds that the adoption of proposed amendments are exempt from CEQA. This exemption is allowed when it can be seen with certainty that there is no possibility that the rule will have a significant effect on the environment.

California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by adoption of the proposed rule amendments.

## 9.0 REQUIRED FINDINGS

Findings required by Division 26 of the California Health and Safety Code requires local districts to comply with a rule adoption protocol as set forth in Section 40727 of the Code. This section has been revised through legislative mandate to contain six findings that the District must make when developing, amending, or repealing a rule or regulation. These findings, and their definitions are included in Table 5.

**Table 5 Required Findings**

<b>FINDING</b>	<b>DEFINITION</b>	<b>REFERENCE</b>
Authority	A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions	California Health and Safety Code, Sections 40000, 40001, 40701, 40702, 41512, 41865, 41866, 42311, 42364, and 44380 are provisions of law that provide the District with the authority to adopt these proposed rules.
Necessity	The District has demonstrated that a need for the rule, or for rule amendment or repeal.	It is necessary for the District to adopt these amendments to reduce fees for certain types of Permit Categories.
Clarity	The rule is written or displayed so that its meaning can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rules are written in such a manner that they can not be easily understood by persons affected by the rules.
Consistency	This rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The District has found that these rules are consistent with applicable statutory requirements.
Non-Duplication	The rule does not impose the same requirements as an existing State or federal regulation, unless the District finds that the requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the district.	The proposed rules do not impose requirements that duplicate existing laws or regulations.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	California Health and Safety Code, Sections 40701, 40702, 41512, 41865, 41866, 42311, 42362, and 44380.

## 10.0 REFERENCES

**Attachment A.** Proposed Amended Rule 500 – *Stationary Source Permit Fees*

**Attachment B.** Notice of Public Hearing

**Attachment C.** Resolution of Adoption

**Attachment A**  
**Proposed Amended Rule 500 – *Stationary Source Permit Fees***

**RULE 500 Stationary Source Permit Fees**

*(Adopted January 4, 1972; Amended August 8, 1982; Amended and Recodified August 6, 1985;  
Amended December 16, 1986, December 13, 1988; Amended and Recodified June 24, 1999;  
Amended May 24, 2001; Recodified August 22, 2002; Amended July 27, 2006, Amended August 23, 2012,  
Proposed April 27, 2023)*

**RULE 500 CONTENTS**

1. PERMIT TO OPERATE
2. AUTHORITY TO CONSTRUCT
3. TRANSFER OF OWNERSHIP
4. PERMIT ISSUED BY HEARING BOARD
5. INDEMNIFICATION

**RULE 500**

- 1 PERMIT TO OPERATE:** Each applicant for a permit required by Regulation IV of these Rules and Regulations shall pay the Permit to Operate annual permit fee of \$75.00 and pay an additional renewal fee and toxic fee, as specified in Table I of this Rule, on an annual basis due by the permit anniversary date for each permit issued by permit category. These fees are based on the estimated cost of issuance, services rendered, surveillance, evaluation and inspections pertaining to such permits. All fees collected shall be deposited in the Butte County Air Quality Management District's (DISTRICT) Account.

**1.1 Limitation to Permit to Operate Fees**

- 1.1.1** Notwithstanding the above, fees assessed herein shall not result in an increase, on an annual basis, more than allowed by the California Health and Safety Code.
- 1.1.2** If the permit holder certifies in writing that the permitted equipment was not operated during the previous calendar year, the toxic fee shall not be assessed, and the renewal fee shall be assessed at 50% of the amount determined from Table I.
- 1.1.3** If the permit holder certifies in writing that the permitted equipment does not result in the release of a toxic air contaminant, as determined by the California Air Resources Board (CARB), or a hazardous air pollutant, as determined by the United States Environmental Protection Agency (EPA), the toxic fee from Table I shall not be assessed.

- 2 AUTHORITY TO CONSTRUCT:** Each applicant for an Authority to Construct permit shall pay an application filing fee of \$75.00 due at the time the application is filed. In addition, an authority to construct fee and toxic fee shall be due and payable at the time of permit issuance as determined from Table I. All fees collected shall be deposited in the DISTRICT's Account.

**2.1 Limitation to Authority to Construct Fees**

- 2.1.1** Notwithstanding the fees specified in Table I, if the actual costs of processing an Authority to Construct permit application substantially differ from the fees assessed pursuant to this Section, the applicant may be assessed the actual costs, as determined by the Air Pollution Control Officer.
- 2.1.2** Notwithstanding the fees specified in Table I, modifications to less than 50% of the existing facility capacity shall be assessed an authority to construct and toxic fee at 50% of the values listed.
- 2.1.3** If the permit holder certifies in writing that the permitted equipment does not result in the release of a toxic air contaminant, as determined by CARB, or a hazardous air pollutant, as determined by EPA, the toxic fee from Table I shall not be assessed.

- 3 **TRANSFER OF OWNERSHIP:** Each applicant for a permit Transfer of Ownership shall pay a fee of \$60.00 to cover the administrative costs of transferring the permit to the new owner.
- 4 **PERMIT ISSUED BY HEARING BOARD:** A Permit to Operate or Authority to Construct permit issued by the DISTRICT Hearing Board shall be subject to the fees pursuant to this Rule.
- 5 **INDEMNIFICATION:** Each applicant for, and recipient of, an Authority to Construct Permit or Permit to Operate agrees to indemnify, defend and hold the DISTRICT (including its Board Members, officers, directors, managers, employees and agents) harmless and free and clear from and against any liability, debt, obligation, claim, judgment, action, cause of action or cost or expense, of any amount or nature whatsoever incurred by or imposed upon the DISTRICT arising out of, as a result of, related to or in any way in connection with the denial, issuance, modification or renewal of a permit, including a permit by the Hearing Board. Such costs or expenses shall include, but not be limited to, reasonable attorney’s fees, expert witness fees and all other litigation expenses.

Table 4I

PERMIT CATEGORY	<u>Through-put Fee</u>	Renewal Fee (Fee/Unit) *	Toxic Fee (Fee/Unit)	A/C Fee
<b>Abrasive Blasting:</b>				
a. Confined	0	1x	0	2x
b. Unconfined	0	4x	0	8x
<b>Adhesives and Sealants, Graphic Arts, and Printing:</b>				
a. 50 gallons per year or less	0	3x	1x	6x
b. Greater than 50 but less than or equal to 200 gallons per year	0	4x	1x	8x
c. Greater than 200 gallons per year	0	5x	2x	10x
<b>Asphalt Concrete Plant</b>				
a. 100,000 tons per year or less	0	3x	1x	6x
b. Greater than 100,000 but less than or equal to 250,000 tons per year	0	4x	2x	8x
c. Greater than 250,000 tons per year	0	5x	2x	10x
Cabinet Shops	0	3x	1x	6x
Cement Handling Equipment	0	3x	0	6x
Chemical Manufacturing Process Unit	0	4x	0	8x
<b>Concrete Batch Plants</b>				
a. 10,000 yd3 per year or less	0	3x	0	6x
b. Greater than 10,000 but less than or equal to 25,000 yd3				

PERMIT CATEGORY	<u>Through-put Fee</u>	Renewal Fee (Fee/Unit) *	Toxic Fee (Fee/Unit)	A/C Fee
per year	<u>0</u>	4x	0	8x
c. Greater than 25,000 yd <sup>3</sup> per year	<u>0</u>	5x	0	10x
Confined Animal Facilities	<u>0</u>	10x	2x	20x
Degreasers				
a. Vapor	<u>0</u>	3x	1x	6x
b. Solvent	<u>0</u>	2x	1x	5x
Drycleaning Operations				
a. Perchloroethylene	<u>0</u>	2x	2x	3x
b. Petroleum-Based Solvents (Multiple Machines)	<u>0</u>	2x	0	3x
Dryer/Kiln	<u>0</u>	2x	0	4x
Electrolytic Plating Operations	<u>0</u>	5x	3x	10x
Ethylene Oxide Sterilizers	<u>0</u>	4x	3x	8x
External Combustion Devices, <del>power</del> Power:				
a. 5 million British thermal units per hour (mmBTU/hr) or less	<u>0</u>	3x	0	6x
b. Greater than 5 mmBTU/hr but less than or equal to 10 mmBTU/hr	<u>0</u>	4x	2x	8x
c. Greater than 10 mmBTU/hr	<u>0</u>	5x	3x	10x
Feed and Grain Facilities	<u>0</u>	4x	0	10x
Fiberglass and Polyester Resin Products Manufacturing	<u>0</u>	4x	2x	8x
Fiberboard Manufacturing	<u>0</u>	20x	5x	40x
Fluid Evaporator	<u>0</u>	2x	0	4x
Gasoline Dispensing Facility and associated vapor recovery system (Non Retail)	<u>0</u>	1x	0	2x
Gasoline Dispensing Facility, loading rack and associated vapor recovery system(s) – Bulk Plant	<u>0</u>	4x	2x	8x
Gasoline Storage, loading rack and associated vapor recovery system(s) - Bulk Terminal	<u>0</u>	10x	5x	20x
Gasoline <del>Storage-Dispensing</del> Facility and associated vapor recovery system- <u>(Retail and Consumer Accounts)</u> <u>—(Retail and Consumer Account)</u>	<u>0</u>	1x	2x	3x
Gasoline Dispensing Phase II Vapor Recovery Nozzle	<u>0</u>	0.4x	<u>0</u>	0.4x
<u>Retail Gasoline Storage Facility Throughput Fee:</u>				
<u>Annual Throughput of 30,000 to 600,000 gallons</u>	<u>5.5x</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Annual Throughput of 600,000 to 1,000,000 gallons</u>	<u>20.5x</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Annual Throughput of 1,000,001 to 5,000,000 gallons</u>	<u>51.5x</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Annual Throughput of 5,000,001 gallons or more</u>	<u>103x</u>	<u>0</u>	<u>0</u>	<u>0</u>



PERMIT CATEGORY	<u>Through-put Fee</u>	Renewal Fee (Fee/Unit) *	Toxic Fee (Fee/Unit)	A/C Fee
<del>Gasoline Dispensing Phase II Vapor Recovery Nozzle</del>		<del>0.4x</del>	<del>0</del>	<del>0.4x</del>
Incinerators:				
a. Pathological Waste	<u>0</u>	4x	2x	8x
b. Crematory	<u>0</u>	4x	0	8x
c. Other	<u>0</u>	4x	2x	8x
Internal Combustion Engine – Diesel-Fueled				
a. First Prime Emissions Unit	<u>0</u>	4x	2x	8x
b. Each Additional Prime Emissions Unit	<u>0</u>	3x	2x	6x
c. Emergency Backup Generator	<u>0</u>	1x	1x	2x
Internal Combustion Engine – Natural Gas or LPG-Fired				
a. First Prime Emissions Unit	<u>0</u>	4x	0	8x
b. Each Additional Prime Emissions Unit	<u>0</u>	3x	0	6x
c. Emergency Backup Generator	<u>0</u>	1x	0	2x
Malt Beverage Production	<u>0</u>	5x	0	10x
Metal Melting Crucibles	<u>0</u>	3x	0	6x
Miscellaneous:	<u>0</u>	5x	0	10x
a. Potential to Emit Less than 2 TPY	<u>0</u>	1x	1x	2x
b. Potential to Emit Equal to 2 TPY to Less than 5 TPY	<u>0</u>	2x	1x	4x
c. Potential to Emit Equal to or Greater than 5 TPY	<u>0</u>	4x	2x	8x
Motor Vehicle and Mobile Equipment Coating				
a. First Spray Paint Booth (including prep station and heater)	<u>0</u>	3x	2x	4x
b. Each Additional Spray Paint Booth (including prep station and heater)	<u>0</u>	1x	0	4x
Municipal Waste Landfill	<u>0</u>	5x	2x	10x
Non-Metallic Mineral Processing Operations (in terms of the annual production rate)				
a. 10,000 tons per year or less	<u>0</u>	5x	0	9x
b. Greater than 10,000 but less than or equal to 100,000 tons per year	<u>0</u>	7x	0	13x
c. Greater than 100,000 tons per year	<u>0</u>	9x	0	17x
Nut Processing Operations				
a. Cleaning, Hulling/Shelling and Drying	<u>0</u>	4x	0	6x
b. Sorting and Packaging	<u>0</u>	3x	0	5x
Oily Water Treatment Systems	<u>0</u>	3x	0	6x
Paint Formulation Facility	<u>0</u>	4x	0	8x
Paint Bake Oven	<u>0</u>	3x	0	6x
Public and Private Waste Water Treatment Works	<u>0</u>	5x	2x	10x
Reclaiming Furnace	<u>0</u>	3x	2x	6x

PERMIT CATEGORY	<u>Through-put Fee</u>	Renewal Fee (Fee/Unit) *	Toxic Fee (Fee/Unit)	A/C Fee
Rendering Plant	<u>0</u>	3x	0	6x
Rice Drying and Milling Operations	<u>0</u>	6x	0	6x
Rice Storage Operations	<u>0</u>	2x	0	4x
Soil Remediation - Aeration	<u>0</u>	N/A	1x	3x
Soil and Groundwater Remediation Process Unit	<u>0</u>	4x	2x	8x
Storage Tank – Petroleum – Fixed or Internal Floating Roof	<u>0</u>	3x	1x	6x
Storage Tank – Petroleum – External Floating Roof	<u>0</u>	4x	1x	8x
Storage Tank – Organic Liquid	<u>0</u>	3x	0	6x
Surface Coating Operations				
a. First Spray Paint Booth (including prep booth and heater)	<u>0</u>	3x	0	4x
b. Each Additional Spray Paint Booth (including heater)	<u>0</u>	1x	0	4x
c. Powdercoating Operations (including blasting/prep booth and curing oven)	<u>0</u>	3x	0	4x
Underground Petroleum Storage Tank Purge and Excavation	<u>0</u>	N/A	0	4x
Underground Petroleum Storage Tank Purge and Relining	<u>0</u>	N/A	0	4x
Wood Products Manufacturing	<u>0</u>	3x	1x	6x
Wood Sawing and Milling Operations	<u>0</u>	5x	0	10x
Wood Treatment Dip Tank	<u>0</u>	3x	0	6x
Wood Pressure Treatment Operations	<u>0</u>	10x	4x	20x

\*Where x is the hourly labor rate set forth in Rule 509

A/C = Authority to Construct Permit

**Attachment B**  
**Notice of Public Hearing**

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Butte County Air Quality Management District (DISTRICT) Governing Board will hold a public hearing to consider amendments to proposed Rule 500—*Stationary Source Permit Fees*. A new fee for Retail Gas Dispensing Facilities (GDFs) is being proposed in response to the cost recovery deficit of the stationary source permit program for GDFs. The amendments to Rule 500 propose to authorize a new emissions-based, Throughput Fee for Retail GDFs with annual throughputs of 30,000 gallons or more.

The time, date, and location of the hearing is:

Public Hearing to Consider Adoption: Thursday, April 27, 2023, at 10:00 a.m., Butte County Association of Governments, 326 Huss Ln, Suite 100, Chico, CA and via Zoom.

The Staff Report and proposed Rule may be reviewed at the District office at the address below or on the District website: [www.bcaqmd.org](http://www.bcaqmd.org). For additional information, including Zoom instructions, please contact Patrick Lucey at (530) 332-9400, ext. 106 or [plucey@bcaqmd.org](mailto:plucey@bcaqmd.org). Written comments on the proposed rule must be submitted by April 26, 2023 to: Board Clerk, Butte County Air Quality Management District, 629 Entler Avenue, Suite 15, Chico, CA 95928.

DATED: March 28, 2023

By: Stephen Ertle  
AIR POLLUTION CONTROL OFFICER

**Attachment C**  
**Proposed Resolution of Adoption**

**RESOLUTION 2023-02  
BEFORE THE BOARD OF DIRECTORS OF  
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA  
AMENDMENTS TO RULE 500 – STATIONARY SOURCE PERMIT FEES**

Resolution 2023-02 .....)  
Adopt Proposed Amended Rule 500 .....)  
Stationary Source Permit Fees .....)

WHEREAS, the Butte County Air Quality Management District Board obtains its authority to adopt, amend, or repeal rules and regulations from California Health and Safety Code Sections 40000, 40001, 40701, 40702;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed rules are written such that the meaning can be understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3));

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed rules adopted herein are in harmony with, and not in conflict with or contradictory to existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4));

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the adoption of amended Rule 500, Stationary Source Permit Fees, is necessary to improve cost recovery on retail gas dispensing facilities by authorizing a new emissions-based Throughput Fee for retail facilities dispensing more than 30,000 gallons annually;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amended Rule 500 does not duplicate local, state or federal rules or regulations for permitting programs;

AND WHEREAS, the District staff has made notice of and held public workshop meetings on the proposed amended rules and received comments as included in the Board report, which are included herein as a record of those proceedings;

AND WHEREAS, the Butte County Air Quality Management District Board conducted public hearings on October 20, 2022 and November 17, 2022 concerning the proposed amended rule herein;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby adopts, with an effective date of April 27, 2023, amended Rule 500 – *Stationary Source Permit Fees*, as proposed in the attachments to the March 28, 2023 Staff Report.

On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 27<sup>th</sup> of April 2023 by the following:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.

ATTEST: \_\_\_\_\_  
Cora Collins, Clerk of the Governing Board

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTLE  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **Resolution 2023-03 of Appreciation Recognizing of Service with the District of Cora Collins at her Retirement.**

**ISSUE:**

Recognition of staff member service with the Butte County Air Quality Management District at retirement.

**ACTION REQUESTED:**

Adopt attached Resolution 2023-03 in recognition of Cora Collins, Administrative Assistant. Cora has been with the District for more than 13 years of which she has provided exemplary service and will be retiring in July. She will be presented this resolution at a retirement celebration later this year.

Attachment:

Resolution 2023-03 Cora Collins Retirement

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**RESOLUTION 2023-03  
BEFORE THE BOARD OF DIRECTORS OF  
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA  
IN RECOGNITION OF CORA COLLINS FOR SERVICE TO  
THE BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT**

Resolution 2023-03.....)  
In Recognition of Cora Collins for Service .....)  
to the Butte County Air Quality Management District .....

**WHEREAS**, Cora Collins, Administrative Assistant and Clerk of the Board of Directors, began her career with the Butte County Air Quality Management District in January 2010;

**AND WHEREAS**, Cora Collins; has provided her fellow employees, community, and the general public with exceptional customer service and administrative support;

**AND WHEREAS**, Cora Collins served as the Safety Officer, and as such, implemented the District's Covid- 19 Response Plan assuring a safe transition to distance and remote work for staff and the public, kept all staff current with workplace safety training and assured all personal protective equipment was ready and available for staff;

**AND WHEREAS**, Cora Collins served as the program manager for the District's Vehicle Maintenance Program which provided safe and reliable transportation for staff performing regular inspections and complaint response;

**AND WHEREAS**, Cora Collins, as Clerk of the Board of Directors coordinated all Board activities including meetings, communications and on-boarding of new Board Members to meet regulatory training and filing requirements with the Secretary of State;

**AND WHEREAS**, Cora Collins, as Honorary District Horticulturalist nurtured the indoor plants at the office to keep our interior Air Quality Index securely in the "Good" range;

**AND WHEREAS**, Cora Collins, as Honorary District Caretaker coordinated basic maintenance and repairs and made sure the conference rooms and break room were always impeccably clean between scheduled janitorial service;

**AND WHEREAS**, Cora Collins earned the respect of fellow employees, the community, and the general public, and diligently served the residents of Butte County for more than 13 years with distinction;

**THEREFORE, BE IT RESOLVED**, that the Butte County Air Quality Management District Board, on its own behalf and on behalf of the residents of Butte County, wish to express to Cora Collins sincere appreciation for her many years of unselfish dedication and outstanding service rendered to the residents of Butte County, and to the District and to wish her all the best in her retirement.

On Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 27<sup>th</sup> day of April 2023 by the following:

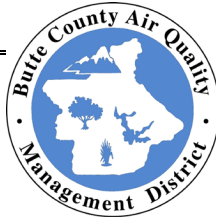
- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 27, 2023.

ATTEST: \_\_\_\_\_  
Clerk of the Governing Board

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TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

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ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTLE  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

Date of Release: April 20, 2023

Board Consideration: April 27, 2023

To: Butte County Air Quality Management District Board of Directors

From: Stephen Ertle, Air Pollution Control Officer

Staff Contact: Stephen Ertle, Air Pollution Control Officer

Re: **APCO Report.**

**ISSUE:**

Report from the Air Pollution Control Officer on current areas of potential interest to your Board, including air-quality related activities at the local, State, and federal scenes.

**ACTION REQUESTED:**

None. This item is provided for information and discussion.

**DISCUSSION:**

The Air Pollution Control Officer will provide a verbal report to the Board.

# BCAQMD ACRONYM REFERENCE

Updated Oct. 2015

-Board of Director's Meeting -

**Summarized below are acronyms commonly used in Board folders and accompanying staff reports.**

A/C	Authority to Construct Permit
AB	Assembly Bill
AMOS	Automatic Meteorological Observation Stations
AP-42	EPA technical reference specifying specific Air Pollutant Emission Factors
APCD	Air Pollution Control District
APCO	Air Pollution Control Officer
AQMD	Air Quality Management District
ATCM	Airborne Toxic Control Measure
AQI	Air Quality Index
BACT	Best Available Control Technology
BAM	Beta Attenuation Monitor (records hourly ambient particulate data)
BCAG	Butte County Association of Governments
BCAQMD	Butte County Air Quality Management District
BCC	Sacramento Valley Basinwide Air Pollution Control Council
BOS	Board of Supervisors
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAP	Climate Action Plan
Cal-EPA	California Environmental Protection Agency
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CARPA	California Air Response Planning Alliance
CBYL	Check Before You Light
Cd	Chemical symbol for cadmium
CEQA	California Environmental Quality Act
CI	Compression Ignition
CO	Chemical symbol for carbon monoxide
CO2	Chemical symbol for carbon dioxide
CPA	Certified Public Accountant
CPI	Consumer Price Index
CSAC	California State Association of Counties
CUA	Chico Urbanized Area
DMV	Department of Motor Vehicles
DTSC	California Department of Toxic Substance Control
EG	Emission Guidelines
EI	Emission Inventory
Emfac	Emission Factor Computer Model
EPA	Environmental Protection Agency (Federal)
ERC	Emission Reduction Credit
ESA	Endangered Species Act
EVR	Enhanced Vapor Recovery
FIP	Federal Implementation Plan
FRM	Federal Reference Method
FY	Fiscal Year (June 30-July 1, unless otherwise stated)
GASB	Governmental Accounting Standards Board
GDF	Gasoline Dispensing Facilities
GFOA	Governmental Finance Officers Association
GHG	Greenhouse Gases
GWP	Global Warming Potential
HAP	Hazardous Air Pollutants
HCl	Hydrochloric Acid
Hg	Chemical symbol for mercury
HRA	Health Risk Assessments
HSC	Health & Safety Code
ICE	Internal Combustion Engine

# BCAQMD ACRONYM REFERENCE

Updated Oct. 2015

## -Board of Director's Meeting -

ISD	In-Station Diagnostics
ISR	Indirect Source Review
LESB	Lower Emission School Bus program
Mb	Millibar
Mg/Yr	Milligrams per year
Micron	Abbreviation of Micrometer or 1,000,000th of a meter in size
MPO	Metropolitan Planning Organization
Msl	Mean sea level
MMT CO2	Million Metric Tons of Carbon Dioxide equivalent emissions
MSW	Municipal Solid Waste
NAAQS	National Ambient Air Quality Standard
NACAA	National Association of Clean Air Agencies
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NMOC	Non-Methane Organic Compound
NON	Notice of Noncompliance
NOx	Oxides of Nitrogen
NSPS	New Source Performance Standards
NSR	New Source Review
NTA	Notice to Apply for a Permit
NTC	Notice to Comply
OEHHA	California Office of Environmental Health Hazard Assessment
OAL	Office of Administrative Law
ORVR	Onboard Refueling Vapor Recovery
Pb	Chemical symbol for lead
PERP	Portable Equipment Registration Program
PM	Particulate Matter
PM 10-2.5	Particulate Matter 10 Microns in Size and smaller, but greater than 2.5 Microns
PM10	Particulate Matter 10 Microns in Size and smaller
PM2.5	Particulate Matter 2.5 Microns in Size and smaller
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
RICE	Reciprocating Internal Combustion Engine
RCRC	Regional Council of Rural Counties
RRF	Relative Reduction Factor
RSD	Remote Sensing Device
SB	Senate Bill
SDRMA	Special District Risk Management Authority
SF	Square Foot
SIC	Standardized Industrial Classification
SIP	State Implementation Plan
SLCP	Short-lived Climate Pollutant
SO2	Chemical symbol for sulfur dioxide
SSI	Size Selective Inlet (applies to particulate samplers)
TAC	Technical Advisory Committee of the BCC
TARMAC	CAPCOA Toxics and Risk Managers Committee
TEIP	Toxic Emission Inventory Plan
TEIR	Toxic Emission Inventory Report
Title 17	California Code of Regulations, Administrative Law adopted by the California Air Resources Board, and referencing in this Board folder the Agricultural burn guidelines
ug/m3	Micrograms per cubic meter
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
VEE	Visible Emission Evaluation Certification
VOC	Volatile Organic Compound
WUI	Wildland Urban Interface
YTD	Year to Date