



## **Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting of October 28, 2021**

### Members Present:

Tami Ritter	Supervisor, District 3
Tod Kimmelshue	Supervisor, District 4
Doug Teeter	Supervisor, District 5
Alex Brown	Councilmember, Chico
Angel Calderon	Councilmember, Gridley
Chuck Reynolds	Mayor, City of Oroville

### Staff Present:

Stephen Ertle	Air Pollution Control Officer
Aleah Ing	Administrative Services Officer
Jason Mandly	Senior Air Quality Planner
Dave Campbell	Air Quality Compliance Specialist
Laurie LaGrone	Administrative Technician
Cora Collins	Clerk of the Board

### Members Remote:

John Busch	Vice Mayor, Biggs
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### Staff Remote:

Patrick Lucey	Air Quality Engineer
Greg Einhorn	District Counsel

### Members Absent:

Bill Connelly	Supervisor, District 1
Debra Lucero	Supervisor, District 2
Rose Tryon	Councilmember, Town of Paradise

Due to the COVID-19 pandemic, the meeting was closed to public attendance. Public comments were accepted before and during the meeting by emailing [ccollins@bcaqmd.org](mailto:ccollins@bcaqmd.org).

### **1. Call to Order.**

Chair Ritter called the meeting to order at 10:00 a.m. at the BCAG Conference Room, 326 Huss Drive, Suite 150, Chico, California.

### **Roll Call.**

**PRESENT:** Supervisor Ritter, Supervisor Teeter, Councilmember Calderon, Councilmember Brown, Mayor Reynolds.

**REMOTE:** Vice Mayor Busch.

ABSENT: Supervisor Connelly, Supervisor Lucero, Supervisor Kimmelshue, Councilmember Tryon.

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

No additions or deletions.

**3. Consent Agenda.**

- 3.1 Minutes of the September 23, 2021, 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 2021-2022.
- 3.4 Status Report on Calendar of Events.
- 3.5 Status Report on Communications.

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

Board comments: None.

Public comments: None.

**A motion was made by Councilmember Brown and seconded by Mayor Reynolds to approve the Consent Agenda.**

**Motion carries by the following vote:**

- AYES: Supervisor Ritter, Supervisor Teeter, Councilmember Calderon, Councilmember Brown (Motion), Vice Mayor Busch, Mayor Reynolds (Seconded).
- NOES: None.
- ABSTAIN: None.
- ABSENT: Supervisor Connelly, Supervisor Lucero, Supervisor Kimmelshue, Councilmember Tryon.

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

No items removed.

**5. Architectural Coatings SCM and Potential Rule Amendment.** The District's current attainment plan and the California Clean Air Act require that the District consider feasible control measures to achieve attainment with State air quality standards. CARB updated Architectural Coating Suggested Control Measures (SCM) in 2007, 2019 and 2020. District Rule 230 Architectural Coatings was last amended in 2002 and incorporated the 2000 version of State's SCM's.

**ACTION REQUESTED: Provide direction on Rule 230 Amendments to include current State SCM changes to be adopted at a future Governing Board meeting.**

Patrick Lucey, Air Quality Engineer. Butte County is currently designated nonattainment for the California Ambient Air Quality Standard (CAAQS) for ozone. To meet California Clean Air Act requirements, the District participates in the Northern Sacramento Valley Planning Area Triennial Air Quality Attainment Plan. The current Attainment Plan and Health & Safety Code Section 40914 require air districts to *consider every feasible measure* to attain the CAAQS for

ozone by the earliest practicable date. CARB and the Attainment Plan considers the adoption of SCMs as a feasible measure.

SCMs are developed by CARB to be used as a model rule by air districts and to encourage consistency and uniformity throughout the state. Development of SCMs considers improvements in technology, survey results, emission reductions, cost effectiveness, and economic impacts. District Rule 230 Architectural Coatings is based on the Architectural Coatings SCM developed by CARB in 2000. The SCMs for Architectural Coatings were developed to reduce emissions of Reactive Organic Gases (ROG), a precursor to ground level ozone. CARB updated their SCM for Architectural Coatings in 2007, 2019, and 2020.

The Board discussed what would happen if the Board chose not to amend Rule 230 to include current State SCM changes. Stephen Ertle replied, most of the changes to the current SCMs have been adopted by the largest districts in the State and most manufacturers develop their products to meet those same standards. Workshopping and the amendment process wouldn't be a big impact but doing so would look good on our attainment. The Board directed staff to commence with the Rule 230 amendment process.

Public comment: None.

**A motion was made by Supervisor Teeter and seconded by Supervisor Ritter to commence the Rule 230 amendment process with stakeholder outreach and public workshopping to incorporate the most current SCMs (2007, 2019, & 2020) and recognize future SCM changes.**

**Motion carries by the following vote:**

**AYES:** Supervisor Ritter (Seconded), Supervisor Teeter (Motion), Councilmember Calderon, Councilmember Brown, Vice Mayor Busch, Mayor Reynolds.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Supervisor Connelly, Supervisor Lucero, Supervisor Kimmelshue, Councilmember Tryon.

Supervisor Kimmelshue arrived at 10:15 a.m.

- 6. Carl Moyer Lawn and Garden Equipment.** The existing statewide Carl Moyer Program allows for the funding of lawn and garden equipment replacement projects.

**ACTION REQUESTED: Provide direction.**

Jason Mandly, Senior Air Quality Planner. AB 1346 (Air pollution: small off-road engines) was signed into law by Governor Newsom on October 9, 2021. This bill directs the California Air Resources Board (CARB) to develop regulations that phase out the sale of small off-road engines. CARB was also directed to identify and, to the extent feasible, make available sources of incentive funding to fund new zero-emission equipment.

Carl Moyer Program State Guidelines include the option to run a Lawn & Garden Equipment Replacement Program. The program would allow for a \$145 voucher to go towards the sale of a cordless zero-emission lawn mower - residential only. An existing gasoline lawn mower must be destroyed. To implement this program, the District would need to update the Carl Moyer Policies and Procedures Manual and enter into agreements with electric lawn mower retailers as well as recycling facilities qualified to handle hazardous waste. It is uncertain if additional funding would go towards a new program or the existing Carl Moyer Program.

The Carl Moyer Program includes several project categories that Air Districts can prioritize. Historically, the District prioritized heavy-duty off-road and on-road equipment replacement projects, ranked by cost-effectiveness. Carl Moyer State Reserve funds provide additional funding for specific categories (log trucks, school buses, infrastructure, etc.).

The Board discussed the Lawn & Garden Equipment Replacement Program and options. The Board directed staff to wait and see how the State program develops.

Public Comments: None.

7. **2021 Biannual AQ Report for April-September.** Report on air quality conditions in Butte County through September 2021. Focus will be on the summer ozone season.

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

Jason Mandly, Senior Air Quality Planner, reported on air quality conditions for the summer months of 2021 with a focus on ozone pollution. Based on preliminary monitoring data, the Paradise – Airport monitoring location exceeded the federal 8-hour ozone standard (70 parts per billion) on nine (9) days during 2021 with the highest exceedance being on August 25, 2021 (78 ppb). Preliminary analysis of the data shows eight (8) of the nine (9) ozone exceedances in Paradise were during wildfire smoke impacts. There were no exceedances of the federal 8-hour ozone standard at the Chico – East Avenue monitoring location. The District will evaluate if the exceedances were due to Exceptional Events (wildfires) and report the impacted days to CARB and US EPA by May 2022.

Butte County was designated nonattainment for the 2015 federal 8-hour ozone standard (70 parts per billion) by the US EPA effective August 3, 2018. Butte County was provided a marginal designation with a deadline to reach attainment by August 3, 2021. Without wildfire impacts excluded, the 2018-2020 design value for Butte County is estimated to be 73 parts per billion. CARB submitted documentation to US EPA on September 17, 2021 asking for days that were impacted by Exceptional Events (wildfires) in 2018 be excluded from the design value calculation. If US EPA concurs, the expected 2018-2020 design value is 70 parts per billion which would meet the 2015 federal 8-hour ozone standard. CARB is also submitting an Exceptional Events demonstration for the 2020 wildfires in case additional support is needed to meet the standard. District staff will update your Board on final determinations by US EPA when they are made.

Mayor Reynolds left the meeting at 10:24 a.m. and returned at 10:26 a.m.

Board comments: Supervisor Ritter asked about the reduction in stationary sources. Jason Mandly replied that a "Moderate" designation could trigger additional permit requirements, Reasonable Available Control Measures (RACM).

Public Comments: None.

8. **Consider 3-Year Memorandum of Understanding with the Butte County AQMD Employees' Association.** Consider approving a new 3-Year Memorandum of Understanding with the Butte County AQMD Employees' Association.

**ACTION REQUESTED: Adopt Resolution 2021-23 approving the 3-Year Memorandum of Understanding with the Butte County AQMD Employees' Association and authorize the Chair to sign.**

Greg Einhorn, District Counsel, stated that District management have negotiated with the Employees on the terms of a new Memorandum of Understanding (MOU). At previous meetings, the Board provided direction to staff on several issues. Agreements have been reached on all terms. Greg Einhorn requested adoption of Resolution 2021-23 approving the 3-Year Memorandum of Understanding with the Butte County AQMD Employees' Association and authorize the Chair to sign. A 5% pay adjustment for Year 1, effective October 1<sup>st</sup>. The Employees' Association will meet and confer for Years 2 and 3 potential pay adjustment.

Board asked for a clarification of the pay adjustment. Greg Einhorn provided a clarification. The Board adopted Resolution 2021-23 approving the 3-Year MOU with the BCAQMD Employees' Association.

Public Comments: None

**A motion was made by Supervisor Teeter and seconded by Supervisor Kimmelshue to adopt Resolution 2021-23 approving the 3-Year Memorandum of Understanding with the Butte County AQMD Employees' Association and authorize the Chair to sign.**

**Motion carries by the following vote:**

**AYES:** Supervisor Ritter, Supervisor Kimmelshue (Seconded), Supervisor Teeter (Motion), Councilmember Calderon, Councilmember Brown, Vice Mayor Busch, Mayor Reynolds.  
**NOES:** None.  
**ABSTAIN:** None.  
**ABSENT:** Supervisor Connelly, Supervisor Lucero, Councilmember Tryon.

**9. Receive Report and Recommendation from Executive Committee: APCO Performance Evaluation and Proposed Contract Amendment.** APCO annual performance evaluation and staff 360 review.

**ACTION REQUESTED:** Approve the attached amendment to the APCO's contract as supported by the Executive Committee and authorize the Chair to sign the contract amendment.

Greg Einhorn, District Counsel, reported that the Executive Committee of the Board conducted the annual performance evaluation for the APCO. The evaluation included input from District Staff and the Committee members. The Committee presented the results of the evaluation to the APCO at the last Board meeting and recommend the following amendments to the current three-year (2020-2023) APCO Employment Contract.

Annual Salary, Section 4.01. (a) and (b): Increase the annual salary by 5%, from \$108,701 to \$114,136. The salary adjustment would be effective May 31, 2021.

Board comments: Supervisor Ritter mentioned, a thorough survey was conducted with the Executive Committee and District staff. Staff comments were "Truly impressive". She thanked Stephen for his work. The Board approved the amendments to the APCO's contract.

Public Comments: None

**A motion was made by Supervisor Teeter and seconded by Mayor Reynolds to approve the amendment to the APCO's contract as supported by the Executive Committee and authorize the Chair to sign the contract amendment.**

**Motion carries by the following vote:**

**AYES:** Supervisor Ritter, Supervisor Kimmelshue, Supervisor Teeter (Motion), Councilmember Calderon, Councilmember Brown, Vice Mayor Busch, Mayor Reynolds (Seconded).

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Supervisor Connelly, Supervisor Lucero, Councilmember Tryon.

- 10. Presentation: Recognition of Service Plaques.** The Board will recognize staff members for their tenures with the District.

**ACTION REQUESTED: Presentation of resolutions of appreciation.**

Stephen Ertle, APCO, introduced new staff members, Dave Campbell, Air Quality Compliance Specialist and Laurie LaGrone, Administrative Technician. Then he presented recognition of service plaques to Jason Mandly for 10 years of service, Cora Collins for 10 years of service and Aleah Ing for 20 years of service.

- 11. APCO Report.** 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.

There was no APCO report.

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

- 12. Other Business.**

Supervisor Kimmelshue related, on behalf of the farmers, how they appreciated efforts of Ursula Parker and Stephen Ertle.

- 13. 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.

No public comments

- 14. Adjourn to Closed Session.** Conference with Labor Negotiators.  
(Government Code Section 54957.6)

Agency designated representatives: Stephen Ertle and Greg Einhorn

Employee organization: Butte County Air Quality Management District Employees Association

No Closed Session was held.

- 15. The meeting adjourned at 10:54 a.m. The next Board of Directors Meeting is scheduled for December 9, 2021 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 October 28, 2021.

ATTEST:   
Cora Collins, Clerk of the Governing Board