

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Headquarters

200 Litton Drive, Ste. 320

Grass Valley, CA 95945

(530) 274-9360/ FAX: (530) 274-7546

Gretchen G. Bennett, APCO

Northern Field Office

257 E. Sierra Street, Suite E

Portola, CA 96122

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NORTHERN SIERRA

AIR QUALITY MANAGEMENT DISTRICT

BOARD OF DIRECTORS

REGULAR BOARD MEETING

MONDAY

February 27, 2023

1:00 p.m.

**Northern Sierra Air Quality Management District
Governing Board of Directors**

**Paul Roen, Chair
Sierra County Supervisor, District Three**

**Lee Adams, Vice-Chair
Sierra County Supervisor, District One**

**Hardy Bullock
Nevada County Supervisor, District Five**

**Ed Scofield
Nevada County Supervisor, District Two**

**Tom McGowan
Plumas County Supervisor, District Three**

**Dwight Ceresola
Plumas County Supervisor, District One**

Alternates:

Susan Hoek, Nevada County Supervisor, District Four

Lila Heuer, Sierra County Supervisor, District Two

Jeff Engel, Plumas County Supervisor, District Five

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
BOARD OF DIRECTORS REGULAR MEETING

February 27, 2023

1:00 P.M.

This meeting will be held by videoconference/telephone at the following
locations:

(Site A) VIDEOCONFERENCE/TELEPHONE CONFERENCE

Northern Sierra Air Quality Management District (Headquarters)

200 Litton Drive, Conference Room 316

Grass Valley, California

(Site B) VIDEOCONFERENCE/TELEPHONE CONFERENCE

Northern Sierra Air Quality Management District (Northern Office)

257 E. Sierra Street, Unit E

Portola, California

This meeting will also be available through ZOOM. If you would like to join by ZOOM, please email the Air District at Office@myairdistrict.com or call the office at (530) 274-9360 by Friday, November 25 to request the zoom link.

All items on the agenda may be acted upon by the Board of Directors. No action will be taken nor discussion held at the meeting on business not appearing on the posted agenda.

I. **Standing Orders:**

Call to Order.

Roll call and determination of quorum.

- A. **Public Comment:** For items **NOT** appearing on the agenda and within the jurisdiction of the Board. The public may comment on Agenda items as they are discussed.

II. **Approval and/or Modifications to Agenda**

- III. **Consent Calendar** These Items Are Expected to Be Routine and Noncontroversial. They Will Be Acted on By the Board at One Time Without Discussion. Any Board Member, Staff Member, or Interested Party May Request That an Item Be Removed From the Consent Calendar for Discussion.

- A. Approval of regular meeting minutes – January 23, 2023
B. Payment Details by Vendor Board Report – January 2023

- C. Approve Resolution # 2023-02 which authorizes remote teleconference meetings of the Northern Sierra Air Quality Management District Board pursuant to the Ralph M. Brown Act.
- D. Carl Moyer Agreement for FY 2022-23 (Year 25)
- E. The State of California Department of Justice Office of the Attorney General and the Fair Political Practices Commission Ethics Training
- F. Conflict of Interest Forms (FPPC) DUE MARCH 15th

IV. Administrative Report

- A. Public Hearing and Proposed Adoption of the Air District Rule 230, Architectural Coatings
- B. Public Hearing and Proposed Adoption of the Ozone Attainment Plan for Western Nevada County (2023 Plan) for the 70 parts per billion 8-hour ozone standard (70 ppb ozone standard).
- C. Appoint Nevada County Supervisor Hoek as an alternate to Mountain Counties Air Basin Control Council

V. Director's Report

- A. Report on CAPCOA delegation to Washington D.C.
- B. Portola PM Nonattainment Area

VI. Concerns of Board - The Board may at this time bring up matters it wishes to discuss at the next Board Meeting, as long as no discussions are conducted and no actions are taken, in compliance with the Brown Act.

VII. Schedule next Meeting – Video/Phone Conference March 27, 2023 @ 1:00 PM

VIII. Adjournment

PERSONS DESIRING TO ADDRESS THE BOARD

Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. The latest edition of Robert's Rules of Order, Revised shall also be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Robert's Rules of Order, Revised.

All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

PUBLIC COMMENT:

Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

Three (3) minutes may be allotted to each speaker and a maximum of fifteen (15) minutes to each subject matter;

No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in District Policy 1030.

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present. In such an event, only matters appearing on the agenda may be considered in such a session.

After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

Members of the public are given the opportunity to address the Board of Directors directly at each teleconference location.

POSTING AGENDA:

This agenda was posted at least 72 hours prior to the regular meeting at the following locations: Eric Rood Government Center in Nevada City, The Plumas County Courthouse in Quincy, the Litton Building in Grass Valley, the Plumas County Board of Supervisors Chambers in Quincy, Sierra County Courthouse Square in Downieville. **The agenda and board packet are available on-line prior to the Board Meeting at www.myairdistrict.com**

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: II

Agenda Description: Approval and/or Modifications to Agenda

Requested Action: Discuss any modifications to agenda, approve agenda with a roll call vote

ROLL CALL VOTE REQUESTED

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennett, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.A

Agenda Description: Approval of regular meeting minutes – January 23, 2023

Requested Action: The minutes are attached for Board comment/approval.

ROLL CALL VOTE REQUESTED

Attachments:

1. Draft January 23, 2023 minutes

DISTRICT HEADQUARTERS

Mailing Address
200 Litton Drive, Suite 320
Grass Valley, CA 95945
(530) 274-9360 / FAX: (530) 274-7546
email: office@myairdistrict.com or www.myairdistrict.com

NORTHERN FIELD OFFICE

257 E. Sierra, Unit E
Mailing Address: P.O. Box 2227
Portola, CA 96122
(530) 832-0102 / FAX: (530) 832-0101

MINUTES

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING**

January 23, 2023

1:00 p.m.

(Site A) VIDEOCONFERENCE/TELEPHONE CONFERENCE

Northern Sierra Air Quality Management District (Headquarters)

200 Litton Drive, Conference Room 316

Grass Valley, California

(Site B) VIDEOCONFERENCE/TELEPHONE CONFERENCE

Northern Sierra Air Quality Management District (Northern Office)

257 E. Sierra Street, Unit E

Portola, California

Members Present:

**Supervisor Bullock, Chair
Supervisor Scofield, Vice-Chair
Supervisor Adams
Supervisor Roen
Supervisor Ceresola
Supervisor McGowan**

Members Absent:

none

I. A. Standing Orders:

Call to Order. Roll Call and Determination of Quorum.

Chair Bullock called the meeting to order at 1:00 P.M. A quorum was confirmed. Also present; Gretchen Bennett, Executive Director; Melissa Klundby, APCSII, Dawn Lunsford, Clerk of the Board, Mikki Brown, Federal TAG Specialist I, Howard Hughes, Environmental Coordinator of Collins Pine, Kit Elliott, District Counsel, Scott Mthot.

B. Public Comment: For Items NOT Appearing on the Agenda and Within the Jurisdiction of the Board. The Public May Comment on Agenda Items As

They Are Discussed. Both Teleconference Sites are Allowed an Opportunity for Public Comment.

Chair Bullock called for public comment for items not appearing on the agenda. There was no public comment.

II. Introduction of New Board Members

Ms. Bennitt introduced new board members and members of staff.

III. Election of Chair for 2023

Supervisor Adams made a motion to elect Supervisor Roen as Chair. Supervisor Scofield seconded the motion. The motion was approved unanimously with a roll call vote.

Supervisor Roen made a motion to elect Supervisor Adams as Vice-Chair, Supervisor Bullock seconded the motion. The motion was approved with a roll call vote. Supervisor Roen took over as Chair. Supervisor Roen thanked Supervisor Bullock for his work as Chair during 2022. Supervisor Bullock thanked the staff and the Board for assisting him as Chair during 2022.

IV. Approval and/or modification to the agenda

Chair Roen asked if there were any requested modifications to the agenda. Hearing none, Supervisor Bullock made a motion to approve the agenda as presented. Supervisor Adams seconded the motion. The motion was approved unanimously with a roll call vote.

V. Consent Calendar

Supervisor Scofield made a motion to approve the consent calendar. Supervisor Ceresola seconded the motion. The motion was approved unanimously with a roll call vote.

Supervisor McGowan entered the meeting at 1:10 p.m.

V. Administrative Report

A. Authorize the Chair and Executive Director to sign an Agreement to grant FARMER funding to Collins Pine, Diversified Resources, Goicoechea Ranch, Goodwin Ranch, Grandi Ranch and Roberti Ranch

Ms. Bennitt presented the details of the above-named grants. She also presented a background on the FARMER grant and past recipients. The Board agreed this was a great program. Supervisor Adams made a motion to authorize the Chair and Executive Director to sign the agreements. Supervisor Bullock seconded the motion. The Motion was approved unanimously with a roll call vote.

B. Northern Sierra Air Quality Management District's Goals and Objectives for 2023

Ms. Bennitt presented the District's Goals and Objectives for 2023. She thanked Melissa Klundby, Julie Hunter and Mikki Brown for assisting with the goals. Supervisor Bullock made a motion to approve the goals and objectives for 2023. Supervisor Ceresola seconded the motion. The motion was approved unanimously with a roll call vote.

Supervisor McGowan exited the meeting at 1:30

VI. Director's Report

A. District Accomplishment for 2022

Ms. Bennitt discussed all of the staff accomplishments for 2022. The Board expressed its appreciation to the staff.

B. Environmental Protection Agency's Proposed PM2.5 National Ambient Air Quality Standard

Ms. Bennitt discussed that with the proposed lowering of the PM standard many other areas within the District could become federal nonattainment areas..including Quincy and Grass Valley. She also discussed that many areas in the US could also become federal nonattainment areas.

C. Status on Portola PM2.5 Nonattainment Area

Mikki Brown, Federal TAG Specialist discussed her program in Portola and upcoming events.

Ms. Bennitt discussed that on November 1, 2022 the EPA issued a notice of proposed rulemaking in the federal register to determine that the Portola PM_{2.5} nonattainment area failed to attain the 2012 annual PM_{2.5} NAAQS by the statutory attainment date of December 31, 2021, and will be reclassified as a Serious nonattainment area.

Ms. Bennitt discussed that once the area is officially re-designated as a serious nonattainment area the air district will be required to: 1) immediately implement pre-approved contingency measures and 2) develop a plan to further reduce PM_{2.5} emissions.

The contingency measure is already approved by the city and the EPA - what it will require is some further restrictions to the mandatory woodstove curtailment program. We will be required to lower the curtailment threshold from 30 ug/m³ to 20 ug/m³. We also will be required to increase the mandatory curtailment burn season. The current curtailment season is from November 1 to March 1. With the implementation of contingency measure this will change from September 1 to April 30.

Ms. Bennitt discussed that with the curtailment program, residents can use the epa certified devices on a mandatory curtailment day. The curtailment program is an incentive to join the program and the air district will supply epa certified devices to replace non- certified devices.

Lastly, Ms Bennitt discussed that she is considering pursuing an expanded mandatory curtailment program which would include a larger area to further reduce PM2.5 emissions as required by the Federal Clean Air Act.

D. Proposed Approval of Western Nevada County 2015 Ozone State Implementation Plan (SIP) and Western Nevada County Architectural Coatings Rule – Public Hearing at February Board Meeting

Ms. Bennitt discussed that District staff, Tasha Coleman has released public notice for a public hearing at the February 27, 2023 Board meeting to

1. Approve the western Nevada County Ozone SIP
2. Approve District Rule 230 – Architectural Coating Rule for western Nevada County

Both the proposed SIP and the proposed Rule have been reviewed for approval by the California Air Resources Board and the Environmental Protection Agency. Additionally, Tasha will reach out to all applicable retailers in western Nevada County potentially affected by the proposed rule and hold a separate public workshop for those affected retailers.

VIII. Concerns of the Board – No concerns were raised.

IX. Schedule next Meeting – Next meeting was scheduled for February 27, 2023 at 1:00 PM.

X. Adjournment

The meeting was adjourned at 1:52 P.M.

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.B

Agenda Description: Payment Details by Vendor Board Report – January 2023

Issues: Vendor Reports are available for the Board and Public to review

Requested Action: Review and approve reports.

ROLL CALL VOTE REQUESTED

Attachments:

1. Payment Details by Vendor Board Report – January and February 2023

Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
January 2023

Type	Date	Num	Memo	Account	Amount
Adecco					
Bill Pmt -Check	01/09/2023	254908	10-5318	10-1000 · Cash, Operating Ge...	-703.20
Bill Pmt -Check	01/12/2023	254982	10-5318	10-1000 · Cash, Operating Ge...	-703.20
Bill Pmt -Check	01/19/2023	255188	10-5318	10-1000 · Cash, Operating Ge...	-710.64
Bill Pmt -Check	01/26/2023	255355	10-5318	10-1000 · Cash, Operating Ge...	-710.64
Total Adecco					-2,827.68
ADP Fees					
Bill Pmt -Check	01/06/2023	6R06	Enhanced Payroll	10-1003 · Cash, Bank Payroll ...	-56.69
Bill Pmt -Check	01/20/2023	506R06	Enhanced Payroll	10-1003 · Cash, Bank Payroll ...	-56.69
Bill Pmt -Check	01/27/2023	8885R03	time and attendance	10-1003 · Cash, Bank Payroll ...	-40.00
Total ADP Fees					-153.38
All Star Chimney, Eli Marchus					
Bill Pmt -Check	01/19/2023	V967734	EPA TAG2015 #2017-193 Po...	20-1000 · Cash, Restricted Fu...	-190.00
Total All Star Chimney, Eli Marchus					-190.00
Asquith Business Service					
Bill Pmt -Check	01/12/2023	V967552	EPA 2.25 hrs, OP 6.5hrs	10-1000 · Cash, Operating Ge...	-481.25
Bill Pmt -Check	01/26/2023	V967952	PPE 1/20/23 EPA 3 hours	10-1000 · Cash, Operating Ge...	-976.25
Total Asquith Business Service					-1,457.50
AT&T CALNET 3					
Bill Pmt -Check	01/09/2023	254943		10-1000 · Cash, Operating Ge...	-26.65
Bill Pmt -Check	01/09/2023	254944		10-1000 · Cash, Operating Ge...	-67.80
Bill Pmt -Check	01/19/2023	255222		10-1000 · Cash, Operating Ge...	-45.86
Bill Pmt -Check	01/19/2023	255221		10-1000 · Cash, Operating Ge...	-51.62
Bill Pmt -Check	01/26/2023	255484		10-1000 · Cash, Operating Ge...	-26.65
Total AT&T CALNET 3					-218.58
B of A					
Bill Pmt -Check	01/12/2023	V967507		10-1000 · Cash, Operating Ge...	-21,559.63
Bill Pmt -Check	01/26/2023	V967873	PPE 1/20/23	10-1000 · Cash, Operating Ge...	-21,490.73
Total B of A					-43,050.36
Bennitt, Gretchen					
Bill Pmt -Check	01/09/2023	V967427	dental	10-1000 · Cash, Operating Ge...	-1,010.00
Total Bennitt, Gretchen					-1,010.00
CALPERS (Health)					
Bill Pmt -Check	01/26/2023	912057	FEB 2023	10-1000 · Cash, Operating Ge...	-8,263.88
Total CALPERS (Health)					-8,263.88

3

Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
January 2023

Type	Date	Num	Memo	Account	Amount
CALPERS (Retirement)					
Bill Pmt -Check	01/12/2023	912029	PPE 1/6/2023	10-1000 · Cash, Operating Ge...	-1,659.48
Bill Pmt -Check	01/12/2023	912028	PPE 1/6/2023	10-1000 · Cash, Operating Ge...	-2,135.17
Bill Pmt -Check	01/12/2023	912031	Monthly ER PEPPRA ual contri...	10-1000 · Cash, Operating Ge...	-133.75
Bill Pmt -Check	01/12/2023	912027	Monthly ER Classic UAL contri...	10-1000 · Cash, Operating Ge...	-10,187.92
Bill Pmt -Check	01/26/2023	912058	PPE 1/20/23	10-1000 · Cash, Operating Ge...	-2,135.17
Bill Pmt -Check	01/26/2023	912059	PPE 1/20/23	10-1000 · Cash, Operating Ge...	-1,659.48
Total CALPERS (Retirement)					
-17,910.97					
CALPERS 457 PLAN					
Bill Pmt -Check	01/12/2023	912030	PPE 1/6/2023	10-1000 · Cash, Operating Ge...	-1,492.12
Bill Pmt -Check	01/26/2023	912060	PPE 1/20/23	10-1000 · Cash, Operating Ge...	-1,492.12
Total CALPERS 457 PLAN					
-2,984.24					
CAPCOA California Air Pollution Control O					
Bill Pmt -Check	01/26/2023	255337	Jan 3-5 Conference Dues	10-1000 · Cash, Operating Ge...	-760.00
Total CAPCOA California Air Pollution Control O					
-760.00					
English Mountain Ranch					
Bill Pmt -Check	01/09/2023	V967436		10-1000 · Cash, Operating Ge...	-381.90
Bill Pmt -Check	01/12/2023	V967518	FEB 2023 Rent	10-1000 · Cash, Operating Ge...	-4,365.00
Total English Mountain Ranch					
-4,746.90					
Hahn, J. aka Wolf Creek Wood Stoves					
Bill Pmt -Check	01/19/2023	V967726		20-1000 · Cash, Restricted Fu...	-31,500.00
Total Hahn, J. aka Wolf Creek Wood Stoves					
-31,500.00					
Heat Transfer Systems					
Bill Pmt -Check	01/26/2023	V967976	Tag2015, #2022-004 Powell	20-1000 · Cash, Restricted Fu...	-13,500.00
Total Heat Transfer Systems					
-13,500.00					
House of Print and Copy					
Bill Pmt -Check	01/09/2023	254931	E-Bike Racket CARB	10-1000 · Cash, Operating Ge...	-38.30
Total House of Print and Copy					
-38.30					
Hunter, Julie					
Bill Pmt -Check	01/09/2023	V967464	dental	10-1000 · Cash, Operating Ge...	-1,000.00
Total Hunter, Julie					
-1,000.00					
James Merzon					
Bill Pmt -Check	01/12/2023	V967578	FEB 2023 Rent	10-1000 · Cash, Operating Ge...	-555.00
Total James Merzon					
-555.00					

Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
January 2023

15

Type	Date	Num	Memo	Account	Amount
Mikki Brown					
Bill Pmt -Check	01/26/2023	255513	dental	10-1000 · Cash, Operating Ge...	-1,250.00
Total Mikki Brown					-1,250.00
NSAQMD GV Petty Cash					
Deposit	01/26/2023		Cash from PettyCash box	10-1400 · Burn Box Petty Cas...	-88.03
Total NSAQMD GV Petty Cash					-88.03
Quincy Hot Spot					
Bill Pmt -Check	01/19/2023	255203		20-1000 · Cash, Restricted Fu...	-8,872.07
Bill Pmt -Check	01/26/2023	2553299	#2021-621 Craig & #2021-583 ...	20-1000 · Cash, Restricted Fu...	-8,000.00
Total Quincy Hot Spot					-16,872.07
R&B Com, Inc.					
Bill Pmt -Check	01/12/2023	255000	Social Meida Platforms	20-1000 · Cash, Restricted Fu...	-1,518.00
Bill Pmt -Check	01/12/2023	254999	Dec IT services general and D...	20-1000 · Cash, Restricted Fu...	-360.00
Bill Pmt -Check	01/12/2023	255000	Dec IT services general and D...	10-1000 · Cash, Operating Ge...	-1,729.75
Total R&B Com, Inc.					-3,607.75
Sierra Senior Services					
Bill Pmt -Check	01/12/2023	254985	AB2022-05	20-1000 · Cash, Restricted Fu...	-37,800.00
Total Sierra Senior Services					-37,800.00
Singleton Auman PC					
Bill Pmt -Check	01/09/2023	254937	Final Audit Billing FYE 6/30/22	10-1000 · Cash, Operating Ge...	-13,800.00
Total Singleton Auman PC					-13,800.00
Sonoma Technology					
Bill Pmt -Check	01/12/2023	V967587	Winter Burn Curtailment	20-1000 · Cash, Restricted Fu...	-5,500.00
Total Sonoma Technology					-5,500.00
Supervisor Adams					
Bill Pmt -Check	01/26/2023	255418	Jan 23, 2023 Board Meeting	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Adams					-100.00
Supervisor Bullock					
Bill Pmt -Check	01/26/2023	V967959	Board Meeting	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Bullock					-100.00

**Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
January 2023**

16

Type	Date	Num	Memo	Account	Amount
Supervisor Ceresola					
Bill Pmt -Check	01/26/2023	V967970	Board Meeting	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Ceresola					-100.00
Supervisor Paul Roen					
Bill Pmt -Check	01/26/2023	255473	Board Meeting	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Paul Roen					-100.00
Supervisor Scofield					
Bill Pmt -Check	01/26/2023	255490	Board Mtg	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Scofield					-100.00
US Bank					
Bill Pmt -Check	01/19/2023	255160		10-1000 · Cash, Operating Ge...	-6,422.56
Bill Pmt -Check	01/19/2023	255160		20-1000 · Cash, Restricted Fu...	-4,960.37
Total US Bank					-11,382.93
Wizix Technology Group					
Bill Pmt -Check	01/09/2023	254957	RICOH/IMC3000	10-1000 · Cash, Operating Ge...	-100.66
Bill Pmt -Check	01/12/2023	255024	Savin C4540	10-1000 · Cash, Operating Ge...	-34.75
Total Wizix Technology Group					-135.41
TOTAL					<u><u>-221,102.98</u></u>

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennett, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.C

Agenda Description: Approve Resolution # 2023-02 which authorizes remote teleconference meetings of the Northern Sierra Air Quality Management District Board pursuant to the Ralph M. Brown Act.

Issues: In order to meet remote public meeting requirements, the Air District Board is required to consider approval of the attached Resolution # 2023-02.

Requested Action: Consider approval of Resolution # 2023-02

ROLL CALL VOTE REQUESTED

Attachments:

1. Resolution # 2023-02

Northern Sierra Air Quality Management District Resolution 2023-02

In the Matter Of: a resolution authorizing remote teleconference meetings of the Northern Sierra Air Quality Management District Board pursuant to the Ralph M. Brown Act.

WHEREAS, all meetings of the Northern Sierra Air Quality Management District Board are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution the state Legislature; and

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical

(social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, the Northern Sierra Air Quality Management District Board finds that state or local officials have imposed or recommended measures to promote social distancing, based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and

WHEREAS, in light of this recommendation, the Northern Sierra Air Quality Management District Board desires to continue to have the flexibility, to meet via teleconference; and

WHEREAS, as a consequence, the Northern Sierra Air Quality Management District Board does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), as authorized by Section 54953(e), and will continue to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED that the Northern Sierra Air Quality Management District Board does hereby resolve as follows:

SECTION 1: Recitals. The recitals set forth are true and correct and are incorporated into this Resolution by this reference.

SECTION 2: State or Local Officials have Imposed or Recommended Measures to Promote Social Distancing. The Northern Sierra Air Quality Management District Board hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

SECTION 3: Remote Teleconference Meetings. The Northern Sierra Air Quality Management District Board will carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 4: Effective Date. This Resolution shall take effect immediately upon its adoption.

In a motion by Supervisor _____, and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on February 27, 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstaining:

Approve: _____
Chair of Board

Attest: _____
Clerk of the Board

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennett, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.D

Agenda Description: Carl Moyer Agreement for Year 25 (FY 2022-23)

Issues: The California Air Resources Board has allocated \$200,000 to the Air District for the Carl Moyer Heavy Duty Diesel Program for FY 2022-2023. The agreement is attached.

Requested Action: No action required, informational only

ROLL CALL VOTE REQUESTED

Attachments:

1. Agreement between the California Air Resources Board and Northern Sierra Air Quality Management District for \$200,000 of Carl Moyer funding for FY 2022-2023 (Year 25).

GRANT AGREEMENT COVER SHEET

GRANT NUMBER
 G22-MO-18

NAME OF GRANT PROGRAM Carl Moyer Memorial Air Quality Standards Attainment Program – Regular Moyer Year 25	
GRANTEE NAME Northern Sierra AQMD	
TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER 68-0124279	TOTAL GRANT AMOUNT NOT TO EXCEED \$200,000.00
START DATE: February 28, 2023	END DATE: December 31, 2027

This legally binding Grant Agreement, including this cover sheet and Exhibit A attached hereto and incorporated by reference herein, is made and executed between the State of California, California Air Resources Board (CARB) and Northern Sierra AQMD (the "Grantee").

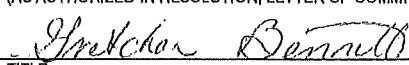

Project Funds: \$175,000.00
 Administration Funds: \$25,000.00
 Total Grant Award: \$200,000.00
 Required District Match: \$0.00

This Grant Award provides administration funds to Northern Sierra AQMD to identify Carl Moyer Program projects in districts for fiscal year 2022-2023 (Moyer Year 25) funds, and to provide assistance to districts in implementing those projects consistent with the terms of this Award as follows:

Exhibit A – General Terms and Conditions
 Exhibit B – Carl Moyer Program Guidelines, 2017 Revisions – available at
<https://www.arb.ca.gov/msprog/moyer/guidelines/current.htm>

This Agreement is of no force or effect until signed by both parties. Grantee shall not commence performance until it receives written approval from CARB.

The undersigned certify under penalty of perjury that they are duly authorized to bind the parties to this Grant Agreement.

STATE AGENCY NAME California Air Resources Board		GRANTEE'S NAME (PRINT OR TYPE) Northern Sierra AQMD	
SIGNATURE OF ARB'S AUTHORIZED SIGNATORY:		SIGNATURE OF GRANTEE (AS AUTHORIZED IN RESOLUTION, LETTER OF COMMITMENT, OR LETTER OF DESIGNATION) 	
TITLE Branch Chief	DATE	TITLE APCO	DATE 2-14-23
STATE AGENCY ADDRESS 1001 I Street, Sacramento, CA 95814		GRANTEE'S ADDRESS (INCLUDE STREET, CITY, STATE AND ZIP CODE) 200 Litton Drive, Suite 320, Grass Valley, CA 95945	
CERTIFICATION OF FUNDING			
AMOUNT ENCUMBERED BY THIS AGREEMENT \$200,000.00	PROGRAM 3500000L15	PROJECT	ACTIVITY
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$ 0	FUND TITLE Air Pollution Control Fund	FUND NO. 0115	
TOTAL AMOUNT ENCUMBERED TO DATE \$200,000.00	(OPTIONAL USE)	CHAPTER 43	STATUTE 2022 SB-154
APPR REF 101	ACCOUNT/ALT ACCOUNT 5432000	REPORTING STRUCTURE 39006100	SERVICE LOCATION 50015
FISCAL YEAR (ENY) 2022			
I hereby certify that the California Air Resources Board Legal Office has reviewed this Grant Agreement.			
SIGNATURE OF CALIFORNIA AIR RESOURCES BOARD LEGAL OFFICE: 		DATE 02.02.23	

22



Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

February 8, 2023

Dear Air Pollution Control Officer,

I am pleased to inform that your air district has been approved for a grant under the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) for Fiscal Year 2022-2023 (Moyer Year 25). Your air district's Grant Agreement includes the following two attachments:

- Grant Agreement cover sheet, with your grant amount, any required match amount, and any applicable Special Terms and Conditions.
- Exhibit A, with the General Terms and Conditions.

To accept your grant award, please add the authorized signature and date to the Grant Agreement cover sheet. Please retain the General Terms and Conditions (Exhibit A) and email the signed Grant Agreement cover sheet by **February 22, 2023**, to MSCDGrants@arb.ca.gov.

After final signatures, the California Air Resources Board (CARB) will email the fully executed Grant Agreement cover sheet back to you. Upon receiving the final executed Grant Agreement cover sheet and Board Resolution (or Board Minutes), you may request funds by using the Grant Disbursement Request Form available online at: http://www.arb.ca.gov/msprog/moyer/admin_forms/admin.htm.

Thank you for your air district's participation in the Carl Moyer Program and for your commitment to clean air. If you have any questions regarding the grant agreement, please contact CARB's Grant Processing Section at MSCDGrants@arb.ca.gov. For Further questions regarding the Carl Moyer Program, please contact your CARB Carl Moyer Program liaison.

Sincerely,

Maritess Sicat

Maritess Sicat, Branch Chief
Mobile Source Control Division

Air Pollution Control
Officer February 8, 2023
Page 2

Enclosures

cc: Deborah Paselk
Air Pollution Specialist
Mobile Source Control Division



Carl Moyer Memorial Air Quality Standards Attainment Program

GRANT AGREEMENT

Fiscal Year 2022-2023 (Moyer Year 25)

General Terms and Conditions:

1. **Amendment:** No amendment or variation of the terms of this Grant Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated in the Grant Agreement is binding on any of the parties.
2. **Americans with Disabilities Act (ADA) Language:** The Grantee must ensure that products and services submitted to California Air Resources Board (CARB), uploaded, or otherwise provided to CARB by the Grantee and/or its sub-contractors, sub-grantees (hereinafter referred to as sub awardees) under this Grant, as specified in Exhibit A (collectively, the "Work"), comply with Web Content Accessibility Guidelines 2.0, levels A and AA, and otherwise meet the accessibility requirements set forth in California Government Code Sections 7405 and 11135, Section 202 of the federal Americans with Disabilities Act (42 U.S.C. § 12132), and Section 508 of the federal Rehabilitation Act (29 U.S.C. § 794d) and the regulations promulgated thereunder (36 C.F.R. Parts 1193 and 1194) (collectively, the "Accessibility Requirements"). For any Work provided to CARB in PDF format, the Grantee shall also provide an electronic version in the original electronic format (for example, Microsoft Word or Adobe InDesign). CARB may request documentation from the Grantee of compliance with the requirements described above and may perform testing to verify compliance. The Grantee agrees to respond to and resolve any complaint brought to its attention regarding accessibility of deliverables provided under this Grant.



Exhibit A

Deviations from the Accessibility Requirements are permitted only by written consent by CARB.

3. **Assignment:** This grant is not assignable by the Grantee either in whole or in part, without the consent of CARB in the form of a formal written amendment.
4. **Audit:** Grantee agrees that CARB, the Department of General Services, Department of Finance, the California State Auditor, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Grant and all State funds received. The Grantee agrees to maintain such records for possible audit for a minimum of three (3) years after the term of this Grant is completed, unless a longer period of records retention is stipulated. The Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include similar right of the State to audit records and interview staff in any Grant or Contract related to performance of this Agreement.
5. **Availability of funds:** It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this grant does not appropriate sufficient funds for the program, this grant shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this grant and Grantee shall not be obligated to perform any provisions of this grant.
6. **Compliance with law, regulations, etc.:** The Grantee agrees that it will, at all times, comply with and require its sub awardees to comply with all applicable federal, State and local laws, rules, guidelines, regulations, and requirements.
7. **Computer software:** The Grantee certifies that it has appropriate systems and controls in place to ensure that State funds will not be used in the performance of this Grant Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.



Exhibit A

8. **Conflict of interest:** The Grantee certifies that it is in compliance with applicable State and/or federal conflict of interest laws.
9. **Disputes:** The Grantee shall continue with the responsibilities under this Grant Agreement during any dispute. Grantee staff or management may work in good faith with CARB staff or management to resolve any disagreements or conflicts arising from implementation of this Grant Agreement. However, any disagreements that cannot be resolved at the management level within 30 days of when the issue is first raised with CARB staff shall be subject to resolution by the CARB Executive Officer, or his designated representative. Nothing contained in this paragraph is intended to limit any of the rights or remedies that the parties may have under law.
10. **Environmental justice:** In the performance of this Grant Agreement, the Grantee shall conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income population of the State.
11. **Fiscal management systems and accounting standards:** The Grantee agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracking of grant funds to a level of expenditure adequate to establish that such funds have not been used in violation of State law or this Grant Agreement. Unless otherwise prohibited by State or local law, the Grantee further agrees that it will maintain separate Grant award accounts in accordance with generally accepted accounting principles.
12. **Force majeure:** Neither CARB nor the Grantee must be liable for or deemed to be in default for any delay or failure in performance under this Grant Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, government declaration of emergency, national or State declared pandemics, lockouts, labor disputes, fire, flood, earthquakes, or other physical natural disaster. If either party intends to



Exhibit A

invoke this clause to excuse or delay performance, the party invoking the clause must provide written notice to the other party immediately but no later than within fifteen (15) calendar days of the intent to invoke the clause and reasons that the force majeure event is preventing that party from or delaying that party in performing its obligations under this grant. CARB may terminate this Grant Agreement immediately in writing without penalty in the event Grantee invokes this clause.

If the Grant Agreement is not terminated by CARB pursuant to this clause, upon completion of the event of force majeure, the Grantee must as soon as reasonably practicable recommence the performance of its obligations under this Grant Agreement. The Grantee must also provide a revised schedule to minimize the effects of the delay caused by the event of force majeure. An event of force majeure does not relieve a party from liability for an obligation which arose before the occurrence of that event.

13. **Governing law and venue:** This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. CARB and the Grantee hereby agree that any action arising out of this Grant Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California. The Grantee hereby waives any existing sovereign immunity for the purposes of this Grant Agreement.
14. **Grantee's responsibility for work:** The Grantee shall be responsible for work and for persons or entities engaged in work, including, but not limited to sub-awardees. The Grantee and/or its sub-awardees as applicable, shall be responsible for any and all disputes arising out of its contract for work on a Project funded by this Grant Award, including but not limited to payment disputes with contractors, subcontractors, and providers of services. The State will not mediate disputes between the Grantee and any other entity concerning responsibility for performance of work.



15. Grantee's Requirements for Electric Vehicle Charging Infrastructure and Equipment:

Prior to executing contracts Grantee must ensure the following requirements are included in all sub awardee contracts and or other agreements:

Prior to authorizing work, a sub awardee that was awarded funds to install electrical charging equipment for use by on-road transportation vehicles, must require both:

1. An Assembly Bill (AB) 841 Certification that certifies the project will comply with all AB 841 (2020) requirements or describes why the AB 841 requirements do not apply to the project. The certification shall be signed by the sub awardee's authorized representative.
2. Electric Vehicle Infrastructure Training Program (EVITP) Certification Numbers of each EVITP certified electrician that will install electric vehicle charging infrastructure or equipment.

Evidence such as Certification Numbers are not required to be obtained by Grantee if AB 841 requirements do not apply to a project.

Prior to remitting payment to a sub awardee, Grantee is responsible for collecting all AB 841 Certifications to ensure the project did comply with all AB 841 (2020) requirements and shall retain Certification Numbers in accordance with the Grantee's records retention schedule.

The requirements of this section do not apply to any of the following:

- (1) Electric vehicle charging infrastructure installed by employees of an electrical corporation or local publicly owned electric utility.
- (2) Electric vehicle charging infrastructure funded by moneys derived from credits generated from the Low Carbon Fuel Standard Program (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations).
- (3) Single-family home residential electric vehicle chargers that can use an existing 208/240-volt outlet.



Exhibit A

16. **Indemnification:** The Grantee agrees to indemnify, defend, and hold harmless the State and CARB and its officers, employees, agents, representatives, and successors-in-interest against any and all liability, loss, and expense, including reasonable attorneys' fees, from any and all claims for injury or damages arising out of the performance by the Grantee, and out of the operation of equipment that is purchased with funds from this Grant Award.
17. **Independent contractor:** The Grantee, and its sub-awardees, agents, and employees, if any, in their performance of this Grant Agreement, shall act in an independent capacity and not as officers, employees or agents of CARB.
18. **Nondiscrimination:** During the performance of this Grant Agreement, the Grantee and its sub awardees shall not unlawfully discriminate against, harass, or allow harassment 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 (over 40), sexual orientation, or veteran or military status, or allow denial of family-care leave, medical-care leave, or pregnancy-disability leave. The Grantee and its sub awardees shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The Grantee and its sub awardees shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, title 2, section 11000 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a)-(f), set forth in Chapter 5 of Division 4.1 of title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. The Grantee and its sub awardees shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.



Exhibit A

The Grantee shall include the nondiscrimination and compliance provisions of this clause in all agreements with sub awardees to perform work under this Grant Agreement.

19. **No third-party rights:** The parties to this Grant Agreement do not create rights in, or grant remedies to, any third party as a beneficiary of this Grant Agreement, or of any duty, covenant, obligation or undertaking establish herein.
20. **Personally identifiable information:** Information or data that personally identifies an individual or individuals is confidential in accordance with California Civil Code sections 1798, et seq. and other relevant State or federal statutes and regulations. The Grantee shall safeguard all such information or data which comes into their possession under this Grant Agreement in perpetuity, and shall not release or publish any such information or data.
21. **Prevailing wages and labor compliance:** The Grantee agrees to monitor all agreements subject to reimbursement from this Grant Agreement to ensure that the provisions of Labor Code Sections 1720-1861 are being met by sub awardees.
22. **Professionals:** The Grantee agrees that only licensed professionals will be used to perform services under this Grant Agreement where such services are called for and licensed professionals are required for those services under State law.
23. **Severability:** If a court of competent jurisdiction holds any provision of this Grant Agreement to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of those provisions, will not be affected.
24. **Term:** This Grant Award shall be effective upon full execution of this Grant Agreement and shall continue in full force and effect until all conditions of the Grant Agreement have been met. This award is conditional based on CARB receipt and approval of a fully executed Grant Agreement accepting Fiscal Year 2022-2023 (Moyer Year 25) Carl Moyer Funds.



Exhibit A

25. **Termination:** CARB may terminate this Grant Agreement for cause by written notice at any time prior to completion of projects funded by this Grant Award, upon violation by the Grantee of any material provision after such violation has been called to the attention of the Grantee and after failure of the Grantee to bring itself into compliance with the provisions of this Grant Agreement within the time frame set forth by CARB via written notice to the Grantee.
26. **Timeliness:** Time is of the essence in this Grant Agreement. Grantee shall proceed with and complete the Projects funded by this Grant Award in an expeditious manner.
27. **Waiver of Rights:** Any waiver of rights with respect to a default or other matter arising under the Grant Agreement at any time by either party shall not be considered a waiver of rights with respect to any other default or matter. Any rights and remedies of the State provided for in this Grant Agreement are in addition to any other rights and remedies provided by law.
28. **Incorporated Documents:** Grantee is authorized to administer a local program according to the requirements described in the following documents, which are incorporated by reference into this Grant Agreement:
 - a. CARB-approved District Application to Administer the Carl Moyer Program for Fiscal Year 2022-2023 (Moyer Year 25).
 - b. District's Policies and Procedures (Refer to Ch.3, C4 of the Carl Moyer Program 2017 Guidelines).
 - c. Carl Moyer Program 2017 Guidelines and any future approved Guidelines, current Program Advisories and Mail-outs, and future Program Advisories and Mail-outs issued during the grant performance period.
 - d. Carl Moyer Program Grant Disbursement Request Form.
29. **Disbursement Deadline:** The Carl Moyer Program 2022-2023 funds specified in this Grant Agreement must be disbursed by **June 30, 2025**, per the 2017 Carl Moyer Program Guidelines, Volume 1, Chapter 3 (Program Administration),



Exhibit A

Section B, Table 3-1. Grant disbursement requests must be submitted by the Grantee to CARB no later than **May 1, 2025** to ensure adequate time for processing prior to the end of the fiscal year.

30. **Disbursement Request:** The Grantee shall submit the Grant Disbursement Requests to CARB Accounting Section at accountspayable@arb.ca.gov with a CC to the CARB project liaison. The Grantee must submit this electronically, based on CARB's current electronic submission guidance at the time of request. Requests for payment must be made with the Grant Disbursement Request Form and contain all documentation required with the form.
31. **Liquidation and Return of Funds:** Funds not liquidated by June 30 of the fourth year following grant agreement execution (**June 30, 2027**) must be returned by **September 28, 2027**. Expenditure of project funds granted may not be reduced due to any loss incurred in an uninsured bank or investment account.
32. **Order of precedence:** In the event of any inconsistency between the article, exhibits, attachments, specifications, or provisions which constitute this Grant Agreement, the following order of precedence shall apply:
 - a. Grant Agreement Cover Sheet
 - b. Exhibit A – Grant Provisions
 - c. All other Exhibits incorporated into the Grant Agreement as listed on the Grant Agreement Cover Sheet.
33. **Russian Sanctions:** On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts or grants with, and to refrain from entering any new contracts



Exhibit A

or grants with, individuals or entities that are determined to be a target of Economic Sanctions.

- a. The Grantee represents by signing this Grant Agreement that neither it nor any of its employees, agents, representatives, contractors, subcontractors or Grant Recipients are a target of economic sanctions imposed in response to Russia's actions in Ukraine by the United States government or the State of California. The Grantee is required to comply with the federal economic sanctions imposed in response to Russia's actions in Ukraine, including with respect to, but not limited to, the federal executive orders identified in California Executive Order N-6-22, located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf> and the sanctions identified on the United States Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>). The Grantee is also required to comply with all applicable reporting requirements regarding compliance with the economic sanctions, including, but not limited to, those reporting requirements set forth in California Executive Order N-6-22 for anyone with one or more agreements with the State of California with an aggregated value of Five Million Dollars (\$5,000,000) or more. Notwithstanding any other provision in this Grant Agreement, failure to comply with the economic sanctions and all applicable reporting requirements may result in immediate termination of this Grant Agreement, at the sole discretion of CARB.
- b. Where the Grant Funds have a value of Five Million Dollars (\$5,000,000) or more, reporting requirements include, but are not limited to, information related to steps taken in response to Russia's actions in Ukraine, including but not limited to:



Exhibit A

- i. Desisting from making any new investments or engaging in financial transactions with Russian institutions or companies that are headquartered or have their principal place of business in Russia;
- ii. Not transferring technology to Russia or companies that are headquartered or have their principal place of business in Russia;
and
- iii. Direct support to the government and people of Ukraine

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.E

Agenda Description: The State of California Department of Justice Office of the Attorney General and the Fair Political Practices Commission Ethics Training

Issues:

The State of California Department of Justice Office of the Attorney General and the Fair Political Practices Commission ethics training courses are available on-line at www.localethics.fppc.ca.gov/ab1234/. State Law requires certain local officials to receive two hours specified ethics training every two years. After completion of this ethics training course you will be able to print out a certificate of completion which a copy will need to be forwarded to the District per District Policy #1020.6.

Requested Action:

If warranted, please complete the required training and submit a certificate of completion to the Air District.

Attachments:

1. none

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: III.F

Agenda Description: Conflict of Interest Forms for the Fair Political Practices Commission (FPPC) are DUE MARCH 15th

Issues:

The Political Reform Act, Government Code Section 81000, et.seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. This is also required through District Policy #1020.

Requested Action:

1. Complete the required Conflict of Interest Forms online at <http://www.fppc.ca.gov/Form700.html>

Attachments:

1. None

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: IV.A

Agenda Description: Public Hearing and Proposed Adoption of Air District Rule 230 – Architectural Coatings

Issues:

A requirement of the Clean Air Act is that federal ozone nonattainment areas must adopt a federally approvable contingency measure in the State Implementation Plan (SIP). This rule has been reviewed and commented on by the Environmental Protection Agency, they believe it is federally approvable.

Rule 230 will be implemented only if the EPA issues a final rulemaking that triggers the requirement for contingency measure implementation in the Ozone Nonattainment Area of western Nevada County.

On February 13, the District held a public workshop to receive comments on the proposed rule which had been publicly noticed. Following the workshop, no changes were made to proposed District rule 230.

Following a public hearing to receive public comments today, the Board will consider the adoption of proposed District Rule 230.

Requested Action:

1. Open a public hearing to receive comments on District Rule 230.
2. Approve District Rule 230 by authorizing Resolution 2023-03.

ROLL CALL VOTE REQUESTED

Attachments:

1. Staff Report for Rule 230
2. Proposed District Rule 230
3. Resolution # 2023-03

**STAFF REPORT FOR
PROPOSED RULE ADOPTION**

RULE 230: Architectural Coatings

Prepared by Northern Sierra AQMD Staff, December 2022

Date of Workshop: Feb 13, 2023

Date of Public Hearing: February 27, 2023

Public Comment Deadline: February 27, 2023

Anticipated Date of Rule Adoption: February 27, 2023

INTRODUCTION

The Northern Sierra Air Quality Management District (NSAQMD) is proposing to adopt Rule 230 in fulfillment of federal requirements for an Architectural Coatings under the Clean Air Act (CAA) as amended 1990. The proposed rule would apply only in the portions of the District designated as Nonattainment for National Ambient Air Quality Standards under the 2015 Ozone National Ambient Air Quality Standard (NAAQS) - western Nevada County.

BACKGROUND

Western Nevada County has been designated under the CAA as a Nonattainment area for the 8-hour ozone National Ambient Air Quality Standards. CAA Sections 172(c)(9) and 182 (c)(9) require ozone Nonattainment Areas to include contingency measures (i.e. additional air pollution controls) in SIPs that will go into effect without further regulatory action on the part of the District, State or the EPA if attainment is not achieved as predicted. Further, EPA guidance recommends that SIPs contain trigger mechanisms for such contingency measures, such as a schedule for implementation if the area fails to satisfy an RFP milestone or attainment deadline. The proposed rule was developed by the NSAQMD in close coordination with the EPA.

SUMMARY OF PROPOSED RULE, INCLUDING POTENTIAL IMPACTS TO AFFECTED SOURCES AND THE ENVIRONMENT

Rule 230: Architectural Coatings

Architectural coatings, as defined in the rule, are coatings that are applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. To be classified as an architectural coating, a coating must be applied in the field, at the site of installation, rather than in a shop or factory where pollution control equipment may be installed. If adopted by the district, the proposed rule would apply to anyone who supplies, sells, offers for sale, or manufactures architectural coatings for use in western Nevada County. It would also apply to anyone who applies or solicits the application of architectural coatings for use in western Nevada County. Those who are subject to the rule include, but are not limited to, the following: Manufacturers, Paint Contractors, Distributors, Construction Workers, Retailers, Maintenance Staff, Importers and Public Works Personnel. The “appurtenances” included in the definition range from pipes to downspouts. Architectural coatings include, but are not limited to paints, varnishes, stains, industrial maintenance coatings,

and traffic coatings. General use flat and non-flat (eggshell, satin, semi-gloss, gloss) coatings account for about 61 percent of the sales of architectural coatings. The remaining sales consist of a variety of specialty coating categories.

Widespread regulation of emissions from architectural coatings in California began with the approval of the Suggested Control Measures (SCM) for architectural coatings by CARB in 1977. Subsequently, many of the air districts adopted rules based on this SCM, currently there are 21 of California's 35 air districts have an architectural coatings rule based on CARB's 2019 Staff for Proposed Updates to the Report SCM for Architectural Coatings.

It is anticipated that the proposed rule will have no serious economic impact, and will not result in any high costs or burdens to affect who supplies, sells, offers for sale, or manufactures architectural coatings.

AUTHORITY AND RULE ADOPTION REQUIREMENTS

The District is authorized to regulate sources of air pollutants under the California Health and Safety Code (HSC) §40001 and §40702.

HSC §40728.5 requires a socioeconomic analysis for proposed rules in districts having a population greater than 500,000 persons. The NSAQMD's population is approximately 130,000 so this requirement does not apply.

California Health and Safety Code (HSC) §40703 requires that all air quality districts consider and make public findings relating to the cost effectiveness of implementing an emission control measure. No cost is associated with implementing the proposed rule.

These rules are exempt from the requirements of CEQA per Class 8 (§15308) of the CEQA guidelines.

The California Health and Safety Code requires air districts to comply with a rule adoption protocol as set forth in §40727 of the Code. There are six findings the District must make when developing, amending or repealing a rule:

FINDINGS	DEFINITION	REFERENCE
Authority	A provision of law or of a state or federal regulation permits or requires the regional agency to adopt, amend, or repeal the regulation.	HSC Sections 40001, 40702, and 41511. Clean Air Act, Title 1, §179(c)(9) and §182(c)(9).
Necessity	A need exists for the regulation, or its amendment, or appeal, as demonstrated by the record or rule making authority.	It is necessary for the NSAQMD to revise these rules in order to comply with the Clean Air Act and thereby avoid federal sanctions.
Clarity	The regulation is written or displayed so that its meaning can be easily	The proposed rules are written in such a manner that they can be easily

	understood by the persons directly affected by it.	understood by affected sources, and their subsections are descriptively titled.
Consistency	The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulation.	The NSAQMD has determined these rules are consistent with State and federal regulations.
Non-duplication	A regulation does not impose the same requirements as an existing state or federal regulation unless a district finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, a district.	The NSAQMD has evaluated the proposed rule revisions in light of existing rules and has found no duplication.
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.	This rule is being proposed consistent with the requirements of CAA, Title 1, §179(c)(9) and §182(c)(9), EPA guidance, and 40 CFR Part 51.

RECOMMENDATION

Approval by the Northern Sierra Air Quality Management District Board of Directors of the above findings and proposed Rule 230.

**REGULATION II
PROHIBITIONS**

RULE 230

ARCHITECTURAL COATINGS

CONTENTS

1 GENERAL

- 1.1 Purpose
- 1.2 Applicability
- 1.3 Exemptions

2 DEFINITIONS

- 2.1 Adhesive
- 2.2 Aerosol Coating Product
- 2.3 Aluminum Roof Coating
- 2.4 Appurtenances
- 2.5 Architectural Coating
- 2.6 ASTM
- 2.7 Basement Specialty Coating
- 2.8 BAAQMD
- 2.9 Bitumens
- 2.10 Bituminous Roof Coating
- 2.11 Bituminous Roof Primer
- 2.12 Bond Breaker
- 2.13 Building Envelope
- 2.14 Building Envelope Coating
- 2.15 CARB
- 2.16 Coating
- 2.17 Colorant
- 2.18 Concrete Curing Compound
- 2.19 Concrete/Masonry Sealer
- 2.20 Driveway Sealer
- 2.21 Dry Fog Coating
- 2.22 Exempt Compound
- 2.23 Faux Finishing Coating
- 2.24 Fire-Resistive Coating
- 2.25 Flat Coating
- 2.26 Floor Coating
- 2.27 Form-Release Compound
- 2.28 Graphic Arts Coating (Sign Paint)

- 2.29 High-Temperature Coating
- 2.30 Industrial Maintenance Coating
- 2.31 Interior Stain
- 2.32 Intumescent
- 2.33 Low-Solids Coating
- 2.34 Magnesite Cement Coating
- 2.35 Manufacturer's Maximum Thinning Recommendation
- 2.36 Market
- 2.37 Mastic Texture Coating
- 2.38 Medium Density Fiberboard (MDF)
- 2.39 Metallic Pigmented Coating
- 2.40 Multi-Color Coating
- 2.41 Nonflat Coating
- 2.42 Particleboard
- 2.43 Pearlescent
- 2.44 Plywood
- 2.45 Post-consumer Coating
- 2.46 Pre-Treatment Wash Primer
- 2.47 Primer, Sealers and Undercoater
- 2.48 Reactive Penetrating Sealer
- 2.49 Recycled Coating
- 2.50 Residential
- 2.51 Roof Coating
- 2.52 Rust Preventative Coating
- 2.53 Secondary Industrial Materials
- 2.54 Semitransparent Coating
- 2.55 Shellac
- 2.56 Shop Application
- 2.57 Solicit
- 2.58 SCAQMD
- 2.59 Specialty Primer, Sealer, and Undercoater
- 2.60 Stain
- 2.61 Stone Consolidant
- 2.62 Swimming Pool Coating
- 2.63 Tile and Stone Sealers
- 2.64 Tint Base
- 2.65 Traffic Marking Coating
- 2.66 Tub and Tile Refinish Coating
- 2.67 Veneer
- 2.68 Virgin Materials
- 2.69 Volatile Organic Compound (VOC)
- 2.70 VOC Actual
- 2.71 VOC Content

- 2.72 VOC Regulatory
- 2.73 Waterproofing Membrane
- 2.74 Western Nevada County
- 2.75 Wood Coating
- 2.76 Wood Preservative
- 2.77 Wood Substrate
- 2.78 Zinc-Rich Primer

3 STANDARDS

- 3.1 VOC Content Limits
- 3.2 Coating Not Listed in Table 1
- 3.3 Most Restrictive VOC Content Limits
- 3.4 Sell-through Provisions
- 3.5 Thinning
- 3.6 Painting Practices
- 3.7 Colorants

4 CONTAINER LABELING REQUIREMENTS

- 4.1 Date Code
- 4.2 Thinning Recommendations
- 4.3 VOC Content
- 4.4 Faux Finishing Coatings
- 4.5 Industrial Maintenance Coatings
- 4.6 Reactive Penetrating Sealers
- 4.7 Rust Preventative Coatings
- 4.8 Specialty Primers, Sealers, and Undercoaters
- 4.9 Stone Consolidants
- 4.10 Wood Coating
- 4.11 Zinc Rich Primers

5 REPORTING REQUIREMENTS

- 5.1 Sales Data

6 COMPLIANCE PROVISIONS AND TESTING REQUIREMENTS

- 6.1 Calculations of VOC Content
- 6.2 VOC Content of Coatings
- 6.3 Alternative Test Method
- 6.4 Methacrylate Traffic Marking Coatings
- 6.5 Test Methods

7 VIOLATIONS

1 GENERAL

- 1.1 Purpose:** To limit the quantity of Volatile Organic Compounds (VOCs) in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the Western Nevada County (definition, see Section 2.74).
- 1.2 Applicability:** Except as provided in Section 1.3 below, this Rule is applicable to any person who: (1) supplies, sells, offers for sale, or manufactures any architectural coating for use within the Western Nevada County; (2) manufactures, blends, or repackages any architectural coating for use within Western Nevada County; (3) applies or solicits the application of any architectural coating within the Western Nevada County.
- 1.2.1** On and after 60 days following the effective date of the U.S. Environmental Protection Agency's (EPA) final determination that the Western Nevada County ozone nonattainment area has failed to meet a Reasonable Further Progress (RFP) milestone for the 2015 8-hour Ozone National Ambient Air Quality Standard or failed to reach attainment by the prescribed attainment date of August 3, 2027, as described in Clean Air Act Sections 172(c)(9) and 182(c)(9), this rule shall be implemented only in the Western Nevada County nonattainment area.
- 1.3 Exemptions:** This Rule does not apply to:
- 1.3.1** Any architectural coating that is sold or manufactured for use outside of the Western Nevada County or for shipment to other manufacturers for reformulation or repackaging.
- 1.3.2** Any aerosol coating product.
- 1.3.3** With the exception of section 5, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less provided the following requirements are met:
- 1.3.3.1** The coating container is not bundled together with other containers of the same specific coating category (listed in **Table 1**) to be sold as a unit that exceeds one liter (1.057 quart), excluding containers packed together for shipping to a retail outlet, and
- 1.3.3.2** The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in **Table 1**) so that the combination exceeds one liter (1.057 quart).
- 1.3.4** Colorant added at the factory or at the worksite is not subject to the VOC limit in **Table 2**. In addition, containers of colorant sold at the point of sale for use in the field or on a job site are also not subject to the VOC limit in **Table 2**.

2 DEFINITIONS

- 2.1 Adhesive:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- 2.2 Aerosol Coating Product:** A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- 2.3 Aluminum Roof Coating:** A coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 6.5.4.
- 2.4 Appurtenances:** Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain-gutters and down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.
- 2.5 Architectural Coating:** A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this Rule.
- 2.6 ASTM:** ASTM International
- 2.7 Basement Specialty Coating:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:
- 2.7.1** Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-17, which is incorporated by reference in Section 6.5.12; and
- 2.7.2** Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-16 and ASTM D3274-09 (2017), incorporated by reference in Section 6.5.19.
- 2.8 BAAQMD:** Bay Area Air Quality Management District.

- 2.9 Bitumens:** Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- 2.10 Bituminous Roof Coating:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 2.11 Bituminous Roof Primer:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 2.12 Bond Breaker:** A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- 2.13 Building Envelope:** The ensemble of exterior and demising partitions of a building that enclose conditioned space.
- 2.14 Building Envelope Coating:** The fluid applied coating applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented strand board (OSB), gypsum board, and wood substrates and must meet the following performance criteria:
- 2.14.1** Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft² @ 1.57 psf), [0.02 liters per square meter per second under a pressure differential of 75 Pa (0.02 L/(s m²) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in Section 6.5.9; and/or
- 2.14.2** Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:
- 2.14.2.1** Passes water resistance testing accordance to ASTM E331-00(2016), incorporated by reference in Section 6.5.24; and
- 2.14.2.2** Water vapor permeance is classified in accordance with ASTM E96/E96M-16, incorporated by reference in Section 6.5.25.
- 2.15 CARB:** California Air Resources Board.
- 2.16 Coating:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited

to, paints, varnishes, sealers, and stains.

- 2.17 Colorant:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- 2.18 Concrete Curing Compound:** A coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:
 - 2.18.1** Retard the evaporation of water; or
 - 2.18.2** Harden or dustproof the surface of freshly poured concrete.
- 2.19 Concrete/Masonry Sealer:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:
 - 2.19.1** Prevent penetration of water;
 - 2.19.2** Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
 - 2.19.3** Harden or dustproof the surface of aged or cured concrete.
- 2.20 Driveway Sealer:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:
 - 2.20.1** Fill cracks; or
 - 2.20.2** Seal the surface to provide protection; or
 - 2.20.3** Restore or preserve the appearance.
- 2.21 Dry Fog Coating:** A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- 2.22 Exempt Compound:** A compound identified as exempt under the definition of Volatile Organic Compound (VOC), Section 2.69.
- 2.23 Faux Finishing Coating:** A coating labeled and formulated to meet one or more of the following criteria:
 - 2.23.1** A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
 - 2.23.2** A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or
 - 2.23.3** A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in

- accordance with SCAQMD Method 318-95, incorporated by reference in Section 6.5.4; or
- 2.23.4** A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 6.5.4; or
- 2.23.5** A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Section 2.23.1, 2.23.2, 2.23.3, or 2.23.4. These clear topcoats must be sold and used solely as part of a Faux Finishing coating system and must be labeled in accordance with Section 4.4.
- 2.24 Fire-Resistive Coating:** An opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with the ASTM Designation E 119-98. The fire-resistive coatings and the testing agency must also be approved by building code officials.
- 2.25 Flat Coating:** A coating that is not defined under any other definition in this Rule and that registers gloss less than 15 on an 85-degree meter, or less than 5 on a 60-degree meter in accordance with ASTM D523-14(2018) incorporated by reference in Section 6.5.3.
- 2.26 Floor Coating:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- 2.27 Form-Release Compound:** A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some other material other than concrete.
- 2.28 Graphic Arts Coating (Sign Paint):** A coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.
- 2.29 High-Temperature Coating:** A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

- 2.30 Industrial Maintenance Coating:** A high performance architectural coating, including primers, sealers, undercoats, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in Sections 2.30.1 through 2.30.5, and labeled as specified in Section 4.5:
- 2.30.1** Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - 2.30.2** Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
 - 2.30.3** Repeated exposure to temperatures above 121°C (250°F);
 - 2.30.4** Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
 - 2.30.5** Exterior exposure of metal structures and structural components.
- 2.31 Interior Stain:** A stain labeled and formulated exclusively for use on interior surfaces.
- 2.32 Intumescent:** A material that swells as a result of heat exposure, thus increasing in volume and decreasing in density.
- 2.33 Low-Solids Coating:** A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.
- 2.34 Magnesite Cement Coating:** A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- 2.35 Manufacturer's Maximum Thinning Recommendation:** The maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- 2.36 Market:** To facilitate sales through third party vendors including, but not limited to, catalog or ecommerce sales that bring together buyers and sellers. For the purposes of this rule, market does not mean to generally promote or advertise coatings.
- 2.37 Mastic Texture Coating:** A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
- 2.38 Medium Density Fiberboard (MDF):** A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.
- 2.39 Metallic Pigmented Coating:** A coating containing at least 48 grams of

elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95.

- 2.40 Multi-Color Coating:** A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.
- 2.41 Nonflat Coating:** A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM D523-14(2018).
- 2.42 Particleboard:** A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.
- 2.43 Pearlescent:** Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.
- 2.44 Plywood:** A panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.
- 2.45 Post-consumer Coating:** Finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.
- 2.46 Pre-Treatment Wash Primer:** A primer that contains a minimum of 0.5 percent acid, by weight, and labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats. The acidity of a Pretreatment Wash Primer shall be measured by ASTM D1613-17.
- 2.47 Primer, Sealers and Undercoater:** Coatings labeled, formulated, and applied to substrates to:
- 2.47.1** Provide a firm bond between the substrate and subsequent coats; or
 - 2.47.2** Prevent subsequent coatings from being absorbed by the substrate; or
 - 2.47.3** Prevent harm to subsequent coatings by materials in the substrate; or
 - 2.47.4** Provide a smooth surface for the substrate application of coatings; or
 - 2.47.5** Provide a clear finish coat to seal the substrate; or
 - 2.47.6** Block materials from penetrating into or leaching out of a substrate.
- 2.48 Reactive Penetrating Sealer:** A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the

substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

- 7.1.1 The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section 6.5.19: ASTM C67/C67M-18, or ASTM C97/97M-18, or ASTM C140/C140M-18a; and
- 7.1.2 The Reactive Penetrating Sealer must provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/96M-16 or ASTM D6490-99 (2014), incorporated by reference in Section 6.5.20; and
- 7.1.3 Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Section 6.5.21.

Reactive Penetrating Sealers must be labeled in accordance with Section 4.6.

- 2.49 **Recycled Coating:** An architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.
- 2.50 **Residential:** Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- 2.51 **Roof Coating:** A non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.
- 2.52 **Rust Preventative Coating:** A coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:
 - 2.52.1 Direct-to-metal coating; or
 - 2.52.2 Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

- 2.52.3 Coatings that are required to be applied as a topcoat over a primer; or
- 2.52.4 Coatings that are intended for use on wood or any other nonmetallic surface.

Rust Preventative coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in Section 4.7.

- 2.53 Secondary Industrial Materials:** Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.
- 2.54 Semitransparent Coating:** A coating that contains binders and colored pigments and is formulated to change the color of the surface but not conceal its grain patterns or texture.
- 2.55 Shellac:** A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- 2.56 Shop Application:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).
- 2.57 Solicit:** To require for use or to specify, by written or oral contract.
- 2.58 SCAQMD:** South Coast Air Quality Management District.
- 2.59 Specialty Primer, Sealer, and Undercoater:** Coatings formulated for application to a substrate to block water-soluble stains resulting from: fire damage, smoke damage; or water damage.

Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with Section 4.8.

- 2.60 Stain:** A clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- 2.61 Stone Consolidant:** A coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01 (2008), incorporated by reference in Section 6.5.22.

Stone Consolidants are for professional use only and must be labeled as such, in accordance with the labeling requirements in Section 4.9.

- 2.62 Swimming Pool Coating:** A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.
- 2.63 Tile and Stone Sealers:** A clear or pigmented sealer that is used for sealing

tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or straining and which meet one of the following subcategories:

- 2.63.1** Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:
 - 2.63.1.1** A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10 percent per ASTM C373-18, ASTM C97/C97M-18, or ASTM C642-13, incorporated by reference in Section 6.5.26;
 - 2.63.1.2** Retain or increase static coefficient of friction per ANSI A137.1 (2019), incorporated by reference in Section 6.5.27.;
 - 2.63.1.3** Not create a topical surface film on the tile or stone; and
 - 2.63.1.4** Allow vapor transmission per ASTM E96/E96M-16, incorporated by reference in Section 6.5.28.
- 2.63.2** Film forming sealers which leave a protective film on the surface.
- 2.64 Tint Base:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- 2.65 Traffic Marking Coating:** A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways. This coating category also includes Methacrylate Multicomponent Coatings used as traffic marking coatings. The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, incorporated by reference in Section 6.5.11.
- 2.66 Tub and Tile Refinish Coating:** A clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:
 - 2.66.1** The coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05 (2011)e2, incorporated by reference in Section 6.5.14; and
 - 2.66.2** The coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-14, incorporated by reference in Section 6.5.15; and
 - 2.66.3** The coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99, and 2020 CARB SCM for Architectural Coatings California Air Resources Board 12 May 2020 ASTM D714-02 (2017), incorporated by reference in Section 6.5.16;

and

2.66.4 The coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-/D4585M-18 and ASTM D3359-17, incorporated by reference in Section 6.5.13.

2.67 Veneer: Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

2.68 Virgin Materials: Materials that contain no post-consumer coatings or secondary industrial materials.

2.69 Volatile Organic Compound (VOC): Any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- 2.69.1** methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes; the following classes of perfluorocarbons:
cyclic, branched, or linear, completely fluorinated alkanes;
cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
- 2.69.2** the following low-reactive organic compounds which have been

exempted by the U.S. EPA:
 acetone;
 ethane;
 parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl
 benzene);perchloroethylene; and
 methyl acetate

2.70 VOC Actual: VOC Actual is the weight of VOC per volume of coating or colorant and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as "Material VOC").
 W_s = weight of volatiles, in grams.
 W_w = weight of water, in grams.
 W_{ec} = weight of exempt compounds, in grams.
 V_m = volume of coating, in liters.

2.71 VOC Content: The weight of VOC per volume of coating or colorant. VOC Content is VOC Regulatory, as defined in Section 2.72, for all coatings or colorants except those in the Low Solids category. For coatings or colorants in the Low Solids category, the VOC Content is VOC Actual, as defined in Section 2.70. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

2.72 VOC Regulatory: VOC Regulatory is the weight of VOC per volume of coating or colorant, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory = the grams of VOC per liter of coating, less water and exempt compounds (also known as "Coating VOC").
 W_s = weight of volatiles, in grams.
 W_w = weight of water, in grams.
 W_{ec} = weight of exempt compounds, in grams.
 V_m = volume of coating, in liters.
 V_w = volume of water, in liters.
 V_{ec} = volume of exempt compounds, in liters.

2.73 Waterproofing Membrane: A clear or opaque coating labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents penetration of water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels,

inside concrete planters, and under flooring materials. The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.). Waterproofing Membranes must meet the following criteria:

- 2.73.1 Coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and
- 2.73.2 Coatings must meet or exceed the requirements contained in ASTM C836/C836M-18 incorporated by reference in Section 6.5.17.

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

- 2.74 **Western Nevada County:** Is based on a divide line that runs north/south near the Sierra crest, less than a mile east of the town of Soda Springs; the western portion of Nevada County, which lies west of a line, described as follows: Beginning at the Nevada-Placer County boundary and running north along the western boundaries of Sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Nevada-Sierra County boundary.
- 2.75 **Wood Coating:** Coatings labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood. Wood Coatings must be labeled "For Wood Substrates Only", in accordance with Section 4.10.
- 2.76 **Wood Preservative:** A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.)
- 2.77 **Wood Substrate:** A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.
- 2.78 **Zinc-Rich Primer:** A coating that meets all of the following specifications:
 - 2.78.1 Contains at least 65 percent metallic zinc powder or zinc dust by

- weight of total solids; and
- 2.78.2** Is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
- 2.78.3** Is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section 4.11.

3 STANDARDS

- 3.1 VOC CONTENT LIMITS:** Except as provided in and 3.3 and 3.4 no person shall:
- a. manufacture, blend, or repackage for use within Western Nevada County;
 - b. supply, sell, market, or offer for sale within Western Nevada County; or
 - c. solicit for application or apply within the Western Nevada County, any architectural coating with a VOC content in excess of the corresponding limit specified in **Table 1**, after the specified effective date in **Table 1**. Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum thinning recommendation, excluding any colorant added to tint bases.

TABLE 1: VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS

Coating Category	Effective 1/1/2022
Flat Coatings	50
Nonflat Coatings	50
Aluminum Roof Coating	100
Basement Specialty Coating	400
Bituminous Roof Coating	50
Bituminous Roof Primers	350
Bond Breakers	350
Building Envelope Coatings	50
Concrete Curing Compounds	350
Concrete/Masonry Sealers	100
Driveway Sealers	50
Dry Fog Coating	50
Faux Finishing Coating	350
Fire Resistant Coating	150
Floor Coatings	50
Form-Release Compounds	100
Graphic Arts Coating (Sign Paints)	500
High Temperature Coating	420
Industrial Maintenance Coatings	250
Low Solids Coatings	120
Magnesite Cement Coatings	450

Mastic Texture Coatings	100
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	100
Reactive Penetrating Sealers	350
Recycled Coatings	250
Roof Coatings	50
Rust Preventative Coatings	250
Shellacs:	
• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	100
Stains (Exterior/Dual, Interior)	100
Stone Consolidants	450
Swimming Pool Coatings	340
Tile and Stone Sealers	100
Traffic Marking Coatings	100
Tube and Tile Refinish Coatings	420
Waterproofing Membrane	100
Wood Coating	275
Wood Preservatives	350
Zinc-Rich Primers	340

3.2 Coating Not Listed in Table 1. VOC Content of Coatings : For any coating that does not conform with any of the definitions for the specialty coating categories listed in **Table 1**, the VOC content limit shall be determined by classifying the coating as a Flat or Nonflat coating, based on its gloss, as defined in Sections 2.25 and 2.41 and the corresponding Flat or Nonflat VOC limit in **Table 1** shall apply.

3.3 Most Restrictive VOC Content Limits: If a coating meets the definition in Section 2 for one or more specialty coating categories that are listed in **Table 1**, then that coating is not required to meet the VOC limits for Flat or Nonflat, but is required to meet the VOC limit for the applicable specialty coating listed in **Table 1**.

With the exception of the specialty coating categories specified in Sections 3.3.1 through 3.3.12, if a coating is recommended for use in more than one of the specialty coating categories listed in **Table 1**, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf. This provision does not apply to the specialty coating categories specified below:

3.3.1 Metallic pigmented coatings.

- 3.3.2 Shellacs.
- 3.3.3 Pretreatment wash primers.
- 3.3.4 Industrial maintenance coatings.
- 3.3.5 Low-solids coatings.
- 3.3.6 Wood preservatives.
- 3.3.7 High temperature coatings.
- 3.3.8 Bituminous roof primers.
- 3.3.9 Specialty primers, sealers, and undercoaters.
- 3.3.10 Aluminum roof coatings.
- 3.3.11 Zinc-rich primers.
- 3.3.12 Wood Coatings

3.4 Sell-through Provisions: Coatings or colorants manufactured prior to January 1, 2022, shall comply with the following requirements:

3.4.1 A coating manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a coating manufactured before January 1, 2022, may be applied at any time, both before and after January 1, 2022, so long as the coating complied with all applicable provisions of this rule. This provision does not apply to any coating that does not display the date or date-code required by Section 4.1.

3.4.2 A colorant manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a colorant manufactured before January 1, 2022, may be applied at any time, both before and after January 1, 2022, so long as the colorant complied with all applicable provisions of this rule. This provision does not apply to any colorant that does not display the date or date-code required by Section 4.12.1.

3.5 Thinning: No person who applies or solicits the application of any architectural coating shall apply or specify the application of a coating that is thinned to exceed the applicable VOC limit specified in **Table 1**.

3.6 Painting Practices: All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

3.7 Colorants: No person within Western Nevada County shall, at the point of sale of any architectural coating subject to Section 3.1, add to such coating any colorant that contains VOC in excess of the corresponding applicable VOC

60

limit specified in **Table 2. VOC Content of Colorants.** The point of sale includes retail outlets that add colorant to a coating container to obtain a specific color.

Table 2. VOC Content of Colorants

Colorant Added To	VOC
Coating Categories	Grams/liter
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600

4 CONTAINER LABELING REQUIREMENTS

4.1 Date Code: The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the Air Resources Board (ARB).

4.2 Thinning Recommendations: The manufacturer’s thinning recommendations shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

4.3 VOC Content: Each container of any coating subject to this rule shall display one of the following values in grams of VOC per liter of coating:

4.3.1 Maximum VOC Content as determined from all potential product formulations; or

4.3.2 VOC Content as determined from actual formulation data; or

4.3.3 VOC Content as determined using the test methods in Section 6.2.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in Sections 2.70, 2.71, and 2.72.

4.4 Faux Finishing Coatings: The labels of all clear topcoat faux finishing

61

coatings shall prominently display the following statement: “This product can only be sold or used as a part of a Faux Finishing coating system”.

- 4.5 Industrial Maintenance Coatings:** The labels of all Industrial Maintenance coatings shall prominently display the statement “For industrial use only” or “For professional use only”.
- 4.6 Reactive Penetrating Sealers:** The labels of reactive penetrating sealers shall prominently display the statement “Reactive Penetrating Sealer”.
- 4.7 Rust Preventative Coatings:** The labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only”.
- 4.8 Specialty Primers, Sealers, and Undercoaters:** The labels of all specialty primers, sealers, and undercoaters shall prominently display the statement “Specialty Primer, Sealer, Undercoater”.
- 4.9 Stone Consolidants:** The labels of Stone Consolidants shall prominently display the statement “Stone Consolidant – For Professional Use Only”.
- 4.10 Wood Coating:** The labels of Wood Coatings shall prominently display the statement “For Wood Substrates Only”.
- 4.11 Zinc Rich Primers:** The labels of Zinc-Rich Primers shall prominently display the statement “For professional use only”.
- 4.12** Effective January 1, 2022, each manufacturer of any colorant subject to this rule shall display the information listed in Sections 4.12.1 and 4.12.2 on the container (or its label) in which the colorant is sold or distributed.
 - 4.12.1 Date Code:** The date the colorant was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any colorant, the manufacturer shall file an explanation of each code with the Executive Officer.
 - 4.12.2 VOC Content:** Each container of any colorant subject to this rule shall display one of the following values in grams of VOC per liter of colorant:
 - 4.12.2.1** Maximum VOC Content as determined from all potential product formulations; or
 - 4.12.2.2** VOC Content as determined from actual formulation data; or
 - 4.12.2.3** VOC Content as determined using the test methods in Section 6.2.

62

If the colorant contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in Sections 2.69, 2.70, and 2.71.

5 REPORTING REQUIREMENTS

5.1 Sales Data: A responsible official from each manufacturer shall upon request of the Executive Officer of the CARB, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:

- 5.1.1 the name and mailing address of the manufacturer;
- 5.1.2 the name, address, and telephone number of a contact person;
- 5.1.3 the name of the coating product as it appears on the label and the applicable coating category;
- 5.1.4 whether the product is marketed for interior or exterior use or both;
- 5.1.5 the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
- 5.1.6 the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
- 5.1.7 the names and CAS numbers of the VOC constituents in the product;
- 5.1.8 the names and CAS numbers of any compounds in the product specifically exempted from the VOC definition, as listed in Section 2.69.1 or 2.69.2;
- 5.1.9 whether the product is marketed as solventborne, waterborne, or 100% solids;
- 5.1.10 description of resin or binder in the product;
- 5.1.11 whether the coating is a single-component or multi-component product;
- 5.1.12 the density of the product in pounds per gallon;
- 5.1.13 the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section 2.69.1 or 2.69.2; and
- 5.1.14 the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section 2.69.1 or 2.69.2.

All sales data listed in Sections 5.1.1 to 5.1.14 shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the ARB may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-

6 COMPLIANCE PROVISIONS AND TESTING REQUIREMENTS

- 6.1 Calculations of VOC Content:** For the purpose of determining compliance with the VOC content limits in **Table 1** or **Table 2**, the VOC content of a coating or colorant shall be determined as defined in Section 2.70, 2.71, or 2.72. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.
- 6.2 VOC Content of Coatings:** The VOC content of coatings or colorants shall be determined by the following:
- 6.2.1** To determine the physical properties of a coating or colorant in order to perform the calculations in Section 2.70 or 2.72, the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in Section 6.5.9, except as provided in Sections 6.3 and 6.4.
 - 6.2.2** An alternative method to determine the VOC content of coatings or colorants is SCAQMD Method 304-91 (Revised 1996), incorporated by reference in Section 6.5.9.
 - 6.2.3** The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised 1996), BAAQMD Method 43 (Revised 2005), or BAAQMD Method 41 (Revised 2005), as applicable, incorporated by reference in Sections 6.5.8, 6.5.6, and 6.5.7, respectively.
 - 6.2.4** To determine the VOC content of a coating or colorant, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in Section 6.3, formulation data, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in Section 6.3.
 - 6.2.5** To determine the VOC content of a coating or colorant with a VOC content of 150 g/l or less, the manufacturer may use SCAQMD Method 313, incorporated by reference in Section 6.5.29, ASTM D6886-18, incorporated by reference in Section 6.5.30, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping).

- 6.2.6 The Western Nevada County Air Pollution Control Officer (APCO) may require the manufacturer to conduct a Method 24 analysis.
- 6.3 **Alternative Test Method:** Alternatively, the VOC content of coatings or colorants may be determined by SCAQMD Method 304-91 (1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".
- 6.4 **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in Section 6.5.11. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.
- 6.5 **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule:
- 6.5.1 **Flame Spread Index:** The flame spread index of a fire-retardant coating shall be determined by ASTM E84-18b, "Standard Test Method for Surface Burning Characteristics of Building Materials" (see section 2, Fire-Retardant Coating).
- 6.5.2 **Fire Resistance Rating:** The fire resistance rating of fire-resistive coatings shall be determined by ASTM E119-20, "Standard Test Methods for Fire Tests of Building Construction and Materials" (see section 2, Fire-Resistive Coating).
- 6.5.3 **Gloss Determination:** The gloss of flat and nonflat coatings shall be determined by ASTM D523-14(2018), "Standard Test Method for Specular Gloss" (see section 2, Flat Coating and Nonflat Coating).
- 6.5.4 **Metal Content of Coatings:** SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD Laboratory Methods of Analysis for Enforcement Samples (see section 2, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating).
- 6.5.5 **Acid Content of Coatings:** The acid content of Pretreatment Wash Primer shall be determined by ASTM D1613-17, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (see section 2, Pre-treatment Wash Primer).
- 6.5.6 **Exempt Compounds – Siloxanes:** Cyclic, branched, or linear completely methylated siloxanes shall be analyzed by BAAQMD Test Method 43, "Determination of Volatile Methylsiloxanes in Solvent

Based Coatings, Inks, and Related Materials”, BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005 (see section 2, Volatile Organic Compound, and Section 6.2).

- 6.5.7 Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** PCBTF shall be analyzed by BAAQMD Test Method 41, “Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride”, BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005 (see section 2, Volatile Organic Compound, and Section 6.2).
- 6.5.8 Exempt Compounds:** The content of compounds exempt under EPA Test Method 24 shall be analyzed by SCAQMD Method 303-91 (1993), “Determination of Exempt Compounds”, SCAQMD “Laboratory Methods of Analysis for Enforcement Samples” (see section 4, Volatile Organic Compound, and Section 6.2).
- 6.5.9 VOC Content of Coatings:** The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings” (see Section 6.2).
- 6.5.10 Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials,” SCAQMD Laboratory Methods of Analysis for Enforcement Samples (see Section 6.2).
- 6.5.11 Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings” (see Section 6.4).
- 6.5.12 Hydrostatic Pressure for Basement Specialty Coatings:** ASTM D7088-17, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry” (see section 2, Basement Specialty Coating).
- 6.5.13 Tub and Tile Refinish Coating Adhesion:** ASTM D4585/4585M-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D3359-17, “Standard Test Methods for Measuring Adhesion by Tape Test” (see section 2, Tub and Tile Refinish Coating).

- 6.5.14 **Tub and Tile Refinish Coating Hardness:** ASTM D3363-05 (2011)e2, “Standard Test Method for Film Hardness by Pencil Test” (see section 2, Tub and Tile Refinish Coating).
- 6.5.15 **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM D4060-14, “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser” (see section 2, Tub and Tile Refinish Coating).
- 6.5.16 **Tub and Tile Refinish Coating Water Resistance:** ASTM D4585/4585M-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D714-02 (2017), “Standard Test Method for Evaluating Degree of Blistering of Paints” (see section 2, Tub and Tile Refinish Coating).
- 6.5.17 **Waterproof Membrane:** ASTM C836/836M-18, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course” (see section 2, Waterproofing Membrane).
- 6.5.18 **Mold and Mildew Growth for Basement Specialty Coatings:** ASTM D3273-16, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” and ASTM D3274-09 (2017), “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Fungal or Algal Growth or Soil and Dirt Accumulation” (see section 2, Basement Specialty Coating).
- 6.5.19 **Reactive Penetrating Sealer Water Repellency:** ASTM C67/C67M-18, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile”; or ASTM C97/97M-18, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C140/140M-18a, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units” (see section 2, Reactive Penetrating Sealer).
- 6.5.20 **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM E96/E96M-16, “Standard Test Method for Water Vapor Transmission of Materials”; or ASTM D6490-99 (2014), “Standard Test Method for Water Vapor Transmission of Nonfilm Forming Treatments Used on Cementitious Panels” (see section 2, Reactive Penetrating Sealer).
- 6.5.21 **Reactive Penetrating Sealer- Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures” (see section 2, Reactive Penetrating Sealer).
- 6.5.22 **Stone Consolidants:** ASTM E2167-01 (2008), “Standard Guide for

Selection and Use of Stone Consolidants” (see section 2, Stone Consolidant).

- 6.5.23 Building Envelope Coating Air Permeance of Building Materials:** ASTM E2178-13, “Standard Test Method for Air Permeance of Building Materials” (see section 2, Building Envelope Coating).
- 6.5.24 Building Envelope Coating Water Penetrating Testing:** ASTM E331-00 (2016), “Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference” (see section 2, Building Envelope Coating).
- 6.5.25 Building Envelope Coating Water Vapor Transmission:** ASTM E96/96M-16, “Standard Test Methods for Water Vapor Transmission of Materials” (see section 2, Building Envelope Coating).
- 6.5.26 Tile and Stone Sealers Absorption:** ASTM C373-18, “Standard Test Methods for Determination of Water Absorption and Associated Properties by Vacuum Method for Pressed Ceramic Tile and Glass Tiles and Boil Method for Extruded Ceramic Tiles and Non-tile Fired Ceramic Whiteware Products”; or ASTM C97/97M-18, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C642-13, “Standard Test Method for Density, Absorption, and Voids in Hardened Concrete” (see section 2, Tile and Stone Sealers).
- 6.5.27 Tile and Stone Sealers – Static Coefficient of Friction:** ANSI A137.1 (2012), “American National Standard of Specifications for Ceramic Tile” (see section 2, Tile and Stone Sealers).
- 6.5.28 Tile and Stone Sealers Water Vapor Transmission:** ASTM E96/96M-16, “Standard Test Methods for Water Vapor Transmission of Materials” (see section 2, Tile and Stone Sealers).
- 6.5.29 VOC Content of Coatings:** SCAQMD Method 313, “Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry/Flame Ionization Detection (GS/MS/FID)” (see section 6.2, VOC Content of Coatings).
- 6.5.30 VOC Content of Coatings:** ASTM D6886-18, “Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography” (see section 6.2, VOC Content of Coatings).

7 VIOLATIONS

Failure to comply with any provision of this rule shall constitute a violation of this rule. The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this Rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
RESOLUTION #2023-03**

In the Matter of: Adopting a proposed District Rule 230 (Architectural Coating) for the Federal Ozone Non-attainment portion of Western Nevada County.

Whereas, Western Nevada County has been designated under the CAA as a Nonattainment area for the 8-hour ozone National Ambient Air Quality Standards. CAA Sections 172(c)(9) and 182 (c)(9) require ozone Nonattainment Areas to include contingency measures (i.e. additional air pollution controls) in SIPs that will go into effect without further regulatory action on the part of the District, State or the EPA if attainment is not achieved as predicted.

Whereas, the Environmental Protection Agency has worked with NSAQMD staff and has reviewed the proposed Rule 230 and found it to be federally approvable; and

Whereas, Sections 40001 and 40702 of the California Health and Safety Code (HSC) establish authority for the District to adopt Rules and Regulations as may be necessary to execute the powers and duties granted to, and imposed upon, the District by the HSC and other statutory provisions; and

Whereas, Section 15308 of the CEQA Guidelines provide that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption), and

Whereas, said rules have been properly noticed for a 30-day public review period in accordance with HSC sections 40725 and 40726; a public hearing was held on February 27, 2023, in accordance with the information in the public notice; a regulations file is being maintained per HSC Section 40728; and

Whereas, pursuant to the HSC Section 40727, the Board hereby finds that:

- (a) There is a need to adopt these rules; and
- (b) Under state and local law, the Board has the authority to adopt these rules; and
- (c) These rules, as written, can be understood by the persons directly affected by them; and
- (d) These rules are consistent with existing statutes, court decisions, or other state and federal regulations; and
- (e) These rules, as written, do not duplicate the same requirements of an existing state or federal regulation except to the extent that the rule is necessary or proper to execute the powers and duties granted to or imposed upon the District; and
- (f) These rules have appropriate reference to a statute, court decision, or other provision of law that the District implements, interprets, or makes specific by the rule amendment.

Now, therefore, be it resolved and ordered by the Northern Sierra Air Quality Management District Board of Directors that Rule 230 is hereby adopted, as presented in the District's Staff Report, as part of the Northern Sierra Air Quality Management District Rules and Regulations.

70

On a motion by Supervisor _____, and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on February 27, 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstaining:

Approve: _____
Chair of Board

Attest: _____
Dawn Lunsford, Clerk of the Board

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: IV.B

Agenda Description: Public Hearing and Proposed Adoption of the Ozone Attainment Plan for Western Nevada County (2023 Plan) for the 70 parts per billion 8-hour ozone standard (70 ppb ozone standard).

Issues:

District staff has developed the Ozone Attainment Plan for Western Nevada County (2023 Plan) for the 70 parts per billion 8-hour ozone standard (70 ppb ozone standard).

The California Air Resources Board staff has concluded that the 2023 Plan meets the State Implementation Plan (SIP) planning federal requirements of the federal Clean Air Act including attainment demonstration, emissions inventory, reasonable further progress (RFP), reasonably available control measures (RACM) analysis and transportation conformity demonstrations, and contingency measures for progress and attainment.

The Plan and all of its appendices can be found at the following links:

https://myairdistrict.com/wp-content/uploads/2023/01/NSAQMD-2015-Ozone-SIP-FINAL_No-Appendices-TDC-01.27.2023.pdf

[Appendix A, Emissions Inventory;](#)

[Appendix B, CARB Control Measure;](#)

[Appendix C, Mobile;](#)

[Appendix D, RACM;](#)

[Appendix E, Modeling Demonstration;](#)

[Appendix F, Modeling Emission Inventory;](#)

[Appendix G, Weight of Evidence](#)

Requested Action:

1. Open a public hearing to receive comments on the Ozone SIP.
2. Approve the SIP by authorizing approval of Resolution 2023-04

ROLL CALL VOTE REQUESTED

Attachments:

1. Resolution 2023-04

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT RESOLUTION # 2023-04

In the Matter of: proposed adoption by the Northern Sierra Air Quality Management District (NSAQMD) of a State Implementation Plan (Plan) for the 2015 Primary Federal 8-hour Ozone Standard in fulfillment of requirements under the Federal Clean Air Act relating to the Western Nevada County Federal Ozone Nonattainment Area.

Whereas, the Northern Sierra Air Quality Management District (District) is a duly constituted unified district, as provided in Chapter 3, Part 3, Division 26 in the California Health and Safety Code; and

Whereas, the District may do such acts as are necessary or proper to execute its power and duties, under Section 40702 of the Health and Safety Code; and

Whereas, the District has the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles, within its jurisdiction, under Section 40000 of the Health and Safety Code; and

Whereas, the District may sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution within its jurisdiction, under Section 40004 of the Health and Safety Code; and

Whereas, the District must prepare plans to attain the National and state ambient air quality standards within its jurisdiction, under Sections 41650 and 40911 of the Health and Safety Code; and

Whereas, On June 4, 2018, U.S. Environmental Protection Agency (U.S. EPA) designated the Western Nevada County nonattainment area as Moderate nonattainment for the federal 70 ppb ozone standard; and

Whereas, the U.S. EPA reclassified Western Nevada County as a Serious nonattainment area effective November 29, 2021 for the 70 ppb ozone standard, requiring attainment by August 3, 2027; and

Whereas, Western Nevada County is regularly impacted by emissions and polluted air masses coming from the Sacramento Federal Ozone Nonattainment Area and San Francisco Bay Area; and

Whereas, the 2023 Western Nevada County Ozone Nonattainment Plan addresses the federal 8-hour ozone standard of 70 ppb promulgated in 2015, representing the next building block in planning efforts to meet increasingly health protective air quality standards.

Whereas, the District ozone strategy has relied on oxides of nitrogen (NOx) and reactive organic gases (ROG) emission reductions from stationary and mobile sources, as well as

concurrent emission reductions in upwind areas from which ozone and ozone precursors are transported.

Whereas, to meet requirements of the federal Clean Air Act to provide contingency measures, the District adopted District Rule 230 – Architectural Coatings; and

Whereas, the Northern Sierra Air Quality Management District Board hereby commits to meet its obligations under the Western Nevada County Ozone Nonattainment Plan; and

Whereas, a public hearing for approving this proposed Western Nevada County Ozone Nonattainment Plan was duly noticed for at least thirty days and held on February 27, 2023, in accordance with the law; and

Whereas, Section 15308 of the California Environmental Quality Act (CEQA) Guidelines, title 14 of the California Code of Regulations, provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review; and

Whereas, this Governing Board of Directors concurs with the recommendations of its staff; and

Whereas, the District Board approved Western Nevada County Ozone Nonattainment Plan, under this resolution, will be submitted to the California Air Resources Board (CARB) and U.S. EPA for inclusion into the State Implementation Plan;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. The Northern Sierra Air Quality Management District Board of Directors hereby finds, based upon the evidence and information presented at the hearing upon which the decision is based, that all notices required to be given by law have been duly given, and that the District Board has allowed public testimony in accordance with the law.
2. The Northern Sierra Air Quality Management District Board of Directors directs the District to fulfill its obligations under the Western Nevada County Ozone Nonattainment Plan.
3. This action is exempt from the California Environmental Quality Act (CEQA), under Class 8, section 15308 of the CEQA Guidelines, title 14 of the California Code of Regulations, for actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration or enhancement of the environment where the regulatory process involves procedures for protection of the environment.
4. The Northern Sierra Air Quality Management District Board of Directors directs the District staff to submit to CARB with a request to submit to the U.S. EPA, for adding to the State Implementation Plan to comply with the federal Clean Air Act.

5. The Executive Director of the District is hereby directed to forward a copy of the Western Nevada County Ozone Nonattainment Plan and any additional information necessary to CARB for inclusion in the State Implementation Plan.
6. The District Governing Board requests that the CARB authorize its Executive Officer to include the Western Nevada County Ozone Nonattainment Plan in the California State Implementation Plan for submittal to U.S. EPA.
7. The District's Governing Board requests that the U.S. EPA approve this submittal of the Western Nevada County Ozone Plan and the State Implementation Plan.
8. District staff is hereby authorized to make any minor typographical and technical changes in the submittal and take other actions that are necessary to correct errors, clarify wording, or to satisfy CARB and U.S. EPA requirements for the Portola Plan.

On a motion by Supervisor _____, and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on February 27, 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstaining:

Approve: _____
Chair of Northern Sierra Air Quality Management Board

Attest: _____
Dawn Lunsford, Clerk of the Board

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: IV.C

Agenda Description: Appoint Nevada County Supervisor Hoek as an alternate to Mountain Counties Air Basin Control Council (BCC)

Issues: Northern Sierra Air Quality Management District is a member of the Mountain Counties Air Basin, which consists of 7 foothill air districts – Northern Sierra, Placer, El Dorado, Amador, Calaveras, Tuolumne and Mariposa air districts, respectively. The Mountain Counties Air Basin Technical Advisory Committee (TAC) meets regularly and is composed of staff members from each air district. Annually, the Mountain Counties Air Basin Control Council (BCC) meets to provide guidance and leadership for the TAC. The BCC is comprised of an air district board member from each of the air districts. Currently, Supervisor Adams is the appointed BCC member for Northern Sierra, but an alternate is necessary. Nevada County Supervisor Hoek (and alternate Air District Board Member) has expressed a willingness to represent the Air District on the BCC as an alternate.

Requested Action:

- 1. Appoint Nevada County Supervisor Hoek as alternate to the Mountain Counties Air Basin Control Council.**

ROLL CALL VOTE REQUESTED

Attachments: none

To: Northern Sierra Air Quality Management District Board of Directors
From: Gretchen Bennitt, Air Pollution Control Officer
Date: February 27, 2023

Agenda Item: V.A

Agenda Description: Report on CAPCOA delegation to Washington D.C.

Issues:

Executive Director, Gretchen Bennitt joined the California Air Pollution Control Officer's delegation to visit various representative and agencies to discuss air quality issues such as: Revision of the PM NAAQS, permanently exempting the onerous permitting requirements for Air Curtain Incinerators, support for new and existing biomass facilities, provide additional resources for fire hazard reduction on federal lands, federal funding in rural air districts for SIP development and program support.

The eight air districts from South Coast, San Joaquin, Placer, Mojave, Santa Barbara, Tehama and Northern Sierra were able to meet with the following representatives' office:

Senator Alex Padilla	Representative Tom McClintock
Speaker Kevin McCarthy	Representative Salud Carbajal
Senator Dianne Feinstein	Representative Pete Aguilar
Representative Sydney Kamlager	Representative Ken Calvert
Representative Zoe Lofgren	Representative Doug LaMalfa
Representative Jay Obernolte	Representative Kevin Kiley
Representative Tony Cardenas	Representative Robert Garcia

We also met with the various agencies:

Federal Railroad Administration
Maritime Administration
USDA – Dr. Wilkes, Undersecretary for Natural Resources and Environment
Bureau of Safety and Environmental Enforcement
Bureau of Ocean Energy Management
NOAA
Executive Office of the President of the U.S. Council of Environmental Quality

Ms. Bennitt will brief the Board on communications.

Requested Action: None, informational **only**

ROLL CALL VOTE REQUESTED

Attachments: Issue papers put together by rural air districts



THE PROPOSED REVISION OF THE ANNUAL PM_{2.5} NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS)

BACKGROUND:

Climate change has accelerated the aggregation of hazardous forest fuel loads and increased the occurrence of catastrophic wildfires. The pending revision of the PM_{2.5} NAAQS to a more stringent standard could be at odds with the need for increased open burning to prevent catastrophic wildfire and will increase the frequency by which air districts must develop resource intensive "exceptional events" packages from wildfire events. With this potential increase in exceptional events and non-compliance with a revised more stringent NAAQS will come mandatory State implementation Plan work and rule development for Districts to attain the standard. The lower PM_{2.5} standard has the potential to limit the use of prescribed fire of sufficient scale to reach the state's forest resiliency and climate goals.

ACTION ITEMS:

1. The Environmental Protection Agency (EPA) should review its policies and provide more flexibility regarding prescribed fire and the impacts from a more stringent PM_{2.5} NAAQS to help prevent catastrophic wildfires.
2. Streamline the Environmental Protection Agency's (EPA's) exceptional events requirements.



FEDERAL PERMIT REQUIREMENTS FOR AIR CURTAIN INCINERATORS (ACI)

BACKGROUND:

Air Curtain Incinerators (ACI) are incinerators that use a curtain of air to control combustion in an open chamber or pit. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. ACI's offer a controlled and hotter burn that produces less smoke and particulate matter compared to open-burning and can also produce useful products such as bio char. However, they are not widely used due to strict federal permitting requirements. Greater use of ACIs would benefit land managers by allowing them to reduce excess wood fuels in a safer and less polluting way, as well as allow burning to occur in areas where prescribed fire is not feasible.

IMPACT:

Title V is a federal program designed to standardize air quality permits and the permitting process for major sources of emissions across the country. The EPA requires states and local permitting authorities to develop and submit federally enforceable operating permit programs for EPA approval.

The EPA generally has not required non-major sources to obtain Title V permits. However, EPA does require this onerous permitting for ACI units under National Emission Standards for Hazardous Air Pollution (NESHAP) despite where they are used (this includes use in a National Forest or on private timberland).

The process for obtaining a title V permit can take the better part of a year to complete and is subject to renewal every 5 years which is a 6-to-12-month process. With the current EPA requirements to permit all ACI units as a Federal Title V source, regardless of where they are used, this valuable tool to reduce fire risk is challenging to permit and utilize. EPA has recognized this issue in a limited form and allowed temporary exclusion from Title V permitting requirements for ten (10) ACI's operated by California's State Fire Agency, (CALFIRE). However, this is only a band aid fix to this problem. Communities within the rural parts of California would benefit from this exclusion becoming permanent and applicable over a wider range than CALFIRE equipment.

PROPOSED SOLUTION:

Permanent Exclusion from the Environmental Protection Agency's (EPA) Title V Permitting Requirements for Air Curtain Incinerator (ACI) Units used solely for the burning of natural vegetation

BENEFITS:

Removing ACIs used to burn natural vegetation from EPA's Title V Program will remove a roadblock disincentivizing the use of a tool that can reduce open burning emissions by up to 93%.



SUPPORT FOR NEW AND EXISTING BIOMASS FACILITIES

BACKGROUND:

Biomass energy facilities convert waste plant matter into energy and other useful products. Biomass facilities utilize plant waste from federal and residential lands as well as agricultural waste such as orchard and vineyard removals. Biomass facilities not only provide much needed power, but compared to the open burning of plant waste, biomass plants have 98% less particulate matter (smoke) emissions and up to 80% less oxides of nitrogen emissions (which is an ozone precursor). In addition, they create local rural jobs, and provide baseload grid stability.

To properly manage the 47.8 million acres of federal lands in California a large amount of accumulated fuel needs to be removed. Biomass energy facilities can assist in reducing catastrophic wildfire risk and the associated unhealthy wildfire smoke events. They are also critical to manage the accumulation of agricultural waste throughout California, and especially in the San Joaquin and Sacramento Valleys. Without biomass facilities, the likely method to dispose of these materials is through open burning.

New large biomass facilities often run into permitting issues regarding emission offsets because the emission reductions they provide relative to open burning are not recognized in the permitting process. Smaller biomass facilities (3-5 megawatts in size) can avoid some of these permitting issues while offering similar emission benefits and can frequently be located closer to their source of waste materials. Woody fuels on natural working lands will eventually burn in an uncontrolled manner (as has been seen with the record setting wildfires over the last decade), leading to significant particulate and ozone issues across multiple air basins.

ACTION ITEMS:

1. Coordinate federal funding and policies that address issues such as providing incentives to create needed biomass energy facilities (both large and small) in California.
2. Provide ongoing tax credits for the creation and modernization of existing biomass energy facilities, similar to what was provided for wind and solar.
3. Provide funding to reduce costs (mainly transportation) to encourage federal land managers to make use of biomass facilities rather than conduct open burning.
4. Support a required nominal biomass content in renewable energy portfolios and streamlined permitting at local, state, and federal levels.



PROMOTE ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

BACKGROUND:

On December 2021, the Whitehouse released the Biden-Harris Electric Vehicle Charging Action Plan, the plan sets an ambitious goal to deploy convenient and equitable network of 500,000 chargers and make EVs accessible to all Americans for both local and long-distance trips. The law includes \$5 billion in funding for states to build this charging network. 10% of this funding is set-aside each year for the Secretary to provide grants to States to help fill gaps in the network.

Both California and the Environmental Protection Agency (EPA) envision a large expansion of Electric Vehicles (EV's) in the next several years, with the federal government targeting 50% electric vehicle sale shares by 2030 and with multiple states adopting California's ambitious goal of 100% electric vehicle sale shares by 2035.

Common long-distance destinations in rural areas include public lands such as national and State parks, national forests, wildlife refuges, and monuments. However, the installation of EV charging on federal lands is challenging. Federal requirements greatly limit the ability to install the needed charging stations on federal land. A total of 47.8 million acres in California is federally owned (47.7% of the state) and without EV charging infrastructure in these areas, EV programs will not be successful.

IMPACTS:

Unless you drive a tesla, highspeed (level 3) charging infrastructure is inadequate to nonexistent. Creating an obstacle to EV ownership in rural areas.

ACTION ITEMS:

Enact policies and programs that enable the deployment of electric vehicle charging infrastructure on federal lands, to encourage or mandate federal agencies to install Electric Vehicle (EV) charging stations and streamline requirements to the installation of third-party charging stations in federal lands of high recreational value.

Ensure the 10% of funding set aside for EV charging infrastructure funds are reserved for rural communities to promote convenient and equitable networks for both local and long-distance trips.

Make funds available for Federal Landowners as well as state and local air agencies to administer. Local federal managers and state and local air agencies will be better equipped to ensure that funds are deployed in areas of need for their constituents.

BENEFITS

Will provide the greatest opportunity for the administration to meet its goal to promote a convenient and equitable network by filling gaps in rural, disadvantaged, and hard-to-reach locations.



PROVIDE ADDITIONAL RESOURCES FOR FIRE HAZARD REDUCTION ON FEDERAL LANDS.

BACKGROUND:

Many areas of California continue to contend with frequent wildfires. The increased frequency and intensity of these fires threaten to erase progress made towards attaining federal and state air quality standards, and the State's climate goals. Historical fire suppression has caused landscapes to become overburdened with dense woody fuels which *will* burn and create hazardous smoke conditions. Many rural communities as well as suburban communities are directly adjacent to this wildfire smoke risk.

State, Local and Tribal agencies are responsible for attaining and maintaining national ambient air quality standards established to protect the public welfare. Many local governments, including counties, California air districts and water agencies support increasing efforts to reduce fuel load in the federal forest, including increased cattle grazing, prescribed fire, mastication, and other feasible methods.

In order to take on this wildfire smoke challenge we need every available tool at our disposal to mitigate wildfire smoke impacts, including biomass energy facilities and air curtain incinerators (ACI), and greater federal investment in fuel reduction and forest resiliency projects. Additionally, federal forests could be better managed and prepared to handle future wildfires by lowering fire fuel loads through greater use of managed grazing and more prescribed burns. Reducing fuel loads by grazing can lower the ignition and initial spread of fire. Recent fires have shown grazed rangelands burned less severely than lands not previously grazed and greatly reduced emissions.

ACTION ITEMS:

1. Coordinate federal funding and policies that address issues such as providing additional resources for prescribed burning and fire hazard reduction work on federal lands to reduce smoke emissions.
2. Partner and coordinate with local agencies and counties to facilitate and coordinate forest resiliency projects.
3. Remove or lessen restrictive requirements for cattle grazing on federal lands to allow for further reduction of wildfire risk.
4. Create a funding program to promote less emissive methods of reducing wildland fuels such as chipping, mastication, and transport to biomass facilities.



LOCAL FEDERAL FUNDING IN RURAL AIR DISTRICTS FOR SIP DEVELOPMENT AND PROGRAM SUPPORT

BACKGROUND:

New and revised federal requirements are important public health and safety mandates that require adequate funding to realize their success. The addition of new federal programs (eg: GHG, EJ, etc.) and the increasing technical requirements of existing, revised federal rules (eg: NESHAP, NSPS, etc.) has exceeded the capacity of rural districts' available funding resources. To wit, a rural district with a low population count and minimal industry and/or no major sources has a very limited permit inventory to cull for increased revenue. In order to adequately protect the residents in these rural communities from criteria and toxic air pollution, a new dedicated funding mechanism to support these core programs in the rural areas is vital. Please support direct local Air District/air program-level funding in an ongoing and predictable manner to help implement these important programs.

ACTION ITEMS:

1. Establish funding for rural air districts to implement Federal Clean Air Act core programs to meet and attain federal requirements.
2. Establish funding for rural air districts to implement new requirements related to greenhouse gasses and environmental justice.

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennett, Air Pollution Control Officer

Date: February 27, 2023

Agenda Item: V.B

Agenda Description Portola PM Nonattainment Area

Issues: Staff will update the Board on the various tasks concerning the Portola PM Nonattainment Area.

Requested Action: None, informational only

Attachments: None