

State of California
AIR RESOURCES BOARD

Resolution No. 80-21

March 26, 1980

WHEREAS, Health and Safety Code Section 39601 authorizes the Air Resources Board to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law; and

WHEREAS, Health and Safety Code Section 39801 requires the Board to administer, pursuant to Chapter 5 (commencing with Section 39800), of Part 2, Division 26, of the Health and Safety Code, the Air Pollution Control Subvention Program with such funds as may be appropriated to it for purposes of said Chapter; and

WHEREAS, Health and Safety Code Sections 39800 through 39811 establish the framework and requirements of the Air Pollution Subvention Program; and

WHEREAS, the Board has previously adopted regulations implementing the subvention program in Sections 90100 through 90410 of Title 17, California Administrative Code; and

WHEREAS, it is desirable for the Board to change the subvention program to: (1) recognize the different program needs, problems and resources of the large urban, small urban and rural districts of the state; (2) simplify the administrative procedures; (3) establish regular disbursements of subvention funds; and (4) encourage ARB/APCD staff cooperation in defining district program objectives under the subvention program and formalize annual Board review of such objectives; and

WHEREAS, Section 90115 of the subvention regulations adopted by this resolution requires the Board to categorize each district in accordance with the standards set forth in Section 90100(e); and

WHEREAS, Section 90115(e) of the subvention regulations adopted by the resolution requires the Board to establish Program Objectives for the three categories of districts; and

WHEREAS, the California Environmental Quality Act and ARB regulations require that an activity not be adopted as proposed where significant environmental impacts have been identified and alternative and/or mitigation measures which would substantially reduce these impacts exist; and

WHEREAS, the Board recognizes the possible adverse effects of the passage of Proposition 9 and Federal funding reductions, should either or both occur, on local air pollution control programs; and

WHEREAS, the Board, staff, and local districts have worked cooperatively in the preparation of the subvention regulations, Program Objectives, and assignment of districts to categories, which are the subjects of this resolution; and

WHEREAS, a public hearing has been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5); and

WHEREAS, the Board finds:

That the amendments to the subvention regulations adopted by this resolution: (1) will recognize the different program needs, problems and resources of the large urban, small urban and rural districts of the state; (2) will simplify administrative procedures; (3) will establish regular disbursements of funds; and (4) will increase ARB/APCD staff cooperation in defining Program Objectives and will formalize annual Board review of such objectives;

That the list of districts by subvention categories attached hereto as Attachment B properly categorizes districts by the standards set forth in Section 90100(e) of the subvention regulations adopted by this resolution;

That adoption of the fiscal year 1980-81 Program Objectives attached hereto as Attachment C is necessary to insure that the Air Pollution Control Districts are actively and effectively engaged in the reduction of air contaminants pursuant to Health and Safety Code Section 39806;

That neither staff nor the public have identified any significant adverse environmental impacts resulting from implementation of this proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Board amends its regulations in Subchapter 3, Chapter 1, Part III, Title 17, California Administrative Code (Sections 90100 through 90410) as set forth in Attachment A hereto; and

BE IT FURTHER RESOLVED, that the Board adopts the categorization of districts pursuant to Section 90115 as set forth in the list of Districts by Subvention Category, Attachment B hereto; and

BE IT FURTHER RESOLVED, that the Board, pursuant to Section 90115 of said regulations, adopts the fiscal year 1980-81 Program Objectives as set forth in Attachment C hereto; and

BE IT FURTHER RESOLVED, that the Board acknowledges the need to reassess the local APCD Program Objectives for fiscal year 1980-81 if Proposition 9 passes and reduces the local district budget support. The Board encourages the local districts to consider additional funding via permit and variance fees; and

BE IT FURTHER RESOLVED, that the Board, directs the Executive Officer to evaluate in cooperation with the District the ability of the Yolo-Solano Air Pollution Control District to carry out the following Program Objective Detailed Elements: A1-A3, and B1-B5 as shown in Attachment C to this resolution.

I certify that the above is a true and correct copy of Resolution 80-21 as passed by the Air Resources Board


Sally Rump, Board Secretary

Subchapter 3. SUBVENTIONS

Article 1. GENERAL PROVISIONS

90100. Definitions. (a) "Air Basin" means a region within California as defined in Article 1 (commencing with Section 60100), Subchapter 1 of this Chapter.

(b) "Air pollution control program" means the aggregate of all of the activities within a district or in support of a district's effort to control air pollution and to fulfill its obligations under the law.

(c) "Board" means the State Air Resources Board, or any person authorized to act in its behalf.

(d) "Conditional approval" means the approval of either an initial or a final subvention application, subject to conditions which the Executive Officer finds to be necessary to ensure the district's compliance with the requirements of an active and effective air pollution control program, as described in Section 90115. The Executive Officer may condition the payment of a portion or all of a district's subvention upon the fulfillment of specific conditions. In no case, however, is the portion of the subvention so conditioned, to exceed the actual cost of fulfilling such conditions. A district's acceptance of a subvention on the basis of a conditional approval shall be deemed to be the district's commitment to abide by such conditions. An application to which the Executive Officer grants conditional approval is a conditionally approved application.

(d) (e) "Basinwide air pollution control plan" means the plan prepared and submitted by the control council of each air basin, or, where one district includes an entire air basin, by such district, as approved by the Air Resources Board pursuant to Section 41600, 41500, or 41602 of the Health and Safety Code.

(e) (v) "Category" means a level in which a district will be classified for the purpose of establishing program objectives. Criteria considered in determining the classification of districts will include: population, emissions, violations of ambient air quality standards, size of the district program, and subvention funding levels.

The categories for districts are:

- (1) "Large urban district";
- (2) "Small urban district";
- (3) "Rural district".

(f) "Control Council" means a basinwide air pollution control council established pursuant to Section 40900 of the Health and Safety Code.

~~(g) "Designated-representative"-means-a-person-appointed by-a-control-council-to-act-on-its-behalf-for-the-purpose-of commenting-on-individual-or-supplemental-subvention-applications-~~

(g) (h) "District" means a county air pollution control district, regional air pollution control district, unified air pollution control district, the Bay Area Air Quality Management District, or the South Coast Air Quality Management District as provided for in Section 40200 and 40410, respectively, of the Health and Safety Code.

(h) ~~{i}~~ "Dollars budgeted" means moneys derived from revenue sources within a district for use in the district's air pollution control program as and either: ~~{1}~~ shown in the district's adopted budget, ~~or~~ and subvention application.

~~{2}~~ Itemized in the district's approved or conditionally approved final application and expended in accordance with a cost allocation plan approved by the Executive Officer.

(i) ~~{j}~~ "Executive Officer" means the Executive Officer of the Air Resources Board.

~~{k}~~ "Federal funds" means funds, services, or personnel provided by the Federal Government to a district to be used in the operation of the district's air pollution control program.

(j) ~~{m}~~ "Fiscal year" means the 12-month period from July 1 of one year through June 30 of the following year.

(k) ~~{n}~~ "Implementation program" means a district's program to implement the basinwide air pollution control plan.

~~{o}~~ "Initial application" means an application received or postmarked before June 1 of the fiscal year preceding the subvention year.

~~{p}~~ "Provisional population data" means population data, as of July 1 of the fiscal year preceding the subvention year compiled by the Department of Finance.

(l) ~~{q}~~ "Quarter" means any three month period ending March 31, June 30, September 30, or December 31.

(m) ~~(r)~~ "Quorum" means

(1) more than one-half of the total membership;
or

(2) one-half of the total membership if all the districts in the basin have agreed by formal resolution to abide by the actions of such a quorum; such resolutions may specify that such actions must be unanimous.

(n) ~~(s)~~ "SB 90 population data" means population data, as of January 1 of the fiscal year preceding the subvention year, compiled by the Department of Finance in compliance with Section 2227 of the Revenue and Taxation Code.

(o) ~~(t)~~ "Subvention" means funds granted to a district by the State, as authorized by Chapter 5, Part 2, Division 26 of the Health and Safety Code, for financial assistance to the district's air pollution control program.

(p) ~~(i)~~ "~~Final~~ Subvention application" means an application received or postmarked between ~~July 15~~ May 1 of the preceeding subvention year and ~~September 15~~ September 30 of the subvention year. A subvention final application shall be based on the district's budget and program as adopted by the district's air pollution control board, and the approved ~~initial~~ application, if the ~~initial~~ application has been conditionally approved, the ~~final~~ application should reflect such conditions. The amount of subvention requested in an final application shall be based on "SB90" population data.

(q) ~~(u)~~ "Subvention year" means the fiscal year for which a subvention is to apply.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39800, 39801, 39012, 39053, and 39025.

90110. Types of Subventions. (a) "Coordinated subvention" means a subvention authorized by Section 39802 of the Health and Safety Code; such a subvention may be granted to a district participating in a coordinated basinwide program as described in Section 90120 of these regulations. A coordinated subvention may be granted to a qualifying district on a matching fund basis up to one subvention dollar (\$1) for each one dollar (\$1) budgeted by the district. The amount of a coordinated subvention shall not be less than eighteen thousand dollars (\$18,000) for any district, if the district provides the required matching funds and insofar as adequate funds are available, and shall not exceed the amount authorized by Section 39802 of the Health and Safety Code unless that amount is increased by the Executive Officer in behalf of the Board after receiving written approval of the greater amount from the Director of Finance pursuant to Section 39805 of the Health and Safety Code.

(b) "Individual subvention" means a subvention authorized by Section 39803 of the Health and Safety Code; an individual subvention may be granted to each qualifying district on a matching fund basis of up to two subvention dollars (\$2) for each three dollars (\$3) budgeted by the district. The amount of an individual subvention shall not be less than

twelve thousand dollars (\$12,000) for any district, if that district provides the required matching fund, and shall not exceed the amount authorized by Section 39803 of the Health and Safety Code, unless that amount is increased by the Executive Officer in behalf of the Board after receiving written approval of the greater amount from the Director of Finance pursuant to Section 39805 of the Health and Safety Code.

(c) "Special subvention" means a subvention authorized by Section 39804 of the Health and Safety Code; such a subvention may be granted to a district participating in a coordinated basinwide program as described in Section 90120 of these regulations and lying in an air basin whose population is less than 98,000, if for 1975-76 and subsequent fiscal years, the dollars budgeted by each district in the air basin are equal to or greater than the amount specified in Section 39804 of the Health and Safety Code. If the \$45,000 limit specified in Section 39804 of the Health and Safety Code is increased pursuant to Section 39805 of the Health and Safety Code, the local per capita funds budgeted by the district must be increased by the same proportion. The sum of the special subventions to be granted, for said fiscal years, to all of the districts in an air basin will not exceed the difference between the maximum amount authorized by Section 39804 of the Health and Safety Code, unless that amount is increased by the Executive Officer in behalf of the Board after receiving written approval of the greater amount from the Director of Finance pursuant to Section 39805 of the Health and Safety Code, and the rate authorized in Section 39804 of the Health and Safety Code multiplied by the basin population. The sum of the special subventions to be granted to the districts in an air basin shall be prorated according to population among the districts in the air basin.

(d) "Supplemental subvention" means a subvention authorized by Section 39810 of the Health and Safety Code; a district may receive a supplemental subvention on a matching fund basis of up to one subvention dollar (\$) for each one dollar (\$) budgeted by the district. Dollars budgeted by the district which are needed to qualify for a coordinated, individual, or special subvention, may not be used to qualify for a supplemental subvention. A supplemental subvention shall not be approved for any district which has not, for the same fiscal year, been granted a coordinated, individual, or special subvention.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39802-39804 and 39810.

90115. Program Objectives. The Board shall classify districts by category pursuant to Section 90100(e) of this subchapter and shall adopt program objectives appropriate for such categories which shall constitute the definition of active and effective program pursuant to Section 39806 of the Health and Safety Code. Following cooperation between ARB and district staff in proposing recommendations, the Board shall hold a public hearing annually in the first quarter of the calendar year to consider revisions of the district classifications and program objectives.

Active and Effective Program: For the purposes of this subchapter, a district shall be considered to be operating an active and effective program if unless the Executive Officer finds that:

(a) The district fulfills all legal obligations of a district;

(b) The district has submitted an approvable implementation program to the Board. The approval of a coordinated, individual, or special subvention application shall be deemed to fulfill the requirements of Sections 39806 and 41603 of the Health and Safety Code.

(c) The district submits timely amendments to its implementation program as required to reflect changes in the basinwide air pollution control plan. If the district considers portions of the plan not applicable in the district, it must receive approval for such exceptions from the appropriate control council and from the Board before incorporating such exceptions into its program.

(d) The district provides adequate personnel and other resources to carry out its implementation program.

(e) The district fulfills all of the conditions, if any, specified in the approval of its application.

(f) The district makes satisfactory progress in the accomplishment of the program objectives stated in its application.

(g) The district fulfills all of the requirements of this Subchapter.

(h) The district submits all reports required by state or federal law or regulation, or by the Executive Officer.

(i) The district's performance regarding the following is satisfactory:

- (1) Permit System;
- (2) Air Monitoring;
- (3) Source Evaluation;
- (4) Source Testing; and
- (5) Enforcement Activities.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39806, and 41603.

90120. Coordinated Basinwide Program. A district satisfying either of the following conditions will be considered to be participating in a coordinated basinwide program, provided that when a district lies in more than one air basin, only the portion(s) of the district which satisfies either of these conditions shall be considered to be participating in such a program.

(a) A district which includes an entire air basin.

(b) Two or more districts which together include an entire air basin, and which meet the following requirements:

(1) The rules and regulations except for administrative procedures are uniform among all districts and are consistent with the approved nonattainment plan for each district's area. For any air basin where the control council has determined that equivalent rules and regulations throughout the entire air basin are not necessary for uniformity, the

control council may divide the air basin into zones within which equivalent rules and regulations will be required. For the purposes of this subsection, equivalent rules and regulations means rules and regulations which effect the same degree of control. In establishing such zones, the control council shall consider topography, meteorology, population distribution, and air quality;

(2) The control council shall meet as often as necessary for the transaction of business, but not less than once per quarter except as provided for below. The control council of any air basin with a population of less than 99,000 shall meet at least once during each half of the subvention year or consisting solely of districts in the rural category may establish an equivalent procedure for basinwide consideration of policy matters and shall meet within 30 days after it has been requested to meet by the Executive Officer or by a member of the council. For the purposes of this Subdivision a quorum must be present in order to constitute a meeting; copies of the minutes of each meeting shall be submitted to the Executive Officer within 30 days after the date of the meeting; and

(3) The districts shall be parties to one joint powers agreement or other enforceable agreement acceptable to the Executive Officer. The agreement shall specifically provide for the following:

(A) The sharing of qualified air pollution personnel and equipment in a manner which results in the effective use of the basinwide resources and ensures that all districts in the air basin will maintain an active and effective program.

(B) Interdistrict coordination of activities including enforcement; air monitoring; engineering; and, if

required by the State Implementation Plan, traffic and land use planning; and

(C) Implementation of the State Air Pollution Emergency Plan, where applicable.

~~(4) -- Each district shall have an active and effective program as defined by Section 90115.~~

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39802, 39806.

~~90140. -- Consideration of Federal Funds. -- (a) -- An individual subvention to which a district or portion of a district would otherwise be entitled shall be reduced by the amount by which the district's federal funds exceed the dollars budgeted, subject to the limitations provided in Subdivision (b) of this Section. -- A coordinated, special, or supplemental subvention shall not be reduced by reason of a district receiving federal funds.~~

~~(b) -- Subvention reductions determined pursuant to this Section shall not exceed one-half (1/2) of the subvention to which a district would otherwise be entitled in any fiscal year.~~

~~Note: -- Authority cited: -- Health and Safety Code Section 39601. -- Reference: -- Health and Safety Code Sections 39801 and 39807.~~

Article 2. APPLICATION PROCEDURES

~~90200. -- Subvention Application. (a) An initial application for subvention shall be submitted to the Executive Officer by the district's air pollution control board or by its air pollution control officer on forms approved by the Executive Officer.~~

(1) An initial application shall include a description of the district's proposed budget, program, and objectives for the subvention year, and shall demonstrate that the district will conduct an active and effective program as described in Section 90115. Estimates of the subvention to which the district is entitled may be based on provisional population data.

(2) An initial application received or postmarked by March 31 preceding the subvention year shall be approved, conditionally approved, or disapproved, by the following June 1. Approval or conditional approval shall only be granted insofar as the Executive Officer expects funds to be available.

(3) An initial application received or postmarked on or after April 1 but by May 30 of the fiscal year preceding the subvention year shall be approved, conditionally approved, or disapproved by the following August 1. Approval or conditional approval shall only be granted insofar as the Executive Officer expects funds to be available.

(4) Except as provided for in Subsection 90360(a), funds will not be disbursed on the approval or conditional approval of an initial application.

(5) A district submitting an initial application for an individual or supplemental subvention shall concurrently submit a copy of such application to the control council(s) or its designated representative for comment. Such comments, if any, shall be submitted to the Executive Officer within thirty (30) days after the date the application was submitted to the Executive Officer.

(b) 90200. (a) Subvention Application. An final application for subvention shall be submitted to the Executive Officer on forms approved by the Executive Officer, with a resolution or minute order from the district's air pollution control board authorizing such application.

(1) A subvention final application shall include a description of the district's adopted budget, program, and the program objectives adopted pursuant to Section 90115 for the subvention year. and as delineated in Section 90115 shall provide for an active and effective program. If any of the information shown on the approved initial application is unchanged, it may be included on the final application by reference. Estimates of resources and personnel needs for the two fiscal years subsequent to the subvention year shall be included in the final application. Such estimates shall reflect any increases necessary to carry out parts of the basinwide air pollution control plan(s) not already being implemented; Estimated resource and personnel needs shall not be construed to be a final commitment on the part of the district to provide such resources and personnel.

(2) Estimates of the subvention to which the district is entitled shall be based on "SB90" population data.

(3) The Executive Officer shall approve, conditionally approve, or disapprove all applications by November 15. Approval or conditional approval shall only be granted insofar as funds are available.

(4) In the event that more the total subventions funds are requested than are requested exceed the total allocation that is available, highest priority for funds will be given to those districts whose initial applications were received or postmarked by March 31. In the event that more subvention funds are requested by March 31 than are available, the funds for districts which submitted initial applications by March 31 shall be prorated among these districts. the Executive Officer shall prorate the funds available among all the districts.

(5) A district submitting a subvention final application for a coordinated or a special subvention shall, when such a district is in an air basin comprising two or more districts, submit a copy of its application to the control council for approval.

~~The-Executive-Officer-shall-not-approve-or-conditionally approve-a-subvention-final-application-for-a-coordinated-or special-subvention-unless-the-following-have-been-received by-September-30-of-the-subvention-year:~~

(A) By July 15 of the subvention year, An executed, acceptable joint powers agreement or other enforceable agreement required by Section 90120(b) which is effective for the subvention year, and

(B) By October 15 of the subvention year, A resolution or minute order from the control council expressing its concurrence with the applications from all of the districts in the air basin:

~~(6) If an acceptable-joint-powers-agreement-or other-enforceable-agreement-required-by-Subsection-90200(b)(5)(A) is received after July 15 of the subvention year, the Executive Officer may approve or conditionally approve final application for a coordinated or special subvention by granting an individual subvention for the fraction of the subvention year before receipt of the agreement and a coordinated or special subvention for the remaining fraction of the subvention year.~~

(b) ~~(e)~~ An application for a supplemental subvention shall contain the following information:

(1) The proposed expenditures related to the supplemental subvention, which shall be shown on the district's proposed budget for the subvention year;

(2) A detailed explanation of the purpose of the requested supplemental subvention, and the benefits which are expected to result; and

(3) The length of time required to complete the work proposed, and the total cost of the project.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39806, and 39810.

90208. Accomplishing Objectives. If a district receiving a subvention determines that it will be unable to accomplish the applicable objectives adopted pursuant to maintain an active and effective program as delineated in Section 90115 the district shall so notify the Executive Officer in writing within 30 days after it makes such determination.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Section 39801 and 39806.

90210. Application Revision. A district may revise or amend its application at any time prior to May ~~±~~ June 30 of the subvention year.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Section 39801.

Article 3. APPLICATION PROCESSING

90300. Notification of Receipt of Application. ~~(a)~~ Except as provided for in Subdivision ~~(b)~~ The Executive Officer shall acknowledge receipt of all subvention applications, including revisions, within ten ~~(±)~~ days- within 30 days. Acknowledgement of receipt of initial applications shall be made to the district's air pollution control officer- acknowledgement of receipt of final applications shall be made to the chairperson of the district's air pollution control board and to the chairperson of the control council, if any, of the air basin to which the application applies-

~~(b)~~ The receipt of an application for a coordinated or special subvention will not be acknowledged until applications have been received from all the districts in the air basin-

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Section 39801.

90310. Factors to be Considered in the Review of Applications for Coordinated, Individual, and Special Subventions. (a) The primary factor to be considered in the review of an application for a coordinated, individual, or special subvention is the district's operation attainment of an the applicable objectives adopted pursuant to active and effective air pollution control program as described in Section 90115. The Executive Officer may consider the district's past performance, as well as the program proposed in the application, to evaluate the district's ability to operate an active and effective program.

(b) If an application for a coordinated, individual, or special subvention does not propose an active and effective program, or if the district is not operating such a program, the Executive Officer may grant conditional approval of the application.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801 and 39806.

90320. Factors to be Considered in the Review of Applications for Supplemental Subventions. (a) An application for a supplemental subvention will be evaluated and ranked according to priority by the Executive Officer. Supplemental subventions will be awarded, insofar as funds are available, for those proposals having the highest priorities.

(b) The criteria to be considered in establishing the priority of an application for supplemental subvention will include, but need not be limited to:

(1) The proposal's expected benefits in terms of reductions in emissions of air contaminants, and in terms of improved air quality;

(2) The proposal's expected benefits to the district's air pollution control program;

(3) The severity of the air pollution problem in the air basin and in the district;

(4) The district's ability to carry out the proposal; and

(5) The funds allocated by the district to carry out the proposal.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801 and 39810.

90330. Application Disapproval. (a) A district's application for a coordinated, individual, or special subvention may be disapproved by the Executive Officer if after consulting with the district it is found that:

(1) The district does not propose ~~an active and effective~~ a program to meet the applicable objectives adopted pursuant to Section 90115; or in its application, or

(2) The district is not operating ~~or has not operated an active and effective~~ a program under the prior year's subvention, to attain the applicable objectives adopted pursuant to Section 90115.

(b) If an application is disapproved, the Executive Officer shall state the reason(s) in writing to the district within 15 days of the disapproval.

(c) Districts may appeal Executive Officer action taken pursuant to this section in accordance with Section 90500.

(d) The Executive Officer shall not approve an application for a special subvention unless the joint powers agreement or other enforceable agreement required pursuant to Section 90120(b) (3) has been received.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801 and 39806.

90360. Disbursement of Funds. Each subvention is to be disbursed in accordance with the following:

(a) Upon annual appropriation by the Legislature Upon approval or conditional approval of a district's final application the Executive Officer may shall request the State Controller to disburse one half (1/2) of the appropriate approved subvention as estimated by the Executive Officer. If the district's air pollution control board has executed an acceptable agreement to implement the program proposed in its initial application as amended by any conditions placed on the approval of the initial application, the Executive Officer may request that the State Controller disburse up to one half (1/2) of the requested subvention before approval of the final application. In such a case the Executive Officer may request that the State Controller disburse the difference, if any, between the initial disbursement and one-half (1/2) of the approved subvention upon approval of the final application

(b) The Districts classified as either category 1 or category 2 districts under Section 90100(v) shall, by February January 15 of the subvention year, submit an claim interim report covering the reporting period from July 1 through December 31 November 30 of the subvention year, and by August 15 following the subvention year, shall submit a final report for the remainder of the year.

~~(c) Except as provided for in Subdivision (f) of this Section, the district shall submit by May 15 of the subvention year, a claim covering the reporting period from January 1 through March 31 of the subvention year.~~

(c) (d) The Districts classified as category 3 districts shall submit by August 15 following the subvention year a final report covering the reporting period from April 1 through June 30 of the subvention year.

~~(d) (e) The claims and the final report shall be on forms approved by the Executive Officer and shall include, but need not be limited,~~

~~(1) A statement of the district's expenditures as of the end of the reporting period, expressed as a percentage of the district's total budget (including local, state, federal, and other funds) for the subvention year. If this percentage is significantly less than the percentage of the subvention year which has elapsed as of the end of the reporting period, the district shall include an explanation of this difference,~~

~~(2) A report of the district's progress during the reporting period in fulfilling the requirements of Section 90115. If any of the required information has been submitted on a prior claim or report, such information may be included by reference, and~~

~~(3) Copies of any amendments to the district's rules and regulations which were adopted during the reporting period.~~

(d) ~~(f)~~ If, in the review of Six months after Legislative appropriation the claims due by February 15 and May 15, the Executive Officer finds that the district is engaged in the operation of an active and effective program as described in Section 90115, the Executive Officer may shall ~~(1)~~ request the State Controller to disburse the remainder of the approved subvention, and unless, after review of the district's program, the Executive Officer finds that the district is not engaged in a program to meet the applicable objectives adopted pursuant to Section 90115, for reasons that are not expected to be easily resolved, and invokes the provisions of Article 4 of this Subchapter.

~~(2) For the February 15 claim, waive the requirement for the May 15 claim, and require that the final report will cover the reporting period from January 1 through June 30 of the subvention year.~~

(g) If, in the review of the claims due February 15 and May 15, the Executive Officer finds that the district is not engaged in the operation of an active and effective program for reasons that are expected to be easily resolved, the Executive Officer may disburse an additional one-quarter ~~(1/4)~~ of the approved subvention.

(h) If, in the review of the districts program of the claims due February 15 or May 15, or the final reports, the Executive Officer finds that the district is not engaged in the operation of an active and effective a program to meet the objectives adopted pursuant to Section 90115(a), for reasons that are not expected to

be easily resolved, the Executive Officer may invoke the provisions of Article 4 of this-Subchapter.

(e) ~~(i)~~ All subvention funds not expended or encumbered by the district during the subvention year shall be returned to the Air Resources Board and such funds shall revert to the State General Fund.

(f) ~~(j)~~ A county district shall maintain a separate account for receipts, expenditures, and funding of the district, in accordance with ~~(k)~~ All districts may be required to use accounting procedures acceptable to the Executive Officer, provided that such accounting procedures are not in conflict with the recommendations of the State Controller's Office.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39806, and 39811.

Article 4. WITHHOLDING AND RECOVERY OF SUBVENTIONS AND BOARD OPERATION OF DISTRICT PROGRAMS

90400. Withholding and Recovery of Funds. (a) The Executive Officer may review the programs and expenditures of each district receiving a subvention under the provisions of this Subchapter. If such a review discloses that the dollars budgeted or the subvention moneys granted are not being expended substantially in accordance with the application on which the subvention was based, or that the district is not engaged in an active and effective a program to attain the applicable objectives adopted as described

in pursuant to Section 90115, the Executive Officer may after hearing take any or all of the following actions:

(1) Cease all or part of any further payments of the current fiscal year's subvention;

(2) Withhold all or part of any future subventions;
and

(3) Bring a legal action against the district to recover moneys disbursed for that fiscal year.

(b) The Executive Officer may reduce a coordinated subvention or a special subvention to an individual subvention if it is found that the provisions of Section 90120 for a coordinated basinwide program are no longer being carried out.

(c) Action by the Executive Officer to withhold, recover, or reduce funds pursuant to this section are subject to the provisions of Article 5 of this subchapter.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39806, and 39808.

90410. Board Operation of District Air Pollution Control Programs. (a) The Executive Officer may utilize moneys which have been subvened or would otherwise be subvened to a district, and such other moneys as may be available, to carry out a district's air pollution control program or any segment of such a program. Such action may be initiated:

(1) At the request of the district; or

(2) When the Board has determined, pursuant to Sections 39806, 41500 or 41502 of the Health and Safety Code that a portion or all of the district's air pollution control program is not engaged in a program to meet the applicable objective adopted pursuant to Section 90115. actively and effectively being carried out pursuant to the coordinated basinwide air pollution control plan and the related implementation program.

(b) If the Board has performed services for a district, funds to defray the cost of such services may be deducted from subsequent disbursement of the district's subvention.

(c) If sufficient subvention funds are not available to cover the cost of such services, the district may be billed for such services. In no event shall the charge for such services exceed the district's approved subvention.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801, 39806, 41500 and 41502-41505.

Article 5. APPEALS

90500. Appeal Procedures. (a) Review of any decision of the Executive Officer made pursuant to the provisions of this Subchapter may be requested by filing a petition with the Board within thirty (30) days of the date upon which the district was notified of such decision.

~~(b)~~ Within ~~forty-five (45)~~ days after receiving a petition as provided for by Subdivision ~~(a)~~ of this Section, the Board shall hold a public hearing to review the district's appeal.

(b) The Board shall hold a public hearing at its first regularly scheduled Board meeting at least 60 days after receiving a petition as provided for by Subdivision (a) of this section.

(c) Notification of the public hearing shall be given to the district and to the appropriate control council at least ~~twenty (20)~~ forty-five (45) days before such a public hearing.

(d) The Executive Officer, district representatives, and any interested persons may comment on the district's appeal at such a public hearing.

Note: Authority cited: Health and Safety Code Section 39601. Reference: Health and Safety Code Sections 39801 and 39808.

ATTACHMENT B

DISTRICTS BY SUBVENTION CATEGORY

<u>CATEGORY I</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Large Urban</u>	\$ 5,000,000	76%	3
SCAQMD BAAQMD San Diego			
<u>CATEGORY II</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Small Urban</u>	\$ 970,000	14%	8
Ventura Fresno Monterey Kern San Joaquin Santa Barbara Stanislaus Sacramento			
<u>CATEGORY III</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Rural</u>	\$ 690,000	10%	35
Great Basin Lake Amador Calaveras El Dorado Mariposa Nevada Placer Plumas Sierra Tuolumne Del Norte Humboldt Mendocino Northern Sonoma Trinity Lassen Modoc Shasta Siskiyou San Luis Obispo Imperial Butte Colusa Glenn Sutter Tehama Yolo-Solano Yuba San Bernardino (SEDAB portion only) Los Angeles (SEDAB portion only) Kings Madera Merced Tulare			

TOTAL GRANTS - 46

TOTAL AMOUNT - \$6,700,000

*Figures rounded and based on FY 79-80 funding levels.

ATTACHMENT C
APCD PROGRAM OBJECTIVES
FOR F.Y. 1980-81

This package contains the ARB staff proposal of APCD Program Objectives for the FY 80-81 Subventions Program. It is part of the proposed changes to the ARB subvention program which are scheduled for Board Hearing on March 26, 1980 in Los Angeles.

This package consists of Program Objectives made up of Basic Elements and Detailed Elements which staff considers minimum essentials for the operation of effective local air pollution control programs in California.

The Elements are organized to apply to three categories of districts: large urban, small urban, and rural (see Figure I for a listing of districts by these categories).

Basic Elements apply to all three categories of Districts. Detailed Elements (unless otherwise noted) apply to Large Urban and Small Urban districts only. Figure II summarizes the application of these elements to the three categories of districts. The description of the Basic and Detailed Elements begins on page 4 of this appendix.

FIGURE I

PROPOSED SUBVENTION CATEGORIES
WITH 1979-80 FUNDING LEVELS

<u>CATEGORY I</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Large Urban</u>	\$ 5,000,000	76%	3
SCAQMD BAAQMD San Diego			
<u>CATEGORY II</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Small Urban</u>	\$ 970,000	14%	8
Ventura Fresno Monterey Kern San Joaquin Santa Barbara Stanislaus Sacramento			
<u>CATEGORY III</u>	<u>*Grant Amount</u>	<u>% of State Total</u>	<u># of Grants</u>
<u>Rural</u>	\$ 690,000	10%	35
Great Basin Lake Amador Calaveras El Dorado Mariposa Nevada Placer Plumas Sierra Tuolumne Del Norte Humboldt Mendocino Northern Sonoma Trinity Lassen Modoc Shasta Siskiyou San Luis Obispo Imperial Butte Colusa Glenn Sutter Tehama Yolo-Solano Yuba San Bernardino (SEDAB portion only) Los Angeles (SEDAB portion only) Kings Madera Merced Tulare			

TOTAL GRANTS - 46

TOTAL AMOUNT - \$6,700,000

*Figures rounded and based on FY 79-80 funding levels.

Figure II

SUMMARY OF PROGRAM OBJECTIVES FOR FY 1980-81
(BY CATEGORIES OF DISTRICTS)

PROPOSED PROGRAM OBJECTIVES WITH BASIC AND DETAILED ELEMENTS	CATEGORIES OF DISTRICTS IN WHICH BASIC AND DETAILED ELEMENTS ARE REQUIRED		
	CATEGORY 1 LARGE URBAN	CATEGORY 2 SMALL URBAN	CATEGORY 3 RURAL
A. Emissions Inventory	Basic Element	Basic Element	Basic Element
1. Gridded Inventory Data	Detailed*	Detailed	Detailed**
2. Assist in NAP inventories	d	d	d**
3. Area Source Data	d	d	d**
B. Stationary Source Controls	Basic	Basic	Basic
1. 1979 NAP rules	d	d	d**
2. 1982 NAP rules	d	d	d**
3. BCC review	d	d	d**
4. & 5. Vapor Recovery	d	d	d
C. Air Quality Monitoring	Basic	Basic	Basic
1. NAMS/SLAMS	d		
2. ARB performance audit	d		
3. Annual review of SLAMS/NAMS	d		
4. Report on data precision of SLAMS/NAMS		d	d
5. ARB performance audit		d	d
D. Attainment Planning	Basic	Basic	Basic
1. 1982 NAP Technical Products	d	d	
2. 1982 NAP coordination	d	d	
3. 1982 NAP emission allocations	d	d	
4. 4/1/81 RFP/Annual Report	d	d	
E. Prevention of Significant Deterioration	Basic	Basic	Basic
F. CEQA Review	Basic	Basic	Basic
1. Established EIR requirements	d	d	
2. Review for consistency with NAP	d	d	
3. Recommend mitigation	d	d	
G. Public Involvement/Participation	Basic	Basic	Basic
1. Solicit public involvement	d	d	
2. Inform citizens	d	d	

*Basic later labeled "B", detailed labeled "d".

**Applies to a limited number or rural areas--consult appropriate narrative in this report for specific application.

DESCRIPTION OF PROPOSED
BASIC AND DETAILED ELEMENTS
F.Y. 80-81 SUBVENTIONS

A. PROGRAM OBJECTIVE - EMISSION INVENTORY

BASIC ELEMENTS:

1. Assist the state in fulfilling federal requirements for emission data and in maintaining a current, accurate, comprehensive inventory of all pollutants subject to state or federal regulation.

2. Annually review and update inventory data for all facilities within the district's jurisdiction that emit more than 25 tons per year of TSP, TOG, SO_x, or NO_x; 250 tons per year of CO; or 5 tons per year of lead. Individual emission sources within the facility shall be separately identified if they emit more than 25 tons per year of TSP, TOG, SO_x, or NO_x; 250 tons per year of CO; or 5 tons per year of lead. Smaller sources at the facility may be aggregated within a source category (e.g., same Source Classification Code). Update information to represent calendar year 1980 shall be provided to the ARB by May 1, 1981.¹ Update information shall be provided if:
 - a) emissions from sources at the facility change from the most recently submitted data by more than 5% and by more than 5 tons per year; or

¹The Emission Inventory Technical Advisory Committee, including representatives of local districts, is expected to look at emission inventory preparation schedules relative to federal reporting requirements for the National Emission Data System and the assessment of Reasonable Further Progress. This may result in changes in the data submittal schedule.

- b) separately identified sources have a change in status (e.g., change in compliance; begin or cease operation).
3. Review ARB and district area source emission estimates for calendar year 1979 and identify categories where emissions are inconsistent with local information. Work with the ARB to resolve discrepancies. Provide the ARB with data and documentation for any district emission updates for 1980 by June 1, 1981.¹

DETAILED ELEMENTS:

1. By September 30, 1980, complete the submittal to the ARB of data on the spatial and temporal characteristics of the emission data base to be used to develop the 1982 nonattainment plans. This objective corresponds to a federal grant objective for F.Y. 1980-81. It is only applicable in areas where the nonattainment plan is to be based on more detailed spatial and temporal data than are routinely submitted to the ARB.

SPECIAL APPLICATION:

This detailed element also applies to the Sacramento Metropolitan Nonattainment Area portion of the Placer and Yolo-Solano districts.

2. Assist the ARB in developing inventories for the 1982 non-attainment area plans:

¹The Emission Inventory Technical Advisory Committee, including representatives of local districts, is expected to look at emission inventory preparation schedules relative to federal reporting requirements for the National Emission Data System and the assessment of Reasonable Further Progress. This may result in changes in the data submittal schedule.

- a) Review area source emission estimates developed by the ARB.
 - b) Provide documentation for district developed estimates.
 - c) Work to reconcile significantly different emission estimates.
 - d) Provide data and documentation for locally developed emission projections.
3. Assist the state in the update of 1979 calendar year area source emissions estimates to reflect emissions in 1980 by providing update for categories where:
- a) emissions have changed significantly as a result of local controls implemented in 1980;
 - b) district information indicates 1980 emissions have changed significantly from the 1979 estimates.

Update data and documentation for district estimates¹ should be provided to the ARB by June 1, 1981.

SPECIAL APPLICATION:

Detailed elements 2 and 3 also apply to the following rural districts: El Dorado, Placer, Yolo-Solano, Kings, Madera, Merced, Tulare, Los Angeles, and San Bernardino.

¹The Emission Inventory Technical Advisory Committee, including representatives of local districts, is expected to look at emission inventory preparation schedules relative to federal reporting requirements for the National Emission Data System and the assessment of Reasonable Further Progress. This may result in changes in the data submittal schedule.

All data shall be provided in a format acceptable to the ARB after consultation with the district. Turn-around documents for updating point source data, similar to those developed for the 1979 inventory, will be available for district use.

ARB Guidelines on the 1980 inventory update are expected to be distributed in November 1980.

B. PROGRAM ELEMENT - STATIONARY SOURCE CONTROLS

DETAILED ELEMENTS:

1. For rules required by the 1979 NAP, track the development of suggested control measures so that public hearings can be scheduled for the District to consider adoption of rules to implement such measures without duplicating the work done to develop the measures.
2. Within 90 days after a suggested control measure has been transmitted by the Air Resources Board to the District, hold a public hearing to consider adoption of rules to implement such a measure.

SPECIAL APPLICATION:

Detailed Element 1 also applies to the following rural districts: El Dorado, Imperial, Kings, Los Angeles, Madera, Merced, Placer, San Bernardino, San Luis Obispo, Tulare, and Yolo-Solano.

Detailed Element 2 also applies to the following rural districts: El Dorado, Kings, Los Angeles, Madera, Merced, Placer, Riverside, San Bernardino, Tulare, and Yolo-Solano.

3. (For districts in air basins having control councils and covered by 1 and/or 2), the District will take action as may be necessary to ensure that the Control Council has had an opportunity to consider rules covered by objectives 1 and 2 so that the Council's position can be considered at the District's public hearings.
4. During the 1980-81 fiscal year, inspect bulk plants and terminals located in the District at least twice, and during the 1980-81 fiscal year the District will inspect one third of Stage I installations on underground storage tanks at least once on a random selection basis.
5. During the 1980-81 fiscal year, the District will inspect at least twice, one third of Stage II installations which have exhibited patterns of poor maintenance.

SPECIAL APPLICATION:

Detailed Element 4 applies to the following rural districts: Kings, Madera, Merced, Placer, San Luis Obispo, Tulare, and Yolo-Solano.

Detailed Element 5 applies to the following rural districts: Kings, Madera, Merced, Tulare, and Yolo-Solano. It does not apply to the Small Urban Monterey Bay Unified APCD.

C. PROGRAM ELEMENT - AIR QUALITY MONITORING

BASIC ELEMENTS:

1. Districts that operate any station designated by the ARB as a proposed State and Local Air Monitoring Station (SLAMS) shall have an air monitoring program plan which includes procedures and timetables for implementing federal monitoring, quality assurance, and data reporting regulations (40 CFR Part 58, May 10, 1979).
2. Submit to the ARB monthly for all air monitoring sites at which air monitoring has been conducted for a consecutive period of three months or longer, all gaseous, tape sampled particulate (AISI), and high volume sampled total suspended particulate matter air monitoring data either: (1) on forms prescribed by the ARB within 21 days after the end of the month in which the data were collected, or (2) on computer magnetic tape or key punch cards with computer printout sheets within 45 days after the end of the month in a format approved by the ARB. "Variable" and "Method" codes, and site identification codes shall conform to the ARB's latest codes. Notwithstanding the foregoing, submit to the ARB data for lead, sulfate, and nitrate, and for organic analyses of high volume filters within 45 days after the end of each month in which the data were collected, in the format and using the codes specified above.
3. Documentation of Nondistrict Monitoring

Advise the ARB in writing on a quarterly basis of known air quality surveillance operations conducted within the district's

jurisdiction by parties other than the district or the ARB. This information should include the name and address of the party or parties conducting such monitoring and the nature of the monitoring project.

DETAILED ELEMENTS:

SPECIAL APPLICATION: Detailed elements 1, 2, and 3 apply to the large urban districts only.

1. In accordance with the timetable established in the district's monitoring plan, meet all federal requirements for a "reporting organization" as defined in 40 CFR Part 58, and submit to the ARB and the EPA quarterly and annual reports for precision and accuracy estimates for all ambient air quality data.
2. Participate in the ARB's performance audit program for selected pollutants at selected sites. Such audits shall be scheduled with district concurrence to assure minimal disruption of the district's ongoing monitoring activities.
3. Conduct an annual review of SLAMS, NAMS, and SPM monitoring programs and, with ARB concurrence, make the necessary changes to the SLAMS monitoring program (including site upgrade or relocation) to meet the ongoing monitoring requirements of the SIP.

SPECIAL APPLICATION:

Detailed elements 4 and 5 apply only to those small urban and rural districts that operate air monitoring analyzers and samplers.

4. Conduct all activities, including collocated high-volume sampling, bi-weekly precision tests, as are necessary and required to determine and report individual analyzer and sampler precision estimates, and agency precision estimates for each criteria pollutant measured under the SLAMS/NAMS network. Prepare and submit to the ARB quarterly and annual reports for data precision.
5. Participate in the ARB's performance audit program at all district-operated SLAMS and NAMS.

D. PROGRAM ELEMENT - ATTAINMENT PLANNING

BASIC ELEMENTS:

1. Participate actively in the development, adoption, and implementation of air quality plans required to achieve and maintain state and federal ambient air quality standards.
2. Work with ARB and other APCDs in the air basin to incorporate the approved NAPs into the Basin Implementation Plans.

DETAILED ELEMENTS:

1. Complete those technical work products necessary for an approvable 1982 NAP (i.e., emission inventory and projections, air quality analyses, air quality monitoring, stationary and area source control measures).
2. Work with the appropriate local and state agencies to develop those coordinative mechanisms (e.g., MOUs, resolutions) necessary to insure the development adoption, and implementation of an approvable 1982 NAP.

3. Work with other appropriate jurisdictions to establish a mechanism to: allocate NAP-required emission reductions (by jurisdiction and emissions category); track growth in emissions and other growth; and insure that the emissions associated with growth and proposed projects are consistent with adopted NAPs.
4. Submit (or work with the NAP lead agency to submit) to ARB by April 1, 1981 the second annual report on NAP implementation of maintenance of Reasonable Further Progress.

E. PROGRAM ELEMENT - PREVENTION OF SIGNIFICANT DETERIORATION

BASIC ELEMENT:

Participate in the development and implementation of an Air Conservation/Prevention of Significant Deterioration (ACP/PSD) program.

F. PROGRAM ELEMENT - CEQA REVIEWS

BASIC ELEMENT:

Review and comment upon the air quality impacts of proposed major private and public projects in accordance with the California Environmental Quality Act (CEQA) to the extent resources are available to the District.

DETAILED ELEMENTS:

In cooperation with ARB staff:

1. Establish minimum requirements for air quality and emissions data, analysis, and mitigation measures in CEQA statements;
2. Review for and urge consistency between proposed project and adopted NAP; and
3. Recommend and urge emissions and air quality mitigation when needed.

G. PROGRAM ELEMENT - PUBLIC INVOLVEMENT/PARTICIPATION

BASIC ELEMENT:

- . Encourage and provide for public involvement/participation in developing and implementing District policies and programs.

DETAILED ELEMENTS:

1. Solicit active public involvement in the development of rules and regulations and in the development, adoption, and implementation of the NAP.
2. Establish and/or maintain a program to inform citizens of the extent and nature of the air pollution problem in the District.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

ITEMS: Public Hearing to Consider Amendments to Title 17, California Administrative Code, Regarding the Air Resources Board Subvention Program, Adoption of a General Subvention Policy, and Adoption of Subvention Categories and Program Objectives Pursuant to Such Amendments

PUBLIC HEARING DATE: March 26, 1980

RESPONSE DATE: March 26, 1980

ISSUING AUTHORITY: Air Resources Board

COMMENT: ARB has not received any comments relevant to any significant environmental issues. The changes to the subvention regulations are of an administrative nature and given the lack of comments the ARB feels there are no significant environmental issues.

RESPONSE: N/A

CERTIFIED: Sally Rump

DATE: 3/31/80

Memorandum

: Huey D. Johnson
Secretary
RESOURCES AGENCY

Date : April 3, 1980

Subject: Filing of Notice
of Decision of the
Air Resources Board

From : Air Resources Board

Pursuant to Title 17, Section 60007(b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.


Sally Rump
BOARD SECRETARY

attachments
Resolution 80-21