

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
February 18, 2025
MINUTES

Director's Report

Ali R. Ghasemi, Air Pollution Control Officer, shared recruitment is complete for the vacancies in Monitoring and Incentives which are now fully staffed. In the next few weeks open recruitments will be issued for one Enforcement Manager and one Engineering Manager. Regarding APCD programs, regular activities are continuing including the very successful Protecting Blue Whales and Blue Skies which continues to see growing participation from the shipping industry. Regarding the budget, APCD has observed a freeze on funding for the IRA, DERA, and School Bus programs but anticipates EPA 103 and 105 grants to continue. Lastly, the District will be financially stable through FY25-26, which the budget for was just completed.

I. Call to Order

Chair Sara Head called the meeting to order at approximately 6:36 p.m.

II. Roll Call

Present

Donald Bird
Edward Carloni
Stephen Frank
Leslie Cornejo
Kirsten Marble
Paul Meehan

Jan Hauser
Thomas Lucas
Sara Head
Rainford Hunter
Hugh McTernan
Richard Nick

Excused

Steve Colome
Joan Burns

Steven Gama
Mary Kennedy

Absent (not excused)

Aracely Preciado

Staff

Ali Ghasemi
John Henkelman
Danny McQuillan

Tyler Harris
Do Young Maeng

Public

Tim Mooney (City of TO)
Rocio Alvarez (Atkore of SP)

Santos Marquez (City of TO)

III. Election of Officers

Sara Head, the current Committee Chair, shared she would be willing to serve again as chair and Paul Meehan moved to elect Sara Head as chair again. This motion was seconded by Hugh McTernan. The committee voted unanimously to re-elect Sara Head as Chair.

Paul Meehan, the current Vice-Chair, shared he was willing to serve again as Vice-Chair. Tom Lucas also made himself available for the position. Ed Carloni moved to nominate Paul Meehan which was seconded by Hugh McTernan. Richard Nick moved to nominate Tom Lucas which was seconded by Kirsten Marble. Both committee members made a case for their service and a vote was held: 7 votes in favor of Paul Meehan and 5 votes for Tom Lucas. With the majority of 7 to 5, Paul Meehan was nominated for Vice-Chair.

IV. Minutes

Sara Head discussed a missing verb on page 3 following her name, with this correction Stephen Frank moved to approve the Advisory Committee meeting minutes from July 23, 2024, which was seconded by Paul Meehan. The committee voted 8 “Yes”, and 4 “Abstentions”.

V. Chair Report and/or Comments from the Committee (not related to agenda items)

Chair Sara Head did not have a Chair Report.

VI. Public Comment

There were questions from committee members asking as members of the public what percentage of VCAPCD’s funding comes from federal grants, which staff confirmed is about 10%. It was asked if the District would have to address the budget shortfall if/when federal funding disappears to offset the loss of revenue which Ali confirmed, VCAPCD would have to find ways to address that.

VII. Old Business

There was no Old Business.

VIII. New Business

Proposed Amended Rule 33 – Part 70 Permits – General, Rule 33.1 – Part 70 Permits – Definitions, and Rule 33.9 – Part 70 Permits – Compliance Provisions

Danny McQuillan of the District provided a PowerPoint overview of the proposed amendments to Rules 33, 33.1, and 33.9. The purpose of amending these rules is to remove greenhouse gas Tailoring Rule and emergency affirmative defense provisions, both of which are no longer enforceable due to part court rulings and are administrative in nature. The proposed amendments would have no impact on regulated facilities, the community of Ventura County, or the air quality in it.

Tom Lucas asked which facilities are permitted as Title V facilities in Ventura County. District manager, John Henkelman responded with the list, and staff assured AC members that this list would be provided to them after the meeting and it was also available on the District webpage. Committee members asked about remaining language referencing greenhouse gas emissions on page 6 of Rule 33.1. District staff agreed to look into this clause (33.1.20.F) and whether it is still needed.

Committee members asked what the public workshop participation looked like, who was notified, showed up, or provided comment. Danny McQuillan shared all Title V facilities were notified and there was minimal participation with four members of the public showing up and no comments given. Sara Head mentioned that it is telling when affected facilities review the amendments and do not see them being impacted and consequently not participating or commenting in public workshops.

Stephen Frank moved to recommend adoption of the proposed amendments to Rule 33, 33.1, and 33.9, seconded by Donald Bird. The motion passed unanimously with 12 votes in favor.

Proposed Amended Rule 42 Permit Fees

Do Young Maeng of the District provided a PowerPoint overview of the proposed amendments to Rule 42. The proposed amendments will recover some of the Districts Operating expenses while updating rule language for clarity and readability. The amendments will increase permit renewal fees between 5 and 15 percent per year for the next three years and by no more than CPI for the years 2028 through 2030. It was found the district is not recovering expenses for permitting services, especially when accounting for projections. Additional amendments include correcting the CO rates, which have not changed in a decade due to rounding errors, PM rates due to a new federal standard, and the deposit amount which has not changed since the early 1990s. In total, the amendments will result in an additional \$150,000 revenue for the District per year for the next 3 years.

Committee members requested clarification asking if the sum of all the amendments only increase the minimum permit fee by \$37 for the first year, which staff confirmed was true

even though the fees for certain facilities are increasing by up to 15%. Do Young Maeng again shared that 80% of all permits only pay the minimum permit fee and highlighted that approximately 20 facilities will observe increases over 10% but less than \$1,000 in dollar amount. Committee members asked for clarification regarding the proposed deposit increase for new applications. Staff explained that these amounts have not increased since the 1980s and 90s. The increased deposit for Authority to Construct permits will not cover the expected staff time to process them, while the conditional \$5,000 deposit, formerly \$2,000, will help discourage out-of-town applicants from evading costs associated with permitting which has happened in the past. Staff expanded on the increased rate for CO emissions which will only affect facilities with combustion equipment. Staff explained that emergency residential generators are not regulated by VCAPCD, and their use will not be impacted by our regulations.

Committee members shared that the current wording implies that the cost of losing big emitters in Ventura County is being passed onto small businesses. Staff shared that the permitting fees have not covered operating expenses for many years and the loss of big facilities is requiring readjustment of District revenue. The committee shared that the wording is very important for this amendment, clarifying the reasoning for these permit fee increases.

Committee members asked if the percentage increases had an upper limit, as it was explained fee rates were increasing “5% or greater”. Staff shared that the District is limited in legislation to a 15% annual increase which is the upper limit. Staff agreed to include this information in future documentation and presentations.

In discussions staff explained that for many years, permit fee increases have been below CPI, this proposed correction will bring permit rates closer to the initial rates, accounting for inflation. Committee members shared that increasing fees for everyone is not fair to cover costs of losing pollution emitters and that the agency should adjust expenses to match. Ali R. Ghasemi shared that the responsibilities and tasks of staff have only increased even with losing these facilities, and Ventura County has not met the Federal standards for PM and Smog. The increased fees help cover operating expenses with current staffing which has not increased in years and has no plans for staff expansion in the future. Ali R. Ghasemi shared VCAPCD is statutorily not allowed to collect more revenue than operational expenses.

Committee members commented that staffing should decrease if there is a budgetary shortfall. Ali countered that VCAPCD is understaffed for the current programs and cutting staff will impact services offered by VCAPCD which will affect the community. Committee member Hugh McTernan shared his experience as a small business owner and how every cost has increased over the past 5 years and the proposed increase by VCAPCD is more than reasonable to the other increased expense he has incurred as a small business.

Ali R. Ghasemi shared that for many years VCAPCD has not increased fees to match for inflation for decades to provide reprieve for local businesses which peaked during

COVID-19. The responsible action is to correct the budget revenue to previous levels, accounting for inflation, to match the current expenses of the District. Ali R. Ghasemi explained the proposed increases do not cover the entirety of the financial shortfall the District is experiencing. Richard Nick shared that the current wording implies it is a punitive correction to fees which if is not the intent-the language should be changed. Staff agreed wording is important and how this increase is presented will be adjusted.

Committee members asked how much annual revenue will increase with the proposed changes and staff shared it would result in an additional \$150,000 per year for 3 years. Committee members discussed this was a small increase for an agency the size of VCAPCD. Some committee members shared the late fee the District imposes on permit actions was not fair and is excessive. Ali R. Ghasemi discussed that we provide 60-70 days instead of 30 to pay fees and the penalty is proposed to be reduced in these amendments from 30% to 15%. Ali R. Ghasemi explained VCAPCD has a cooperative relationship with the regulated industry, unlike some neighboring districts, and it is intended to remain that way where we consider the impacts on our community. Ali R. Ghasemi shared specific examples how VCAPCD has been cutting expenses, delaying upgrades, and investing in office space has been to reduce the financial burden on local industry. District management constantly are looking to balance the budget through reducing expenses, and it is now time the agency corrects revenue.

Committee member Paul Meehan shared he has never actually seen a permit application requesting this be shared with him. Staff confirmed they would share this with Paul and that any committee member is able to access the permit applications on our website, www.vcapcd.org. There was discussion about how permit renewal fees are calculated based on annual and per hour emissions. Do Young Maeng confirmed that it is calculated using both annual and per hour emissions, and he referred to the section of the rule which explains the calculation method. Ali R. Ghasemi shared any committee member who wanted to understand the process can schedule a time to meet with staff.

After discussion about Rule 42, representatives from the City of Thousand Oaks shared their new perspective on participation in the workshops and Advisory Committee, not realizing that their shared perspective and input would result in any change to the proposed amendments. They shared appreciation for the process, their invitation received and, the encouragement to participate. Staff clarified any formal comment would be included in all presentations to Workshop attendees, Advisory Committee members, and the Board.

Hugh McTernan moved to recommend adoption of the proposed amendments to Rule 42, seconded by Edward Carloni. The motion passed with 10 votes in favor and 2 votes opposed.

Staff requested those who opposed the recommended adoption to share the minority opinion. Stephen Frank shared his opinion that VCAPCD is punishing those who stayed in the county rather than left and the Agency is not willing to reestablish staffing levels. Tom Lucas shared that he believes efficiencies are able to be found to reduce cost of

gasoline, electricity, and water in California which has higher costs than some parts of the country like Mississippi.

IX. Committee Business

Chair Sara Head reminded committee members to submit their Form 700 Economic Interest forms. Staff member Danny McQuillan shared that information about other district programs is available to grab which was prepared by VCAPCD's new PIO.

X. Adjournment

Having no further business, the Chair adjourned the meeting at approximately 8:24 p.m.

Prepared by:
Danny McQuillan
Air Pollution Control District Staff