

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
October 3, 2006
MINUTES

Chairman Kuhn convened the meeting at approximately 7:40 p.m.

I. Director's Report

Mike Villegas, APCO, announced that Senate Bill 225 was signed by the Governor. The bill provides air districts additional funding for the indirect costs of implementing the Carl Moyer Program (CMP). The bill also ties CMP cost effectiveness thresholds to the consumer price index. However, since VCAPCD projects are typically much more cost effective than the threshold, this change will have little effect locally. Mr. Villegas also said about 1000 square feet of APCD office space has been turned over to the Farm Advisor to reduce District costs. He also described the District's electric lawn mower program which provides the public \$50 vouchers towards the purchase of corded electric lawn mowers and \$100 towards the purchase of cordless electric lawn mowers, in exchange for proof of scrapping gasoline powered lawn mowers. Additionally, a press release from the Ventura County District Attorney was discussed regarding a settlement with a local wood flooring manufacturer with repeat APCD violations. Mr. Villegas also told the Committee that County Counsel is reviewing the applicability of VCAPCD rules and regulations with respect to proposed offshore LNG terminal development.

II. Call to Order

Chairman Kuhn called the meeting to order at 7:45 p.m.

III. Roll Call

Present

Sara Head	Manuel Ceja
Duane Vander Pluym	Michael Kuhn
John Procter	Ron de la Pena
Ryan Kinsella	Michael Moore
Stephen Garfield	Keith Moore

Absent

Stan Greene	Clint Matkovich
Hugh McTernan (excused)	Hector Irigoyen (excused)
Scott Blough (excused)	Aaron Hanson (excused)

Staff

Don Price
Mike Villegas

Chris Frank

Public

What is the name of the potential AC member?

IV. Minutes

The minutes of the July 25, 2006, meeting were approved.

V. Committee Comment

Committee member Head disclosed that her employer is contracted to provide services for an entity affected by the proposed Rule 26.1 amendment, and asked for guidance as to whether such employment constitutes a conflict of interest. Mike Villegas (the APCO) responded that County Counsel determined similar situations were not conflicts of interest.

Committee member Garfield expressed his opinion that the Committee's advisory role should be expanded to more than just rule development activities. He relayed his recent experience of meeting with the APCD Compliance division manager and riding along with APCD inspectors for two days of field work. Based on that experience, he made the following recommendations:

- 1) Geographic areas of responsibility and specializations in specific industries should be rotated among inspectors. He is concerned that continuing relationships between inspectors and regulated parties breeds too much familiarity, which could get in the way of effective enforcement. He also said a fresh set of eyes for each inspection would likely discover additional violations. He noted that during his ride-along with an inspector he found a bag house that inspectors had not noticed.
- 2) Each inspector should be assigned a laptop computer to increase efficiency by enabling them to complete reports in the field and ensure that inspectors have all necessary documentation available at all times. He noted that he observed inefficient use of time in the field searching for paperwork.
- 3) Policies should be developed for inspectors to report possible violations of workplace safety laws, and non-air pollution environmental laws to the proper agencies. He noted examples of safety violations and hazardous waste violations he noticed during his ride-along with inspectors.

Committee member Michael Moore warned staff to check with County Counsel before developing any policies to aid enforcement of other agencies' regulations.

The APCO discussed the idea of cross training compliance staff and said inspectors are already cross trained to determine compliance for multiple types of emission sources. He also said staff has been discussing the idea of providing laptop computers for inspectors.

Committee member Keith Moore asked for an update on the District's attainment status for the PM standard. He noted a map in a publication showed Ventura County as non-attainment. The APCO reported the District is an attainment area for the federal; PM standards and said the map was incorrect. Committee member Keith Moore said the press should be notified that the map is incorrect. The APCO said he would discuss the issue with EPA Region IX staff.

Committee member Keith Moore asked for an update on the District's fiscal status. The APCO reported the District has cut \$850,000 out of its budget shortfall by reducing staff and office space and raising fees.

Committee member Keith Moore said the District needs to redesign its business plan to put it in financial balance and suggested the formation of a subcommittee to explore ways of achieving financial balance.

Committee Chair Michael Kuhn directed that an item be placed on the January 2007 agenda to form a subcommittee to explore possible fiscal restructure of the District.

Committee member Ceja suggested that the Chair direct all members of the Committee to become familiar with VCAPCD Rule 3 and the Advisory Committee bylaws which describe the role of the Committee. The APCO said staff would distribute copies of these items at the January 2007 meeting.

VI. Public Comment

There was no public comment.

VII. Old Business

There was no old business.

VIII. New Business

Proposed Amendments to Rule 26.1, New Source Review, Definitions

Staff member Don Price began his presentation on the proposed rule amendment as described in the staff report.

Committee member Keith Moore asked what was the purpose of the rule amendment. Staff responded that NSR requires all new facilities to apply BACT, and to offset the residual emissions with emission reduction credits. The proposal would enable biosolids

processing facilities to obtain emission reduction credits from the essential public services bank at no cost rather than obtaining them on the open market. A biosolids processing facility located at publicly owned sewage treatment plant is currently eligible to withdraw emission reduction credits from the essential public services bank at no cost. The proposal would extend that eligibility to publicly owned biosolids processing facilities at a location other than publicly owned sewage treatment plant.

Committee member Keith Moore asked who directed staff to amend the rule. Staff responded that the Board and city officials directed the amendment after determining that Ventura County would soon be prohibited from disposing of its sewer sludge in Kern County.

Committee member Keith Moore asked how staff determined that the rule amendment is not a relaxation prohibited by Senate Bill 288. Staff responded that the rule revision only changes the pathway for obtaining emission reduction credits to offset residual emissions. All residual emissions will continue to be fully offset as required by NSR.

Committee member Michael Moore said that by giving biosolids processing facilities a waiver from obtaining costly offsets on the open market, they could be getting the equivalent of public financing, and the result could be a less effective set of emission controls and subsequent offsetting of a higher residual. Staff responded that because BACT is the same regardless of where the offsets are obtained (open market or essential public services account); the residual emissions to be offset are equivalent.

Committee member Michael Moore asked if the proposed language is strong enough to prevent the use of essential public service emission reduction credits to offset emissions from sludge imported from outside Ventura County. Staff responded yes, because the language is tied to raw material generated at wastewater treatment plants located in Ventura County. However, credits obtained on the open market could be used to offset emissions from sludge imported from outside Ventura County.

Committee members discussed the need to address the sewage sludge problem that has been passed on to Ventura County by the Kern County ordinance prohibiting land farming of sewage sludge and the possible location of the plant near Santa Paula.

Committee member Keith Moore stated he felt the Committee was being used as a rubber stamp. He said the lack of information in staff's report on the amount of potential air emissions from biosolids facilities made it impossible for him to make an informed decision. He requested that each Committee member be polled for their opinion.

Committee Chair Michael Kuhn polled the members.

Committee member de la Pena said the presentation lacked some critical information. He said there was no information of whether shipping sludge out of the county for treatment is an option, or whether the proposed rule amendment would wedge the door open for possible importation of sludge.

Committee member Garfield said the committee is being asked if sewage sludge treatment is an essential public service. He said he believes it is.

Committee member Kinsella said he had no problem with the proposal for sludge generated in Ventura County.

Committee member Vander Pluym said since a publicly owned sewage treatment plant is already eligible to use essential public service credits to offset emissions from sludge processing, offsite processing should also be eligible.

Committee Chair Kuhn had no comment.

Committee Vice Chair Head had no comment.

Committee member Ceja said he is supportive of the proposal. Since publicly owned biosolids processing at a sewage treatment plant is already considered an essential public service, it would continue to be an essential public service at another location.

Committee member Procter said he will support the proposal. Sewage sludge processing is an essential public service.

Committee member Michael Moore expressed some concern for staffs CEQA analysis and suggested that staff consider filing a Notice of Exemption fro CEQA. He said he thought the proposal is in the taxpayer's interest.

Committee member Ceja recommended the words "nutrient rich" be stricken from the language. He also said the two proposed definitions had some circular and conflicting provisions and suggested changes. Committee members agreed and staff promised to review and correct the language as necessary.

Committee members discussed whether or not a facility that treats non-sewage sludge (e.g.; oilfield sludge) or has a mix of sewage sludge and non-sewage sludge should be eligible to use essential public service emission reduction credits.

Staff explained that the language would authorize the use of essential public service emission reduction credits for all types of sludge processed at publicly owned waste water treatment plants located in Ventura County.

Committee member Garfield made a motion to recommend approval of staff's proposal with changes as discussed.

Committee member Procter seconded the motion and the Committee voted to approve the motion by a vote of nine Yes and one No.

Committee member Keith Moore said the message and presentation were not clear and suggested any future presentation on this subject be reorganized and include additional information.

IX. Adjournment

The meeting was adjourned at approximately 9:50? p.m..

Prepared by:
Chris Frank, APCD Staff