

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT  
ADVISORY COMMITTEE MEETING  
July 25, 2006  
MINUTES

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

I. Director's Report

Mike Villegas, responding to a request from an Advisory Committee member to add a permanent agenda item for Committee member comments, asked for suggestions from the Committee. The Committee discussed possible Brown Act conflicts and whether or not such an agenda item should be placed under "new business." It was decided to replace the existing agenda item entitled "Chairman's Report" with a new agenda item: "Committee Member Comments."

Mike Villegas announced that Board members, Advisory Committee members, CAFAC members and Hearing Board members are required to complete ethics training before 1/1/07. More information will be sent to members. He also informed the Committee that the Board had adopted amendments to the NSR rule and the RACT SIP document in June, ahead of schedule.

Mr. Villegas gave the Committee an update on AB32 – a State bill to require greenhouse gas emissions tracking and reduction targets in California. He also discussed the position of air districts in participating in greenhouse gas emissions tracking and distributed a memorandum to Committee members on this topic.

Mr. Villegas gave the Committee an update on marine vessel emissions and emissions from the Port of Hueneme. He also distributed a memorandum to Committee members on this topic.

II. Call to Order

Chairman Kuhn called the meeting to order at 8:00 p.m.

III. Roll Call

Present

Sara Head  
Duane Vander Pluym  
John Procter  
Hugh McTernan  
Stephen Garfield

Manuel Ceja  
Michael Kuhn  
Ron de la Pena  
Michael Moore  
Keith Moore

Absent

Stan Greene (excused)  
Ryan Kinsella (excused)  
Scott Blough (excused)  
Clint Matkovich

Hector Irigoyen (excused)  
Ron Dawson (resigned)  
Aaron Hanson

Staff

Christine White  
Mike Villegas

Chris Frank  
Kerby Zozula

Public

None

IV. Minutes

The minutes of the March 28, 2006, meeting were approved after amending the attendance list to include Duane Vander Pluym, who was present at that meeting.

V. Chairman's Report

There was no Chairman's report.

VI. Public Comment

There was no public comment.

VII. Old Business

There was no old business.

VIII. New BusinessA. Proposed Amendments to Rule 23, Exemptions From Permit

Chris Frank presented the staff report and explained that Rule 23 must be amended for compliance with California Senate Bill 700 which requires non-mobile agricultural equipment at large agricultural sources to obtain APCD permits. He reported that it appears that no agricultural sources in Ventura County are large enough to require a permit. He also distributed a supplemental memorandum with additional proposed rule amendments related to horticultural operations.

Committee member de la Pena asked if agricultural operators might use mobile equipment for stationary purposes in order to avoid permitting requirements.

Committee member Vander Pluym asked if emissions from portable equipment would be included in the total for determining if a permit is required. Kerby Zozula responded that vehicular sources are excluded rather than mobile sources, and that portable equipment emissions are not excluded from the applicability determination.

Committee member Ceja asked who gets the permit, the owner or the operator. Kerby Zozula explained that permits are issued to operators, and gave similar examples from oilfield operations.

Committee member Garfield asked how the rule amendments would reduce particulate matter emissions. Chris Frank responded that the amendments would not reduce emissions – they would only require permits as mandated by law. Staff will propose new rules to control fugitive dust emissions during the upcoming year.

Committee member Vander Pluym questioned the use of the word “exclusively” in staff’s proposal. Staff agreed to reexamine the language to determine if it is appropriate. (Staff reexamined the language and discovered problems. As proposed, the word “exclusively” excluded all emissions from units that are used partially for non-agricultural purposes. The intent is 1) To exempt agricultural units if they are exclusively agricultural and the agricultural source they are located at emits less than 50% of the major source threshold, and 2) If a unit is used partially for agricultural operations, its total emissions (agricultural and non-agricultural) should be included in the determination of whether a major source threshold is exceeded. With this intent in mind, staff redrafted the rule amendment as follows:

16. *Emission units used exclusively in agricultural operations, except where the total actual annual emissions from an agricultural source is equal to or greater than 50 percent of any of the following federal major source thresholds:*

<u>Pollutant</u>	<u>Threshold (Tons Per Year)</u>
<i>Any single HAP</i>	<i>10</i>
<i>Combination of HAPs</i>	<i>25</i>
<i>CO, PM10, or SOx</i>	<i>100</i>

<u>Attainment / Nonattainment Classification (Ozone)</u>	<u>Threshold (TPY) (ROC, NOx)</u>
<i>Attainment, Marginal, or Moderate</i>	<i>100</i>
<i>Serious</i>	<i>50</i>
<i>Severe</i>	<i>25</i>
<i>Extreme</i>	<i>10</i>

*This provision shall not exempt any large confined animal facility or any source required to be issued a permit pursuant to Title I (42 U.S.C. Sec. 7401 et seq.) or Title V (42 U.S.C. Sec. 7661 et seq.) For the purpose of this subsection, agricultural operations are operations conducted in the raising of fowl or animals or the production of products of the soil, including crops, orchard fruits, trees,*

*vines, rose bushes, ornamental plants, floricultural crops, and other horticultural crops. An agricultural source includes all emissions used in agricultural operations located on contiguous property under common ownership or control. For the purpose of this subsection a “large confined animal facility” is defined by the California Air Resources Board.*

Committee member Keith Moore asked if ROC and NOx emissions are added together to determine if a threshold is exceeded. Chris Frank responded that state and federal law do not require them to be added together.

Committee member Ceja asked if a permitted agricultural source would be subject to NSR. Christine White responded that during the first year after the amendment takes effect they would be grandfathered for initial permitting, but NSR would apply if the source was subsequently modified.

Committee member Michael Moore expressed concern about financial impacts to farmers, if not now, perhaps in the future. He also had concerns with staff’s CEQA analysis which states that there is no possibility that the rule amendments may have a significant effect on the environment.

Committee member Procter made a motion for the Committee to recommend approval of staff’s proposal. Committee member Garfield seconded the motion and the Committee approved the motion with a vote of 9 to 1.

B. Proposed Amendments to Rule 33, Part 70 Permits, and Rule 76, Federally Enforceable Limits on Potential to Emit

Chris Frank presented the staff report and explained that Rules 33 and 76 were proposed for amendment to make them consistent with the District’s changing ozone nonattainment classification.

Committee member Head asked if sources subject to Title V permitting due to MACT requirements would be required to stay in the Title V permitting system even if they are no longer a major source (similar to staff’s proposed new language for NSR and PSD requirements – i.e., once in always in). After discussion it was stated that such a case is covered by Rule 33B.4.

Committee member Head asked if the terms “intermittent” and “continuous” should be defined in Rule 33 since they are being used in newly added section 33.3.A.10.b. Kerby Zozula responded that the terms are defined in the District’s Title V program documents in a manner that is acceptable to the U.S. EPA.

Committee member Keith Moore asked staff to consider clarifying the new table proposed to be inserted in Section B.1.a.2) of Rule 76 by adding a middle column showing 100% of the major source thresholds, in addition to the proposed column showing 50% of the major source thresholds. Committee member Vander Pluym asked

staff to ensure the language is parallel with the preceding section. Staff agreed to reexamine the language of this section.

(Staff reexamined the language. Because the preceding section (B.1.a) already indicates that the numbers that follow are stated in the form of 50% of the thresholds, staff believes adding a middle column showing 100% of the major source thresholds may not clarify the provision. Therefore, staff is not proposing additional revision to this provision.)

Committee member Procter made a motion for the Committee to recommend approval of staff's proposal. Committee member Garfield seconded the motion and the Committee voted to approve the motion unanimously.

Committee member Garfield thanked staff for their work. He expressed concern that new SCAQMD port regulations could force redirection of cargo to Ventura County ports. He requested staff to monitor this situation and report back to the Committee. He stated that because there is a potential for a very large increase in emissions, the District should be in the forefront on this issue.

Committee member Keith Moore asked staff to provide the Committee a schedule of items to be considered by the Committee during the next six months.

IX. Adjournment

The meeting was adjourned at approximately 9:20 p.m.

Prepared by:  
Chris Frank, APCD Staff