

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
September 28, 2010
MINUTES

Chairman Vander Pluym convened the meeting at approximately 7:30 p.m.

I. Director's Report

Mike Villegas, APCO, stated that the U.S. EPA has delayed the announcement of the new national ambient air quality standard for ozone until the end of October.

Mr. Villegas noted that the California Air Resources Board will be conducting a workshop to take public comment on proposed revisions to the Ocean Going Vessel Marine Fuel Regulation. This is the regulation that limits the sulfur content of marine vessel fuel within 24 nautical miles of the California coast. The proposed revisions would extend the sulfur control zone to also include the area 24 nautical miles around the Channel Islands. This should move vessel traffic back into the shipping lanes inside of the islands and out of the Navy's test range.

Mr. Villegas stated that the U.S. EPA has finalized a greenhouse gas permitting rule (Tailoring rule). The proposal has states and local air permitting agencies issuing permits via the existing Title V and prevention of significant deterioration permit programs. APCD staff conducted a workshop on the Title V portion of the program, and the workshop went well.

Mr. Villegas added that two key APCD staff members were not available for the October 26, 2010, Advisory Committee meeting. After a brief committee discussion it was decided that the meeting would be held on November 2, 2010.

II. Call to Order

Chairman Vander Pluym called the meeting to order at approximately 7:40 p.m.

III. Roll Call

Present

Stephen Garfield

Sara Head

Steven Kane

Michael Kuhn

Kim Lim

Marleen Luckman

Hugh McTernan

Michael Moore

Ron Peterson

James Tovias

Duane Vander Pluym

Absent

Scott Blough (excused)
Cameron Williams (excused)
Keith Moore (excused)

Todd Gernheuser (excused)
Aaron Hanson
Greg Patterson (excused)

Staff

Mike Villegas
Keith Duval

Don Price

Public

Gary Alexander

Pacific View Mall

IV. Minutes

The minutes of the November 3, 2009, meeting were approved as drafted.

V. Committee Comment

Committee member Garfield requested a ride-a-long with an APCD inspector, and stated staff should be willing to provide transparency. Mike Villegas and Keith Duval responded that a ride-a-long will be scheduled for Committee member Garfield.

Committee member Garfield stated that the District should be more focused on reducing criteria pollutants than greenhouse gas (GHG) programs. Mr. Villegas stated that staff was working to implement a federally mandated GHG permitting program, and following Board direction on other GHG programs.

VI. Public Comment

There was no public comment.

VII. Election of Officers

The Committee took nominations for Chair and Vice Chair. It was moved (Head) and seconded (Luckman) to nominate Duane Vander Pluym as Chair. The Committee voted unanimously to have Committee member Vander Pluym serve as Chair for 2010. It was moved (Kuhn) and seconded (Luckman) to nominate Sara Head as Vice Chair. The Committee voted unanimously to have Committee member Head serve as Vice Chair for 2010.

VIII. New Business

A. Proposed Revisions to Hearing Board Rules 112, 114, 117, 120, 123, 124, and 126

Don Price, of APCD staff, stated the amendments to Rule 112 are proposed to remove the requirement that the petition includes a proposed order. The proposed order is prepared by District staff based on the petition.

Mr. Price stated that the amendment to Rule 114 will remove a reference to Rule 113, Petition for Variance, because Rule 114 applies only to appeals related to the denial, suspension, conditional approval of a permit, or fees assessed. Committee member Michael Moore was concerned the change will prevent appeals for the denial of a variance. Chair Vander Pluym noted that the intent is that the information from the petitions specified in Rule 112 and 113 is to be included in addition to the information specified in Rule 114. This could relate to a permit appeal where the applicant holds a variance. It was the consensus of the Committee and staff that the reference to Rule 113 should be retained in Rule 114.

APCD staff and the Committee discussed the proposed deletion of Rule 117, Answers. It was determined that Rule 117 could be deleted.

Mr. Price stated that revisions to Rule 120 will specify a 30-day notice requirement for variances and remove requirements for Districts with populations of 750,000 or less. Ventura County's population currently exceeds 840,000. In addition, a 10-day notice requirement is being added for 90-day variances.

Mr. Price outlined the staff proposal to delete subsection A.8 from Rule 123, Findings, Variance or Abatement Order. Committee member Head asked under what circumstances subsection A.8 has been a problem. Keith Duval, of District staff, stated that Hearing Board members have had an issue with subsection A.8 when granting variances related to diesel engines. This is because the CARB's Scientific Review Panel has not identified a level below which diesel particulate does not have potential health impacts. Committee member Vander Pluym stated, that since the diesel health effects are chronic in nature, replacing the word "immediate" with the word "acute" will define the intended serious health effect and help the Hearing Board.

Mr. Price added that staff was proposing to delete subsections B.2 and B.3 of Rule 123. Committee member Michael Moore stated both of these subsections should be removed.

Mr. Price stated that Section F of Rule 124, Decision, was being rewritten for clarity. In addition, Section K of the rule was being deleted as excess emission fees are assessed pursuant to Rule 41.D not the federal Clean Air Act.

Mr. Price added that Rule 126, Effective Date of Decision, is being rewritten for clarity.

It was moved (Peterson) and seconded (McTernan) to recommend adoption of amended Rules 112, 114, 117, 120, 123, 124, and 126 as proposed by staff, without any revisions to Rule 114 and replacing the word “immediate” with the word “acute” in Rule 123.A.8. The motion passed unanimously.

Committee member Tovias stated his concern that additional government regulations were adding additional burdens on business during this difficult economic time.

The Committee briefly discussed whether the Committee should review the 75 dollar per meeting pay District Hearing Board members receive. It was the general consensus of the Committee members that this was beyond the purview of the Committee.

VIII. Adjournment

The meeting was adjourned at approximately 8:45 p.m.

Prepared by:

A handwritten signature in black ink, appearing to read "Mike Villegas". The signature is written in a cursive style with a long horizontal stroke at the end.

Mike Villegas
Air Pollution Control District Staff