

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
January 29, 2008
MINUTES

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

I. Director's Report

Mike Villegas, Air Pollution Control Officer, stated the District had filed a Notice of Intent to file a lawsuit under the federal Clean Air Act regarding the U.S. Environmental Protection Agency's failure to promulgate regulations for large marine vessels.

Mr. Villegas noted that the District was receiving a significant amount of positive press coverage regarding 2007 being the cleanest air quality year on record.

Mr. Villegas added that the District's new Air Quality Management Plan was being delayed due to changes in the motor vehicle emissions budget. This new data is still being prepared by the Southern California Association of Governments.

II. Call to Order

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

III. Roll Call

Present

Scott Blough	Manuel Ceja
Stephen Garfield	Karl Krause
Michael Kuhn	Hugh McTernan
Marilyn Miravete-Smith	Michael Moore
Ron Peterson	Duane Vander Pluym

Absent

Sara Head (excused)	Stan Greene (excused)
Aaron Hanson	Hector Irigoyen (excused)
Ryan Kinsella (excused)	Keith Moore (excused)
Gayle Washburn (excused)	Greg Patterson (excused)

Staff

Mike Villegas	Stan Cowen
Don Price	Kerby Zozula

	<u>Public</u>
Hal McDomach	Self
Steve Kane	Self

IV. Minutes

The minutes of the November 27, 2007, meeting were approved as drafted.

V. Committee Comment

There was no Committee comment.

VI. Election of Officers

Chair Kuhn requested nominations for the Chair position. It was moved (Moore) and seconded (Blough) to nominate Michael Kuhn to serve as Chair for 2008. The election of Committee member Kuhn was approved unanimously.

Chair Kuhn requested nominations for the Vice-Chair Position. It was moved (Moore) and seconded (McTernan) to nominate Committee member Vander-Pluym to serve as Vice-Chair for 2008. It was moved (Ceja) and seconded (Miravete-Smith) to nominate Committee member Head to serve as Vice-Chair for 2008. The election of Committee member Vander Pluym was approved on a vote of 8 to 2. The election of Committee member Head failed on a vote of 2 to 8.

VII. Public Comment

There was no public comment.

VIII. Old Business

A. Proposed New Rule 55, Fugitive Dust

Stan Cowen, of District Staff, gave an overview of proposed new Rule 55, Fugitive Dust. The rule is needed to satisfy the mandate of SB 656, which requires the District to adopt regulations to reduce emissions of particulate matter.

Mr. Cowen described how the rule had been revised to address the Committee's concerns, which were raised at the November 27, 2007, meeting. The conditional exemptions from the "no visible dust at the property line" requirement and the requirement were removed. These provisions were replaced with a requirement for no visible dust past the midpoint of an adjacent roadway or beyond 50 feet of the property line.

Committee member Moore wanted to be clear that the 50 foot distance does not create an exemption from nuisance requirements. Staff noted that District Rule 51, Nuisance would still apply.

Mr. Cowen discussed the concerns raised in a letter from Mr. Scott Cohen of West Coast Environmental (dated December 28, 2007). One of the main concerns was making a facility operator responsible for load covering and six inch freeboard heights. Mr. Cowen noted that District Rule 70, Storage and Transfer of Gasoline (Section D.2) has similar requirements. Further, the facility operator would be loading the trucks and would control the load height.

Committee member Moore asked if a six inch freeboard requirement would have a significant effect on dust emissions during transportation. Committee member Krause stated he expected that material without a six inch freeboard height would be subject to much more turbulence during transport than material with a six inch freeboard.

Committee member Garfield asked if Rule 55 would be enforced in the same manner at a public site as a private site. Mike Villegas stated that enforcement would be the same at both public and private facilities. The District Attorney's Office has advised the District that this should be the District's policy.

It was moved (Garfield), and seconded (Krause), to recommend adoption of New Rule 55 to the Air Pollution Control Board. The motion was approved unanimously.

IX. New Business

A. Proposed Amendments to Rule 74.29, Soil Decontamination Operations

Don Price, of District staff, gave an overview of additional changes to Rule 74.29 made to address issues raised by the Committee. The changes are as follows:

- Subsection B.8 has been revised to allow onsite treatment of contaminated soil that has not been removed within 30 days.
- The definition of "excavation activity" has been clarified.
- The definition of "terminating activity" has been clarified via changes to Subsection C.2.a and a definition of "active."
- A definition of jet fuel has been added.
- The rule has not been changed to expand the applicability to soil containing any ROC. Mr. Price explained that over 92 percent of contaminated soil sites are handled by the leaking underground fuel tank program (mostly gasoline). While the standards in Rule 74.29 are appropriate for gasoline, diesel, or jet fuel, they may not be appropriate for more toxic compounds. Kerby Zozula, of District staff, stated the District

has authority via Rule 51, Nuisance, and Rule 36, New Source Review – Hazardous Air Pollutants, to regulate soil contaminated with other ROCs on a case-by-case basis.

Committee member Peterson asked about the effectiveness of vapor suppressants and whether they should be allowed. Committee member Krause stated that vapor suppressants were probably more effective than plastic tarps.

Committee member Moore asked about the effectiveness of plastic tarps. Mr. Zozula responded that the lack of vapor space below the tarp prevents the ROC from evaporating and thus prevents the migration of more ROC towards the surface.

Committee member Peterson asked about the difference between the 50 ppm as hexane standard for soil and the 100 ppm as methane standard for vapor extraction operations. Mr. Zozula responded that while expressing a standard as methane was more common, the soil standard of 50 ppm as hexane was the industry standard.

It was moved (Peterson), and seconded (Moore), to recommend adoption of amended Rules 74.29, 23, and 44 to the Air Pollution Control Board, including a late change suggested by the Air Resources Board. The motion was approved unanimously.

X. Adjournment

The meeting was adjourned at approximately 9:15 p.m.

Prepared by:

Mike Villegas
Air Pollution Control District Staff