

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
January 27, 2009
MINUTES

Vice Chairman Vander Pluym convened the meeting at approximately 7:35 p.m.

I. Director's Report

Mike Villegas, APCO, stated that amendments to Rule 74.18, Motor Vehicle and Mobile Equipment Coating Operations were adopted by the Board on November 11, 2008. The new rule was the subject of a positive news story on KTLA Channel 5 news.

The District's Lower Emission School Bus Program is currently on hold due to the state budget crisis.

On January 13, 2009, the Air Pollution Control Board approved a Carl Moyer Program grant to repower a crew and supply boat (Ryan T). This project will reduce both nitrogen oxide and particulate matter emissions offshore and at the Port of Hueneme.

District staff is working with U.S. Environmental Protection Agency staff to craft a finding of attainment for the old federal one-hour ozone standard. This finding of attainment would be based on monitoring data and would make it clear that Clean Air Act Section 185 fees would not be applicable to major sources in Ventura County.

II. Call to Order

Vice Chairman Vander Pluym called the meeting to order at approximately 7:45 p.m.

III. Roll Call

Present

Stephen Garfield

Sara Head

Steven Kane

Marilyn Miravete-Smith

Michael Moore

Keith Moore

Greg Patterson

Ron Peterson

Duane Vander Pluym

Absent

Scott Blough (excused)

Hugh McTernan (excused)

Michael Kuhn (excused)

Stan Greene

Aaron Hanson

	<u>Staff</u>	
Mike Villegas		Don Price
	<u>Public</u>	
Smokey Robles		PSR Environmental
Jim Tovas		Self
Al Shalpe		Self

IV. Minutes

The minutes of the September 23, 2008, meeting were approved as drafted.

V. Committee Comment

Vice Chair Vander Pluym stated that the EPA has issues with the San Joaquin Valley Unified APCD's Reasonably Available Control Technology (RACT) submittal for their State Implementation Plan. Mike Villegas, of District staff, stated that CARB has forwarded the District's RACT submittal to the EPA, and EPA had notified the District that the submittal was complete. EPA has not yet taken final action on the District's submittal.

VI. Public Comment

There was no public comment.

VII. Election of Officers

Committee member Head nominated Duane Vander Pluym to serve as Chair, Committee member Miravete-Smith seconded. Committee member Vander Pluym nominated Sara Head to serve as Vice-Chair, Committee member Miravete-Smith seconded. It was moved (Michael Moore), and seconded (Miravete-Smith), to approve the nominated slate of officers for 2009. The Committee unanimously approved the motion, by voice vote.

VIII. New Business

Proposed Amendments to Rule 70, Storage and Transfer of Gasoline. Note: new business was taken prior to old business, as members of the public were in attendance to comment on the new business.

Don Price, of APCD staff, gave an overview of the proposed amendments. The main points were as follows:

- Addition of an exemption from Phase II vapor recovery for gasoline tanks where the 95 percent of the vehicles refueling from the tank are equipped with on-board refueling vapor recovery (ORVR).

- Addition of an exemption from Phase II vapor recovery for tanks dispensing E-85.
- Addition of a prohibition of standing gasoline in the Phase I spillbox
- Addition of a requirement to inspect hanging hardware (Phase II) on a daily basis.
- Revision of the definition of “major modification” to clarify that the replacement of a Phase II vapor recovery system is considered a major modification.
- Addition of a requirement to submit source test results within 14 days after completion of the test.

Smokey Robles asked if city police departments could qualify for the Phase II exemption under the ORVR exemption. Don Price replied yes, if they meet the 95 percent ORVR penetration rate and keep the required records.

Smokey Robles stated that meeting requirement to submit test results within 14 days may be difficult, as some station operators do not pay the testers in a timely manner. Mike Villegas replied that the station operators would be held responsible, and this provision should help the testers by motivating operators to pay in a timely manner.

Jim Tovas stated his general concern that government regulations, including environmental regulation, were stifling creativity and hurting business during the current economic downturn.

Al Shalpe stated that the enhanced vapor recovery (EVR) regulations were having a significant economic impact on the smaller station operators. Some of these independent stations will close their doors. Mike Villegas noted that the EVR requirements were part of a state regulation and that the District was proposing an exemption from the requirement for stations where their fleet meets the ORVR requirements. Mr. Villegas added that the District had notified the California Air Resources Board of facilities that had applied for a District permit, but could not obtain financing for the EVR upgrade.

Committee member Head asked if the issues raised by BP, in their email, had been resolved. Don Price replied that the issues had been resolved.

Committee member Michael Moore asked who would certify that a fleet of vehicles would have 95 percent penetration rate of ORVR equipped vehicles. Don Price replied that the station operator would be responsible for the certification. The station operator would need to own or control the vehicles. Examples of these fleets would be law enforcement, municipalities, utilities, new car dealerships and vehicle processors. In practice, the operator would certify the vehicles are equipped with ORVR and that the system has not been tampered with.

Committee member Michael Moore stated that the definition of E 85 (subsection J.7) seems to allow the percentage of gasoline to exceed 15 percent. Staff agreed the definition would need to be revised.

It was moved (Head), and seconded (Garfield), to recommend to the Board, adoption of the proposed revisions to Rule 70 and staff was directed to correct the definition of E 85 (subsection J.7). The motion was approved unanimously.

IX. Old Business

Consider an issue regarding a Committee member's actions pursuant to Article 1, Section 2.E, of the Bylaws.

The Committee discussed their thoughts on the matter. It was the consensus of the Committee that Committee members should strive to make constructive comments. In addition, Committee members with input on non-Committee issues should work directly with staff.

It was moved (Miravete-Smith), and seconded (Michael Moore), to put this issue to rest and refine the procedures for committee and public comment to specify three minutes for comments. The motion was approved with 8 yes votes and 1 abstention.

X. Adjournment

The meeting was adjourned at approximately 9:30 p.m.

Prepared by:

Mike Villegas
Air Pollution Control District Staff