

**PLACER COUNTY AIR POLLUTION CONTROL DISTRICT  
BOARD OF DIRECTORS**

**Thursday, February 19, 2009**

**2:30 P.M.**

**Meeting Minutes**

The Board of Directors of the Placer County Air Pollution Control District met in session at 2:30 P.M., Thursday, December, 11, 2008 at the Placer County Board of Supervisors' Chambers, 175 Fulweiler Avenue, Auburn, California. Representing the District were: Tom Christofk, Air Pollution Control Officer; Todd Nishikawa, Compliance and Enforcement Manager; Yu-Shuo Chang, Planning and Monitoring Manager; Don Duffy, Associate Engineer; and Jane Bailey, Administrative Services Manager.

1. **Call to Order:** Acting Chairperson, Peter Hill
2. **Flag Salute**
3. **Roll Call / Determination of a Quorum**  
Present: Mike Holmes, Rhonda Morillas (alternate for Miguel Ucovich), Donna Barkle, (incoming member representing the City of Colfax) Kent Nakata, Jim Holmes, Peter Hill, Kirk Uhler, and John Allard, (incoming member representing the City of Roseville)  
**Absent:** Robert Weygandt  
**Quorum established**
4. **Approval of Minutes: December 11, 2008, Regular Board Meeting:**  
**Motion:** M. Holmes/Nakata/approved unanimously with corrections indicated by Director Jim Holmes.
5. **Public Comment:** Mr. Tyler Harkness, a member of the Board of Directors for the Foresthill Fire Protection District, asked to speak regarding a burn permit violation at the Foresthill Cemetery. He asked the Board to consider an additional burn permit category for "local government/special districts" where the Cemetery District would be excluded from this type of permit violation. He also asked that the individual who paid for the violation have their money refunded (\$65). Director Hill asked if District Staff could provide a short report at the next Board Meeting on the incident and explore the possibility of refunding the money and revising the burn permit categories. Mr. Christofk said he would be happy to provide a report.
6. **Synopsis of Agenda:** (information only, no action needed)
7. **Approval of Agenda:**  
**Motion:** M. Holmes/J. Holmes/Unanimous

### **Consent Calendar Item 8**

**8. Approve Budget Revision #09-01 for budgeted revenue and expenditure for the FY2008-09 Mitigation Fund: (Consent/Action)**

The Board approved the Budget Revision #09-01 thereby increasing the budgeted expenditure and revenue of Air Quality Mitigation Funds for Clean Air Grants in FY2008-09. Acting Director Hill signed the revision after the motion was approved.

**Motion:** M. Holmes/J. Holmes/Unanimous

Note: Director Uhler arrived after the consent item was passed.

### **Public Hearing/Action Items 9 and 10**

**9. Public Hearing to adopt the Sacramento Regional Nonattainment Area 8-Hour Ozone Attainment and Reasonable Further Progress Plan: (Public Hearing/Action)**

Dr. Yushuo Chang, Manager of Planning and Monitoring, gave a presentation to the Board and explained the Sacramento Regional Nonattainment Area 8-Hour Ozone Attainment and Reasonable Further Progress Plan (SIP/RFP). The development of this plan was a joint effort between five of the Sacramento Valley region's air districts (Sacramento Metropolitan, Yolo-Solano, Placer County, El Dorado County, and Feather River) and concludes that new and existing control strategies will reduce emissions to levels necessary to meet reasonable further progress requirements and attain the 1997 federal 8-hour ozone standard by 2018.

In 2004, the Environmental Protection Agency (EPA) designated the Sacramento region as one of the nation's four worst 8-hour ozone nonattainment areas. The nonattainment region includes all of Sacramento and Yolo counties and portions of Placer, El Dorado, Solano, and Sutter counties. Federal law and regulations set specific planning requirements for adopting and implementing a plan to meet reasonable further progress goals and to demonstrate attainment of the 1997 federal ozone standard as expeditiously as practicable, but no later than the attainment deadline of 2018. The plan is necessary in order to demonstrate how this District and the surrounding districts in the region will achieve the emission reduction goals mandated by the federal government.

Dr. Chang gave a short summary of the adverse health effects of ozone and explained why it is important to reduce ozone levels for the public health. These health effects include an increase in the number of respiratory illnesses, heart attacks and strokes. These health issues can result in premature death in the elderly.

Dr. Chang said that the region had 16 ozone monitoring stations located in the Sacramento Nonattainment Area, three of which are located within Placer County: Auburn, Colfax, and Roseville. The first two stations are operated by the District and the third station is operated by CARB (the California Air Resources Board). The ozone attainment demonstration

requires that all of the ozone monitoring stations in the nonattainment area meet the federal ozone standard at the target year. In our area the Cool site will be the last one to meet the federal standards in 2018 based on the modeling analysis. Dr. Chang explained that there are photochemical air quality modeling results which indicate that the region will have lower ozone levels by 2018 in most areas of nonattainment.

Dr. Chang showed graphs and charts which summed up the emission inventories and the emission forecast up to 2018. A majority of the emissions in the region are from motor vehicles which are not regulated by the air districts, however, the motor vehicle emission budgets will be factored into the Plan. If these budgets are exceeded, it could result in a conformity lapse which would stop federal transportation funds. These motor vehicle budgets are anticipated to be amended by SACOG (Sacramento Area Council of Governments) in May of 2009 and will require EPA approval. Federal law requires that transportation plans and other projects funded with federal dollars not interfere with air quality goals. In order to demonstrate compliance with this requirement, agencies must show that approved projects are within EPA-approved emission budgets.

Dr. Chang explained the state, federal and district level control measures that will be either promulgated or amended in order to comply with the SIP. The Plan includes supplemental data analyses that corroborate the modeling results by showing that the rate of decline in emissions, ambient air pollutants, and other ozone trend indicators, will likely lead to meeting the federal standard for ozone no later than 2018.

There were public workshops held on the proposed control strategies in October of 2006 at four locations within the Sacramento region. After review of the comments obtained at the workshops (and completing other required analyses), the draft plan and draft EIR (Environmental Impact Report) were published in September 2008 for public review. Public outreach also included notices in seven local newspapers, a mass mailing, website publication and hard copy publications available at district offices and local libraries.

Chairman Hill opened the public hearing and several people came up to speak: Jason Crow, SACOG; Rick Bettes, Breathe California Sacramento Emigrant Trails; Camille Kustin, Environmental Defense Fund; and Angela Shepard from the Cleaner Air Partnership. All were in support of the SIP and advocated its approval both for the public health and for transportation conformity. They all believed that the control measures in the Plan would achieve the federal 8-hour ozone standard and would not have an unreasonable impact on economic development and transportation. This Board is the last of the five air district boards to hear this plan and the adoption by this Board would finalize its approval for the Sacramento Region and submittal to CARB.

Chairman Hill closed the public hearing and asked for a motion to adopt the Sacramento Regional Nonattainment Area 8-Hour Ozone Attainment and Reasonable Further Progress Plan and approve Resolution #09-01.

**Motion:** M. Holmes/Nakata/Unanimous.

**10. Public Hearing to adopt new Rule 516: Rice Straw Emission Reduction Credits (Public Hearing/Action)**

Mr. Don Duffy, Associate Engineer, gave the presentation on this item, a proposed new rule which could provide some relief to the county's rice growers from the cost difference between historical burning and alternate, more costly, methods of disposing of rice straw.

Historically the rice growers have burned the stubble in their rice fields after harvest which sent tons of particulate matter into the Sacramento Valley's air. In order to reduce the public health impacts of rice straw burning, the California State Legislature voted in 1991 to phase-down the burning of rice straw in the Sacramento Valley (Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 (AB 1379, Ch. 787, 1991) (Act) . This phase-down occurred over a period of nearly ten years, with progressively fewer acres of rice fields eligible to be burned each year. Today, rice growers can burn up to 25% of their stubble, but only if they can prove the stubble is diseased. However, the total number of acres burned basin-wide cannot exceed 125,000 acres.

Mr. Duffy took a moment to explain what Emission Reduction Credits (ERCs) are for the benefit of the new Board Members. Basically, ERCs are credits given to a "source" of emissions when they either stop or reduce their emissions. These ERCs can be sold or traded to another source who either will add emissions to their existing business through expansion or other means, or to a new source which will be creating new emissions. The District is responsible for keeping emissions at a prescribed level within Placer County. These ERCs can be valuable and their use is strictly regulated by the District and the EPA.

One provision of the Act stated that the reductions created by the phase-down be considered surplus so that growers could bank ERCs. Unfortunately, the EPA did not recognize these credits for "federal projects" and as a result, the one grower who applied for the credits in 2003 has been unable to sell the credits.

The adoption of this rule, which included input from the California Rice Commission, ARB and EPA, will allow Placer rice burning reduction ERC holders to be able to apply to re-bank their ERCs in order to get them federally recognized. In addition, there will be one final opportunity for Placer County rice growers who did not previously bank rice burning credits to get credits. Growers who receive ERC certificates must place a deed restriction on the property that prohibits open-field agricultural burning on the property.

The District sent out mailers to the growers and other interested parties, published newspaper notices for the workshop, and the public hearing as well as sending out a second mailer to the growers. To date, no public comment has been received.

Chairman Hill opened the meeting for public comment. Paul Hensleigh, Deputy APCO for the Yolo-Solano AQMD, spoke in support of the rule which his air district has already adopted. Two Placer County rice growers, Ed Vogt and Wayne Allen, also spoke in support of the rule. They said that this rule will help to offset the cost of disposing of the rice stubble and that they appreciate the opportunity to get some return for their increased costs.

Chairman Hill closed the public hearing and asked for a motion to adopt Rule 516, Rice Straw Emission Reduction Credits and approve Resolution #09-02.

**Motion:** J.Holmes/M. Holmes/Unanimous

### **Information Item**

#### **11. Regulatory Measures for 2009 (Information)**

Mr. Todd Nishikawa, Compliance and Enforcement Manager, presented this item. He said that per Health and Safety Code section 40923, a list of regulatory measures being considered for adoption by PCAPCD in the coming year must be published each January. Mr. Nishikawa briefly went through the list of new rules, regulatory measures and amendments that District Staff will be working on this year.

#### **12. Air Pollution Control Officer's Report**

- a. Cap-to-Cap 2009: Mr. Christofk said that the District has funds set aside in the Budget for the support of one or more Directors to attend Cap-to Cap in April 2009. Directors Mike Holmes and John Allard said that they may be requesting some of the funds.
- b. PM 2.5 Designation: The EPA has proposed to designate all of Sacramento County, Yolo County and portions of Placer, Eldorado and Solano Counties as a PM2.5 nonattainment area. District Staff did not reach the same conclusions after a careful review of the technical data and disagree with their findings. The District provided a comment letter to the EPA, but EPA had rejected the District's analyses and stood by their assessment. This means that the District will have to prepare another SIP, even though Placer County as a whole is in attainment. This SIP is due in 2012 and will require substantial staff time to prepare.
- c. EVR Phase II Status: A full briefing of this subject was presented to the Board at the October 2008 meeting. The Phase II EVR (enhanced vapor recovery) has to do with capturing the gas vapors that go from the nozzle into the vehicle's fuel tank. These vapors contain a toxic air contaminant, benzene, which has been shown to be harmful. Todd Nishikawa gave some statistics regarding the number of the county's gas stations that are required to convert to Phase II EVR and how many still need to comply by the compliance date of April 1, 2009. To date there are 40 stations (out of 118 that are not exempt) that still need to apply for an Authority to Construct. There are 37 that have applied, but have not yet completed the conversion. The District intends to enter into a compliance agreement with the sources that cannot comply by April 1, 2009, whenever it is appropriate, in order to achieve compliance. The District is sensitive to the current

economy and the burden of the expense incurred by the owners in complying with the requirement to have the new vapor recovery equipment installed. The District is also sensitive to those who have made the investment already and are concerned about allowing non-compliant stations to receive time extensions.

- d. Fiscal Update: Mr. Christofk said that revenues are running about 26% over budget and expenses are under running by about 45%. This situation is typical of this time of year because of the \$1.5 million set aside for the Clean Air Grants. The recommendations for the grants will be presented at the April 2009 meeting. Once the grants are encumbered, the revenues and expenses will be more balanced.

**13. Adjournment:** Peter Hill

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Margie Koltun, Clerk to the Board