



W. James Wagoner
Air Pollution Control Officer

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MAUREEN KIRK, CHAIR
Supervisor, District 3

JAMES JOHANSSON, VICE CHAIR
Vice Mayor, Oroville

BILL CONNELLY
Supervisor, District #1

JANE DOLAN
Supervisor, District #2

STEVE LAMBERT
Supervisor, District #4

KIM YAMAGUCHI
Supervisor, District #5

ANGELA THOMPSON
Councilmember, Biggs

SCOTT GRUENDL
Councilmember, Chico

JERRY ANN FICHTER
Mayor, Gridley

ALAN WHITE
Councilmember, Paradise

Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting of December 9, 2010

Members Present

Maureen Kirk, Chair
James Johansson, Vice Chair
Jane Dolan
Bill Connelly
Steve Lambert
Kim Yamaguchi
Jerry Ann Fichter
Angela Thompson
Ann Schwab, Alternate
Alan White

Butte County Supervisor
Vice Mayor, City of Oroville
Butte County Supervisor
Butte County Supervisor
Butte County Supervisor
Butte County Supervisor
Mayor, City of Gridley
Councilmember, City of Biggs
Mayor, City of Chico
Councilmember, Town of Paradise

Staff Present

W. James Wagoner
Bob McLaughlin
Robyn Sousa
David Lusk
Gail Williams
Ursula Parker
Greg Einhorn
Air Pollution Control Officer
Assistant APCO
Admin. Services Officer
Senior AQ Engineer
Senior AQ Planner
AQ Compliance Specialist
District Counsel

Members Absent

Scott Gruendl
Councilmember, City of Chico

Others Present

John Scott
Angela Martin
Max Griffen
Rob Cone
Robert Gustafson
Craig Carter
Mike Mendon
Richard Alloway
Butte Environmental Council
Four Winds
Cal Fire/Butte County Fire
CPA
PPPOA

Agenda Item 5.1

1. Call to Order

Chair Kirk called the meeting to order at 10:55 a.m. at the City of Chico Council Chambers, 421 Main Street, Chico, CA.

Chair Kirk announced that the Board member and staff recognitions would occur at the end of the meeting.

4. Additions and Deletions to the Consent Agenda.

There were no additions or deletions to the consent agenda.

5. Consent Agenda.

- 5.1 By Consent, Approve minutes of the September 23, 2010 meeting of the Board of Directors.
- 5.2 By Consent, Accept and File, Activity Report on Butte County Air Quality Management District activities
- 5.3 By Consent, Accept and File, report on Financial Status Report for Fiscal Year 2010-2011.
- 5.4 By Consent, Accept and File, Status Report on Calendar of Events.
- 5.5 By Consent, Accept and File, Status Report on March to August 2010 Ambient Air Quality Monitoring Data.
- 5.6 By Consent, Approve amendments to District's permit amnesty program.
- 5.7 By Consent, Accept unanticipated revenue and allocate to "Take Care of Our Air" program.
- 5.8 By Consent, Accept and File, status report on 2010-2011 voluntary **Check Before You Light** program.
- 5.9 By Consent, Adopt proposed resolutions of appreciation recognizing the tenure with the District of David Lusk and Armen Kamian, to be presented at a future meeting.
- 5.10 By Consent, Approve the survey, disposal and release of accountability of specified District property.

Action Requested: Approve Consent Agenda Items 5.1 through 5.10.

No Public Comment.

Motion: Approve Consent Agenda Items 5.1 through 5.10.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Supervisor Lambert, Supervisor Yamaguchi (second), Councilmember Thompson, Mayor Schwab, Mayor Fichter, Vice Mayor Johansson, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Councilmember Gruendl

Motion Carries.

6 Items removed from the Consent Agenda for Board consideration and action.

There were no items removed from the consent agenda.

Regular Agenda

7. Receive Annual Audit Report, Fiscal Year 2009-2010.

Robert Gustafson, Certified Public Accountant, presented the Audit Report for Fiscal Year 09-10. Mr. Gustafson stated that the audit was classified as unqualified. This is the highest level report that he can recommend.

There were no comments from the public.

ACTION REQUESTED: Receive audit.

The Board took no action on this item.

8. PUBLIC HEARING: Consider Adopting Proposed Recodification and Amendments to Regulation III and Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, Repeal of existing Rules 301-309, and Amendments to Rule 507, *Burn Permit Fees*.

Ursula Parker provided an overview of the proposed amendments. Many of the requirements proposed for residential burning have been required of agricultural burning for years. Ms. Parker also noted the supplemental information report dated December 7th providing a summary of the proposed amendments and public outreach activities. The proposed amendments would be effective March 1, 2011.

PUBLIC HEARING: Opened at 11:06 a.m

Mike Mendon stated he is a resident of the unincorporated area within the Chico Sphere of Influence. He requested the lot size for a residential lot be reduced to 0.75, 0.5 or 0.8 acres.

Craig Carter stated he is a fire behavior analyst. He said he is not presented to speak in favor or opposition, but provide some comments for consideration if the proposal is sent back to staff. Mr. Carter provided comments on the section on natural emissions policy and drying times. He also said that smoke dispersion is poorest for burning in November, January and February.

Richard Alloway stated that he is the manager of the Paradise Pines POA. Mr. Alloway supported requiring the proposed burn zones in the Magalia area as soon as the burn ban is lifted. He said the public will be confused by having open burning for 2 months then requiring burn zones. He also said the POA board supported no burning during January and February.

PUBLIC HEARING: Closed at 11:30 a.m

Board members discussed potentially prohibiting burning in the Magalia/Upper Ridge area during January and February. Supervisor Dolan stated she wanted to see the amendments approved with the lot size within the Chico Sphere changed to 0.9 acres. District Counsel Greg Einhorn responded that this is a substantive change that

would require the matter to come back before the Board. Several Board members talked about the need to get burn amendments adopted that could be reviewed at a later time for potential changes. Supervisor Dolan stated that she wanted to see the amendments adopted but would like to direct staff to come back with an amendment reducing the residential lot size within the Chico Sphere of Influence to 0.9 acres by March.

ACTION REQUESTED: Following a Public Hearing, approve the revised resolutions repealing the existing rules as specified and adopting the proposed amendments.

Motion: I move to adopt the amendments as proposed.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Supervisor Lambert, Supervisor Yamaguchi, Councilmember Thompson, Mayor Schwab, Mayor Fichter, Vice Mayor Johansson, Councilmember White (second).

NOES: None

ABSTAIN: None

ABSENT: Councilmember Gruendl

Motion Carries.

Motion: I move to direct staff to bring an amendment reducing the lot size in the Chico Sphere to 0.9 acres.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly (second), Supervisor Lambert, Supervisor Yamaguchi, Councilmember Thompson, Mayor Schwab, Mayor Fichter, Vice Mayor Johansson, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Councilmember Gruendl

Motion Carries.

9. PUBLIC HEARING: Consider Adopting Proposed Recodification and Amendments to Regulation IV Permits, including Amendments to Rule 400, Rule 401, Rule 430 and Rule 432.

David Lusk discussed the on-going work to update District permitting rules for the State Implementation Plan (SIP). The District has prepared draft amendments and is still awaiting complete comments from U.S. EPA and the Air Resources Board. Consequently, staff requested the Board open the public hearing to receive comments and continue this item to the March 24, 2011 meeting.

PUBLIC HEARING: Opened at 11:40 a.m

There were no public comments.

ACTION REQUESTED: Open a Public Hearing to receive comments and continue the hearing to the March

24, 2011 Board meeting.

Motion: I move to continue the hearing as requested.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Supervisor Lambert, Supervisor Yamaguchi, Councilmember Thompson, Mayor Schwab (second), Mayor Fichter, Vice Mayor Johansson, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Councilmember Gruendl

Motion Carries.

10. APCO Report.

Jim Wagoner reported on the recent Sacramento Valley Basinwide Air Pollution Control Council meeting in Sacramento. He also reported that the District office will be moving the weekend of December 17th, with the new office opening for business Monday December 20th.

There were no comments from the public.

ACTION REQUESTED: Receive Report.

The Board took no action on this item.

2. Recognition of Outgoing Board Members.

Chair Kirk recognized outgoing Board members Vice Mayor Jamie Johansson and Supervisor Jane Dolan.

Jim Wagoner presented Vice Mayor Johansson with a plaque recognizing his service on the Butte County Air Quality Management District Governing Board. Mr. Johansson made brief comments.

Jim Wagoner presented Supervisor Dolan with a plaque recognizing her many years of service on the Butte County Air Quality Management District Governing Board, spanning the period when the District was a county department under the Board of Supervisors to an independent agency with full representation from the five cities on the District Governing Board. Supervisor Dolan made brief comments.

3. Recognition of Retiring District Staff Member Gail Williams.

Jim Wagoner presented Senior Air Quality Planner Gail Williams with a plaque recognizing her 19 years of service on the staff of the Butte County Air Quality Management District. Ms. Williams retires at the end of December. Ms. Williams made brief comments.

11. Other Business

There was no other business.

12. Public Comment Period.


There were no public comments.

13. ADJOURNMENT: 11:50 am



W. James Wagoner, Air Pollution Control Officer

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on December 9, 2010.

ATTEST: 

Clerk of the Governing Board