



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

W. James Wagoner
Air Pollution Control Officer

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Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting of April 22, 2010

Members Present

Maureen Kirk, Chair
Bill Connelly
Jane Dolan
Steve Lambert
Kim Yamaguchi
Jerry Ann Fichter
Scott Gruendl
Angela Thompson

Butte County Supervisor
Butte County Supervisor
Butte County Supervisor
Butte County Supervisor
Butte County Supervisor
Mayor, City of Gridley
Councilmember, City of Chico
Councilmember, City of Biggs

Staff Present

W. James Wagoner
Gail Williams
Robyn Sousa
Trish Weir
Robert McLaughlin

Ursula Parker

Air Pollution Control Officer
Senior Air Quality Planner
Admin. Services Officer
Clerk of the Board
Assistant Air Pollution
Control Officer
Air Quality Compliance
Specialist II

Members Absent

Alan White
James Johansson, Vice Chair

Councilmember, Town of Paradise
Vice Mayor, City of Oroville

Others Present

Steve Schoonover
Donna Cook
John Scott

Darrel Wilson
Tom Needla
Melissa Daugherty
Max Griffin
Craig Carter
Mike Mendon
Luke Anderson

Chico Enterprise Record
Resident of Chico
Butte Environmental
Council
Resident of Magalia
Resident of Chico
Chico News and Review
Resident of Berry Creek
Resident of Durham
Resident of Chico
Resident of Chico

Agenda Item 3.1

1. Call to Order

Chair Kirk called the meeting to order at 10:15 a.m. at the Chico Council Chambers, 421 Main Street, Chico, California.

2. Additions and Deletions to the Consent Agenda.

None

3. Consent Agenda.

- 3.1 By Consent, Approve Minutes of the March 25, 2010 meeting of the Board of Directors..
- 3.2 By Consent, Accept and File, Activity Report on Butte County Air Quality Management District activities
- 3.3 By Consent, Accept and File, report on Financial Status Report for Fiscal Year 2009-2010.
- 3.4 By Consent, Accept and File, Status Report on Calendar of Events.
- 3.5 By Consent, Accept and File, Status Report on Air Quality Related Legislation.
- 3.6 By Consent, Accept and File, Status Report on California Air Pollution Control Officer's Association activities.
- 3.7 By Consent, Accept and File, Status Report on proposed Budget for Fiscal Year 2010-2011.
- 3.8 By Consent, Status Report on federal Green House Gas permitting regulations.
- 3.9 By Consent, Accept and File, EPA draft policy assessment in the review of the particulate matter ambient air quality standard.
- 3.10 By Consent, Accept and File, CARB enforcement advisory for the state in-use off-road diesel vehicle regulation.
- 3.11 By Consent, Accept and File, schedule for receiving CARB presentation on AB 32 implementation and AB 32 position letters.

Chair Kirk pulled item 3.11 for further discussion

Action Requested: Approve Consent Agenda Items 3.1 through 3.10.

Motion: Approve Consent Agenda Items 3.1 through 3.10.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Lambert, Supervisor Yamaguchi, Supervisor Connelly, Councilmember Thompson, Councilmember Gruendl (Motion), Mayor Fichter (Second),

NOES: None

ABSTAIN: None

ABSENT: Vice Mayor Johansson and Councilmember White

Motion carries.

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

Action Requested: By Consent, Accept and File, schedule for receiving CARB presentation on AB 32 implementation and AB 32 position letters

Jim Wagoner stated that he contacted the Executive Officer at the California Air Resources Board (CARB) about giving the Governing Board a presentation in May but because of CARB's Board meetings fall on the same day as the District's he would not be able to attend. Jim further stated that although the Executive Officer has indicated that he would like to provide the presentation personally, a member of CARB's staff is currently scheduled to be at the May Governing Board meeting but if the Governing Board so desired another date could be scheduled to hear from the Executive Officer himself.

A discussion ensued regarding scheduling the presentation and considering a letter to CARB on AB 32. A consensus was reached to approve the scheduled May Board Meeting presentation by CARB and, as a separate agenda item, consider an AB 32 position letter drafted by Councilmember Thompson and staff.

Motion: Receive CARB presentation on AB 32 implementation and Draft a AB 32 position letter for the May Agenda.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Lambert, Supervisor Yamaguchi (Second), Supervisor Connelly, Councilmember Thompson (Motion), Councilmember Gruendl, Mayor Fichter.

NOES: None

ABSTAIN: None

ABSENT: Vice Mayor Johansson and Councilmember White

Motion carries.

Regular Agenda

5. PUBLIC HEARING: Adoption of Proposed Recodification and Amendments to Regulation III, Rule 300, Open Burning Requirements, Prohibitions and Exemptions, and Rule 507, Burn Permit Fees.

ACTION REQUESTED: Open Public Hearing to Receive Public Comments and continue hearing to the June 24, 2010 Board Meeting.

Staff presented a summary of the proposed amendments.

Public Hearing Opened at 10:54 am

Bill Haggerty, resident of Magalia, Vice Chair of URCC, and member of the Upper Ridge Fire Safe Council. Mr. Haggerty attended the Public Meeting held in Magalia. He voiced concerns about breathing smoke and the carcinogens in oak leave burning. Mr. Haggerty further stated he presented the rule change as written to 49 local residents in an effort to get an idea of how the local residences feel about open burning. Two stated they did not want any restrictions, seven said they want more restrictions but weren't sure which option they support, 16 residents did not want any burning at all and 24 agreed with Mr. Haggerty opinion that burning should only be

allowed from March 1-June 30 and a special fall period, that a divide is created in the town for burn days, and in addition he would like to see burn day status posted earlier than 9 am.

Craig Carter, resident of Durham, said he is by trade a Fire Behavior Analyst and has worked for CDF as a Vegetation Management Coordinator. He stated that he feels that the way the rules are written can have a detrimental effect in two areas. One, by limiting the time of year that residents can burn could lead to accumulation and catastrophic fires in the foothill areas. His other concern is the time of day and time of year residents can burn. Mr. Carter stated that burning in the afternoon, as well as burning in the fall versus spring will lead to less moisture content in the fuel resulting in less smoke produced.

Mike Mendon, resident of Chico, thanked Ursula and Bob for their work on the rule. He feels lawn clippings and grass should be an exempted (prohibited) material, burning only one pile at a time and splitting the area so that less people will be impacted by smoke and reducing the minimum size from 1 acre lot size to ½ acre lot size is also a good idea.

Supervisor Connelly departed the meeting at 11:07 am.

Luke Anderson, resident of Chico, utilizes green waste bins to dispose of his green waste and rents a chipper once a year. He felt that if he burned his green waste it would negatively impact 16 of his neighbors. Mr. Anderson further stated that he is against burning in the Chico sphere of influence, feels that the drying time should directly relate to dry days, and there should be more discussion and education on ways to dispose of green waste.

Darrel Wilson, resident of Magalia, Chair of the Butte Fire Safe Council, voiced concerns about further restrictions for burning. He stated that many residents in Magalia do not have green waste disposal service and the reason people burn is for fire hazard reduction. Mr. Wilson further stated that at higher altitudes debris takes less time to dry.

Public Hearing Closed at 11:15 am

Supervisor Yamaguchi recognized staff for taking into consideration the characteristics of the upper ridge and inquired if it was possible to announce burn day status any earlier than currently provided. Staff indicated that the District is currently working with CARB to provide burn day status the day prior especially during fire season.

Further discussion ensued among Governing Board Members and staff regarding public comments.

This item was continued to the June 24, 2010 Governing Board Meeting.

6. PUBLIC HEARING: Adoption of proposed amendments to Rule 101, *Definitions*.

Bob McLaughlin stated the District is proposing to amend Rule 101, *Definitions*, to provide greater clarity and consistency with regard to the existing rules and regulations. The current structure of the District's rules provide definitions as either stand-alone definitions listed in specific rules, are generally rule-specific, and are not used in other rules or programs, or the definitions are included in a general rule which may apply to multiple rules. The proposed amendments to Rule 101 will serve to add and clarify definitions that apply to

multiple rules, and to remove some definitions that apply to only a single rule when the corresponding rule contains the same or a similar definition, and to amend some of the existing definitions to clarify the District's regulatory interpretations.

ACTION REQUESTED: Open public hearing to receive public comments and continue hearing to the June 24, 2010 Board Meeting.

Public Hearing Opened at 11:28 am

No Public Comment

Public Hearing Closed at 11:29 am and continued to the June 24, 2010 Governing Board Meeting.

7. Report on Annual 2009 Air Quality Summary.

Gail Williams discussed the 2009 Summary Report.

ACTION REQUESTED: Receive report

No Public Comment

8. Other Business.

Consider Receiving Additional Carl Moyer Funds under the CAPCOA Rural District Assistance Program.

Jim Wagoner stated the District was notified April 21, 2010 of an award of additional grant funds through the Carl Moyer Rural District Assistance Program (RAP). These are funds that become available when other air districts are unable to fund projects in their districts. CAPCOA administers the program subject to the approval of the CARB. The District has taken advantage of additional Moyer funds through the RAP program over the last several years. The funds are from the Year 10 funding cycle and must be allocated to projects by June 30, 2010. A Board resolution accepting the funds must be returned to CARB in order to secure the funds. The District must receive the funds before entering into contracts with the grant recipients. Given the short timeline, Board action cannot be deferred to the May 27th meeting.

ACTION REQUESTED: Determine that there is an immediate need to take action, and that the need arose after the posting of the agenda, by two-thirds vote.

MOTION: There was an Immediate Need to Take Action, and that The Need Arose After the Posting of the Agenda.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Lambert, Supervisor Yamaguchi, Councilmember Thompson (Second), Councilmember Gruendl (Motion), Mayor Fichter.

NOES: None

ABSTAIN: None

ABSENT: Vice Mayor Johansson, Councilmember White, and Supervisor Connelly.

Motion carries.

ACTION REQUESTED: Adopt the attached proposed resolution 2010-06 accepting the Carl Moyer Rural Assistance Program Year 10 funds as well as any subsequent supplemental disbursements.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Lambert, Supervisor Yamaguchi, , Councilmember Thompson (Motion), Councilmember Gruendl (Second), Mayor Fichter.

NOES: None

ABSTAIN: None

ABSENT: Vice Mayor Johansson, Councilmember White, and Supervisor Connelly.

Motion carries.

9. Public Comment Period.

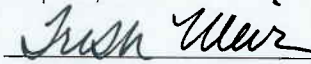
John Scott, member of the Butte Environmental Council, stated that efforts to rescind AB 32 is being sponsored and solely supported by Valero Oil, Tesoro Oil, and World Oil out of Texas and it is disgraceful.

10. ADJOURNMENT: 11:36 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 April 22, 2010.

ATTEST: 

Trish Weir, Clerk of the Governing Board