



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

(530) 891-2882
(530) 891-2878 Fax

REGULAR MEETING NOTICE OF THE GOVERNING BOARD

Chico City Council Chambers
421 Main Street, Chico, CA

August 26, 2010 at 10:00 a.m.

The Governing Board is committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at (530) 891-2882, Monday through Friday, 7:30 a.m. to 4:30 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting. Every reasonable attempt will be made to provide such accommodations.

AGENDA

- | | |
|---|-------------------|
| 1. Call to Order | <i>Chair Kirk</i> |
| 2. Additions and Deletions to the Consent Agenda. | <i>Chair Kirk</i> |
| 3. CONSENT AGENDA | |

Items for Action

- | | | |
|-----|--|-----------------------|
| 3.1 | By Consent, Approve Minutes of the July 22, 2010 Meeting of the Board of Directors. | <i>Jim Wagoner</i> |
| 3.2 | By Consent, Accept and File, Activity Report on Butte County Air Quality Management District activities. | <i>Bob McLaughlin</i> |
| 3.3 | By Consent, Accept and file, Financial Status Report for Fiscal Year 2010-2011. | <i>Robyn Sousa</i> |
| 3.4 | By Consent, Accept and File, Status Report on Calendar of Events. | <i>Jim Wagoner</i> |
| 3.5 | By Consent, Survey, Disposal and Release of Accountability of District property. | <i>Robyn Sousa</i> |
| 3.6 | By Consent, Adopt Proposed Resolution Required by SDRMA For the District Vehicle Purchase Approved at the July 22, 2010 Governing Board Meeting. | <i>Robyn Sousa</i> |

ACTION REQUESTED: APPROVE CONSENT AGENDA ITEMS 3.1 THROUGH 3.6

REGULAR AGENDA

4. Items removed from the Consent Agenda for Board Consideration and Action. *Chair*

5. Report on Sacramento Valley Air Basin Smoke Management Program. *Ursula Parker*

ACTION REQUESTED: Receive Report

6. Report on Request for Air Quality Monitoring in the Durham area. *Jim Wagoner*

ACTION REQUESTED: Receive Report

7. **PUBLIC HEARING:** Consider Adoption of Proposed New Rule 433, *Rice Straw Burning Emission Reduction Credits*. *David Lusk*

ACTION REQUESTED: Following a Public Hearing to Receive Public Comments, Adopt Proposed New Rule.

8. APCO Report *Jim Wagoner*

ACTION REQUESTED: Receive Report

9. Adjourn to Closed Session. *Chair*
District Office Real Property Negotiations (Government Code 54956.8)

Property: 629 Entler Ave, Suite 14 & 15, Chico
Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn
Negotiating parties: Rick Gudgel, Gudgel Contracting
Under negotiation: Terms and Conditions of Lease

Property: 2525 Dominic Drive, Suite J, Chico
Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn
Negotiating parties: R. Scott Chalmers
Under negotiation: Terms and Conditions of Lease

ACTION REQUESTED: Receive Report

10. Report from Closed Session *Chair*

11. Consider Approving the Proposed Lease for District Office. *Jim Wagoner*

ACTION REQUESTED: Approve Proposed Lease and Authorize the APCO to sign.

12. Other Business *Chair*

13. Public Comment Period (pursuant to Government Code Section 54954.3(a)). *Chair*

Any person may address the Board of Directors at the commencement of the meeting on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agenda item when that time is called. The chair requests that

each person addressing the Board limits their presentation to five minutes.

14. **ADJOURNMENT:**

Chair

The next Board of Directors Meeting is scheduled for September 23, 2010 at 10:00 a.m. at the Town of Paradise Council Chambers 5555 Skyway, Paradise, CA 95969.



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

Members Present

Maureen Kirk, Chair
Jane Dolan
Bill Connelly
Jerry Ann Fichter
Angela Thompson
Scott Gruendl
Alan White

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

Staff Present

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

Members Absent

James Johansson
Steve Lambert
Kim Yamaguchi

Vice Mayor, City of Oroville
Butte County Supervisor
Butte County Supervisor

Others Present

John Scott
Donna Cook
Max Griffen
Frank Cook
Linda Furr
Susan Sullivan
Robin Huffman

Butte Environmental Council
Resident of Chico

Resident of Magalia
B. C. League of Women Voters
Resident of Durham
Butte Environmental Council

Agenda Item 3.1

1. Call to Order

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

2. Additions and Deletions to the Consent Agenda.

Supervisor Dolan requested that item 3.1, minutes of the June 24, 2010 Board meeting be removed for discussion. Supervisor Kirk requested that item 3.5, revised Board meeting schedule be removed for discussion.

3. Consent Agenda.

- 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.
- 3.6 By Consent, Accept and File, Status Report on Ambient Air Quality Monitoring Data January – April 2010.
- 3.7 By Consent, Approve 2010 Biennial Review of the District's Conflict of Interest Code.
- 3.8 By Consent, Re-Authorize a Line of Credit to be used in the Event of Cash Flow Problems.
- 3.9 By Consent, Authorize the Survey, Disposal and Release of Accountability of the District 2001 Toyota Prius, authorize the Purchase of a replacement vehicle and adjustments to the FY 2010-2011 Budget.

Action Requested: Approve Consent Agenda Items 3.1 through 3.9.

No Public Comment.

Motion: Approve Consent Agenda Items 3.2 through 3.4 and 3.6 through 3.9.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Councilmember Thompson (second), Councilmember Gruendl, Mayor Fichter, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

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

Agenda Item 3.1, Approve Minutes of the June 24, 2010 meeting of the Board of Directors.

Supervisor Dolan proposed the following corrections to the minutes:

Page 3 of 7, second to the last paragraph, insert the words "*have the*" in the last sentence: "*...the District has found out that they have the ability to*"

Page 4 of 7, first sentence, insert the word "*accumulation*" at the end of the first sentence: "*...regarding*

yard debris accumulation."

There were no comments from the public.

Motion: Approve the minutes as corrected.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Councilmember Thompson (second), Councilmember Gruendl, Mayor Fichter, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

Agenda Item 3.5, Approve Revised Governing Board Meeting Schedule for 2010.

Chair Kirk proposed that the Board change the meeting start time from 10:15 to 10:00am.

Motion: Move to approve the revised Governing Board meeting schedule for 2010 with a meeting start time of 10:00am.

There were no comments from the public.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Connelly (motion), Councilmember Thompson, Councilmember Gruendl, Mayor Fichter, Councilmember White (second).

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

Regular Agenda

5. **Status Report on Proposed Amendments to Regulation III and Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, Rule 507, *Burn Permit Fees*.**

Ursula Parker provided an update on the proposed amendments. Staff will be conducting one more workshop in Magalia and bring the proposed amendments to the Board at the September Board meeting in Paradise.

There were no comments from the public.

ACTION REQUESTED: Receive Report and Provide Direction to Staff as appropriate.

The Board took no action on this item.

6. Consider Approving an Amnesty Period for Businesses That Do Not Have Required Air Quality Permits.

Bob McLaughlin provided an overview of the stationary source permit program. Staff proposes a 90 day amnesty period for businesses that need air quality permits, to file and obtain required permits without enforcement action. Staff proposes that such businesses be required to pay up to 3 years back permit fees to provide a level playing field for businesses that currently comply with the permit requirements.

Public Comments:

Frank Cook and Susan Sullivan had clarifying questions on air quality permit requirements and outreach to the regulated community. Staff and Board members responded.

ACTION REQUESTED: Approve 90 Day Amnesty Period commencing August 1, 2010.

Motion: Move to Approve the 90 day Amnesty Period.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Connelly, Councilmember Thompson, Councilmember Gruendl (second), Mayor Fichter, Councilmember White (motion).

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

7. Consider the State of the District Report and Goals for FY 2010-2011.

Jim Wagoner reviewed the current State of the District Report and proposed goals for FY 2010-2011. Staff recommended adding a new goal to the AQ Planning area related to the public education program to encourage voluntary emission reductions. In particular, continued implementation of the voluntary **Check Before You Light Program** with an effectiveness evaluation by May 1st.

Board members had questions and comments regarding potential use of federal stimulus funds for woodstove rebates.

Public Comments:

Frank Cook stated that the media and public needs to be notified before the Board approves regulations.

ACTION REQUESTED: Accept Report and Approve Goals.

Motion: Move to approve the report and goals.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Councilmember Thompson

(second), Councilmember Gruendl, Mayor Fichter, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

8. Discussion on Potential Changes to the Board Operating Protocols including Voting Procedure and Agendas.

Jim Wagoner discussed that staff was requesting the Board review and discuss two (2) areas of the operating protocols. First, the current voting procedure requires the affirmative vote of not less than six (6) members to carry a motion, regardless of the quorum present. Staff has reviewed this with legal counsel and there is no statutory requirement for a majority of the entire Board to pass a motion. The Board could consider a majority of the quorum present, perhaps with provisions to ensure a certain number of affirmative votes by city and county representatives.

The second area was regarding a protocol for Board members to introduce items to the agenda. Currently Board members request the APCO add an item for information or action, or introduce an item under Public Comment for discussion and scheduling for potential action at a future meeting.

Both areas were discussed by the Board. Councilmember White stated concerns that an absence was the same as a "no" vote. Supervisors Dolan and Connelly spoke in support the current voting procedure.

Public Comments:

Robin Huffman and Donna Cook supported changing the voting procedure to allow less than 6 affirmative votes to carry a motion, depending on the quorum present.

Frank Cook said that the Board should take no actions unless the full Board is present at a meeting.

ACTION REQUESTED: Discuss and Provide Direction to Staff as appropriate.

The Board took no action on this item.

9. APCO Report.

ACTION REQUESTED: Receive Report.

Jim Wagoner provided a report on the following topics:

- Local Scene
- State Scene
- Federal Scene

There were no comments from the public.

10. Consider appointing a committee to review the performance of the Air Pollution Control Officer.

ACTION REQUESTED: Appoint committee consisting of the Chair and two other Board members to evaluate the APCO's performance.

Motion: Motion to appoint Vice Mayor Johansson and Supervisor Yamaguchi to serve on the committee with the Chair Kirk.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Connelly (motion), Councilmember Thompson (second), Councilmember Gruendl, Mayor Fichter, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

14. Public Comment Period.

Since the Board has closed session scheduled, Chair Kirk moved the Public Comment period forward in the agenda.

Susan Sullivan, a resident of Durham, stated concerns about poor air quality in the Durham area due to agricultural burning. She requested the Board put on a future agenda the subject of additional air quality monitoring in the Durham area. A discussion ensued and the Board asked staff to request state help for additional air monitoring.

John Scott referred to and discussed a recent publication in the Fresno Bee regarding tiny particulate matter pollution. He asked the staff to look into this.

11. Adjourn to Closed Session at 11:30 a.m.

11.1 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Jim Wagoner and Greg Einhorn Employee Organization:
 Butte County Air Quality Management District Employees' Association

11.2 REAL PROPERTY NEGOTIATIONS

Property: 555 Flying V, Chico

Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn

Negotiating parties: Kimberly Babb, The Group Real Estate

Under negotiation: Terms and Conditions of Lease

Property: 623 Entler Ave, Chico

Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn

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 Board of Director's Meeting Minutes
 July 22, 2010
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Negotiating parties: Kimberly Babb, The Group Real Estate
 Under negotiation: Terms and Conditions of Lease

Property: 629 Entler Ave, Chico
 Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn
 Negotiating parties: Rick Gudgel, Gudgel Contracting
 Under negotiation: Terms and Conditions of Lease

Property: 2525 Dominic Dr, Suite J, Chico
 Agency negotiator(s): Jim Wagoner, Robyn Sousa, & Greg Einhorn
 Negotiating parties: Valerie Bell, RSC Associates
 Under negotiation: Terms and Conditions of Lease

12. Announcements from Closed Session.

The Board returned from Closed Session at 11:50 a.m.

Agenda Item 11.1

Motion: Motion to ratify agreement between Management and the Employees that there will be no salary adjustments. Agree with the Employee request to meet and confer regarding salary adjustments in April 2011.

AYES: Supervisor Kirk, Supervisor Dolan (motion), Supervisor Connelly, Councilmember Thompson (second), Councilmember Gruendl, Mayor Fichter, Councilmember White.

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, Vice Mayor Johansson

Motion Carries.

Agenda Item 11.2

No report from Closed Session

13. Other Business

No other business

15. ADJOURNMENT: 11:52 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 July 22, 2010.

ATTEST: _____
 Clerk of the Governing Board



W. James Wagoner
Air Pollution Control Officer

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Councilmember, Paradise

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: Robert McLaughlin, Assistant Air Pollution Control Officer
Re: August 2010 Activity Report

ISSUE:

BCAQMD Activities.

RECOMMENDATION:

Accept and File.

2010 Activity Report

Activity	2009	Jan	Feb	Mar	April	May	June	July	YTD
Inspections Performed	155	20	16	13	14	16	7	9	95
Complaints Received	161	6	7	9	4	16	14	7	63
Status Change Reports Received	185	13	3	3	2	12	21	14	68
Notices of Noncompliance Issued	108	5	2	1	12	4	11	5	40
Notices to Comply Issued	1	1	0	0	0	0	0	1	2
Hearing Board Petitions Processed	2	3	0	0	1	0	0	1	5
Environmental Documents Reviewed	13	0	0	0	1	1	2	2	6
Permits to Operate Issued/Renewed	752	18	35	57	158	68	106	54	496
A/C ¹ Permit Applications Received	103	5	8	5	15	4	5	6	48
A/C ¹ Permits Issued	86	3	8	2	5	11	4	1	34
Agricultural Burn Days ²	336	31	28	31	30	30	28	31	209
Agricultural No-Burn Days ²	29	0	0	0	0	1	2	0	3
Burn Permits Issued	835	56	41	100	60	79	61	38	435
Burn Notifications	4,350	231	572	583	389	347	234	268	2,624
Rice Fields Swapped	79	0	0	1	0	0	0	0	1
Rice Fields Reported Harvested	569	0	0	2	0	0	0	0	2
Rice Grower Appointments	103	0	0	1	1	0	0	0	2
Portable Equipment Registrations	31	4	3	0	1	0	0	29	37
Engine Registrations Issued/Renewed	76	0	332	0	0	0	0	0	332

1. A/C=Authority to Construct Permit

2. Burn Day Status reported below 3000' elevation

3. YTD = Year-to-date totals



W. James Wagoner
Air Pollution Control Officer

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Councilmember, Paradise

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: Robyn Sousa, Administrative Services Officer
Re: **By Consent, Accept and File, Report on Financial Status for Fiscal Year 2010-2011**

ISSUE:

District revenue and expenditure status.

RECOMMENDATION:

Accept and File.

DISCUSSION:

The following fiscal status reports summarize the District's finances during the period July 1, 2010 to July 31, 2010. To date, the District is operating within overall budgeted revenue and expenditures.

Attachments:

FY 09-10 Financial Statements, Budget vs. Actual as of 7/31/10

FY 09-10 Bar Graph 1-Actual Rev. & Exp. vs. Budget, current year only as of 7/31/10

FY 09-10 Bar Graph 2- Actual Rev. & Exp. vs. Budget, including prior year expenses pd. in FY 10/11 as of 7/31/10

FY 09-10 Bar Graph 3- Operating Funds vs. Total Expenditures as of as of 7/31/10

Agenda Item 3.3

8-11-10

Air Quality Management District**FY 10-11****Budget vs. Actual****July 1, 10 - July 31, 10**

	Yearly Budget	July 1, 10 through July 31, 10	Balance of Budgeted Acct	% of Budget
Income/Expense				
Income				
4213010 · Ag Burn Permits	80,000.00	3,535.44	(76,464.56)	4.4%
4213013 · Ag Engine Registration Program	2,000.00	0.00	(2,000.00)	0.0%
4213020 · Title V Permits	7,200.00	0.00	(7,200.00)	0.0%
4213030 · Operating Permits	290,000.00	33,513.50	(256,486.50)	11.6%
4213035 · Portable Engine Registration	8,500.00	0.00	(8,500.00)	0.0%
4213040 · Auth to Construct	36,000.00	954.20	(35,045.80)	2.7%
4213055 · Emission Reduction Fee	500.00	0.00	(500.00)	0.0%
4213060 · Misc. Other Permits	3,000.00	300.00	(2,700.00)	10.0%
4300001 · Civil Settlements	65,000.00	2,489.75	(62,510.25)	3.8%
4410501 · Interest - Tri Counties - MM	10.00	0.00	(10.00)	0.0%
4410601 · Interest - B of A Money Market	45.00	4.22	(40.78)	9.4%
4410801 · Interest Butte CB - Carl Moyer	450.00	42.14	(407.86)	9.4%
4410901 · Interest B of A - Grant 1	55.00	0.00	0.00	0.0%
4500001 · State Subvention	61,000.00	0.00	(61,000.00)	0.0%
4510906 · Carl Moyer	180,000.00	0.00	(180,000.00)	0.0%
4510907 · DMV Surcharge	740,000.00	61,727.14	(678,272.86)	8.3%
4600790 · AB 2588 Hot Spots Fee	1,000.00	0.00	(1,000.00)	0.0%
4610105 · Return Check Fee	50.00	0.00	(50.00)	0.0%
4711900 · Other Reimbursements	25.00	0.00	(25.00)	0.0%
4711910 · Copy Reimbursement	25.00	0.00	(25.00)	0.0%
4712523 · Misc. Revenue	36,000.00	2,949.13	(33,050.87)	8.2%
Total Ordinary Income	1,510,860.00	105,515.52	(1,405,344.48)	7.0%
Expense				
511 · Salaries & Wages	762,000.00	82,848.50	(679,151.50)	10.9%
512 · Extra Help	8,500.00	1,207.88	(7,292.12)	14.2%
514 · Overtime	11,500.00	976.08	(10,523.92)	8.5%
518 · Employee Benefits	372,915.00	32,123.31	(340,791.69)	8.6%
523 · Communications	13,000.00	246.30	(12,753.70)	1.9%
526201 · Household/Janitorial	4,500.00	0.00	(4,500.00)	0.0%
526201R · P/Y Household/Janitorial	0.00	300.00	300.00	0.0%
527 · General Insurance	11,500.00	0.00	(11,500.00)	0.0%
530001 · Maintenance/Vehicles	2,000.00	62.99	(1,937.01)	3.1%
530001R · P/Y Maintenance/Vehicles	0.00	11.00	11.00	0.0%
530042 · Maintenance/Computer	7,000.00	1,956.54	(5,043.46)	28.0%
531103 · Maintenance/Building	1,800.00	80.75	(1,719.25)	4.5%
531201 · Maintenance Misc.	150.00	0.00	(150.00)	0.0%
533 · Memberships	2,890.00	150.00	(2,740.00)	5.2%
535104 · Office Exp/Postage	5,000.00	4.60	(4,995.40)	0.1%
535105 · Messenger Service	1,300.00	0.00	(1,300.00)	0.0%
535201 · Office Supplies	30,000.00	443.04	(29,556.96)	1.5%
535201R · P/Y Office Supplies	0.00	9.38	9.38	0.0%
536 · Prof & Specialized Serv	30,000.00	2,201.38	(27,798.62)	7.3%
536101 · Attorney Fees	19,000.00	0.00	(19,000.00)	0.0%
536101R · P/Y Attorney Fees	0.00	2,060.00	2,060.00	0.0%
537 · Publications & Legal Notice	5,500.00	0.00	(5,500.00)	0.0%

8-11-10

Air Quality Management District
FY 10-11
Budget vs. Actual
July 1, 10 - July 31, 10

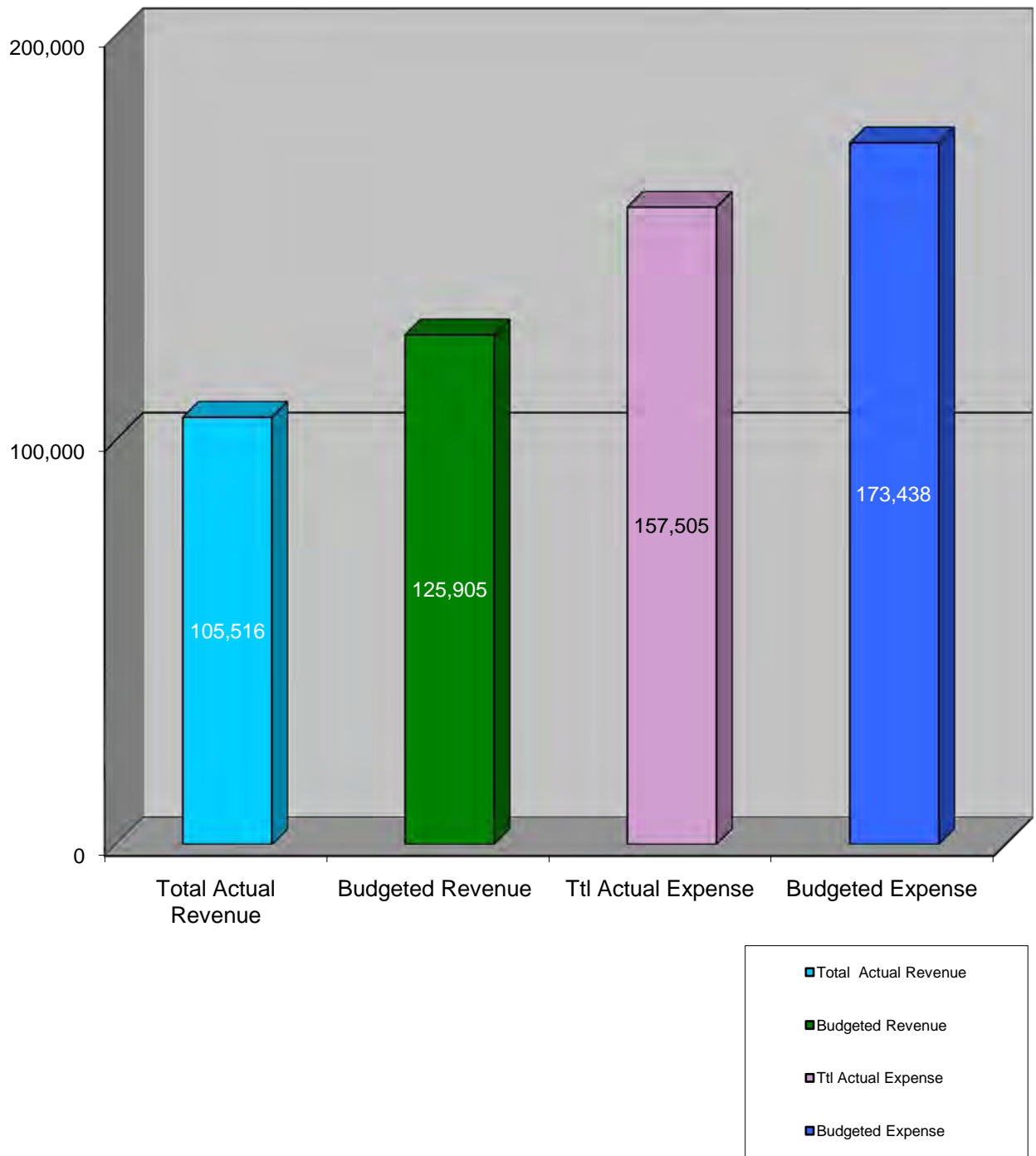
	Yearly Budget	July 1, 10 through July 31, 10	Balance of Budgeted Acct	% of Budget
537R · P/Y Publications & Legal Notice	0.00	214.52	214.52	0.0%
538 · Rents & Leases	67,300.00	5,364.84	(61,935.16)	8.0%
539 · Rents & Leases/Equip	300.00	0.00	(300.00)	0.0%
540 · Public Awareness	14,000.00	0.00	(14,000.00)	0.0%
543101 · Training	3,000.00	0.00	(3,000.00)	0.0%
543201 · Trans & Travel	12,000.00	1,182.26	(10,817.74)	9.9%
544 · Utilities	10,000.00	0.00	(10,000.00)	0.0%
544R · P/Y Utilities	0.00	794.44	794.44	0.0%
545· Road Exp/Gas	1,500.00	38.49	(1,461.51)	2.6%
545R· P/Y Road Exp/Gas	0.00	56.46	56.46	0.0%
552 · Contrib to other Agen.	200,601.00	2,250.00	(198,351.00)	1.1%
552R · P/Y Contrib to other Ag	425,661.00	22,922.00	(402,739.00)	5.4%
563 · Fixed Assets, Equipment	7,000.00	0.00	(7,000.00)	0.0%
580 · Approp for Contingencies	10,000.00	0.00	(10,000.00)	0.0%
590 · Restricted Reserves	41,333.00	0.00	(41,333.00)	0.0%
Total Expense	2,081,250.00	157,504.76	(1,923,745.24)	7.6%
Net Income	(570,390.00)	(51,989.24)	518,400.76	

NOTE:

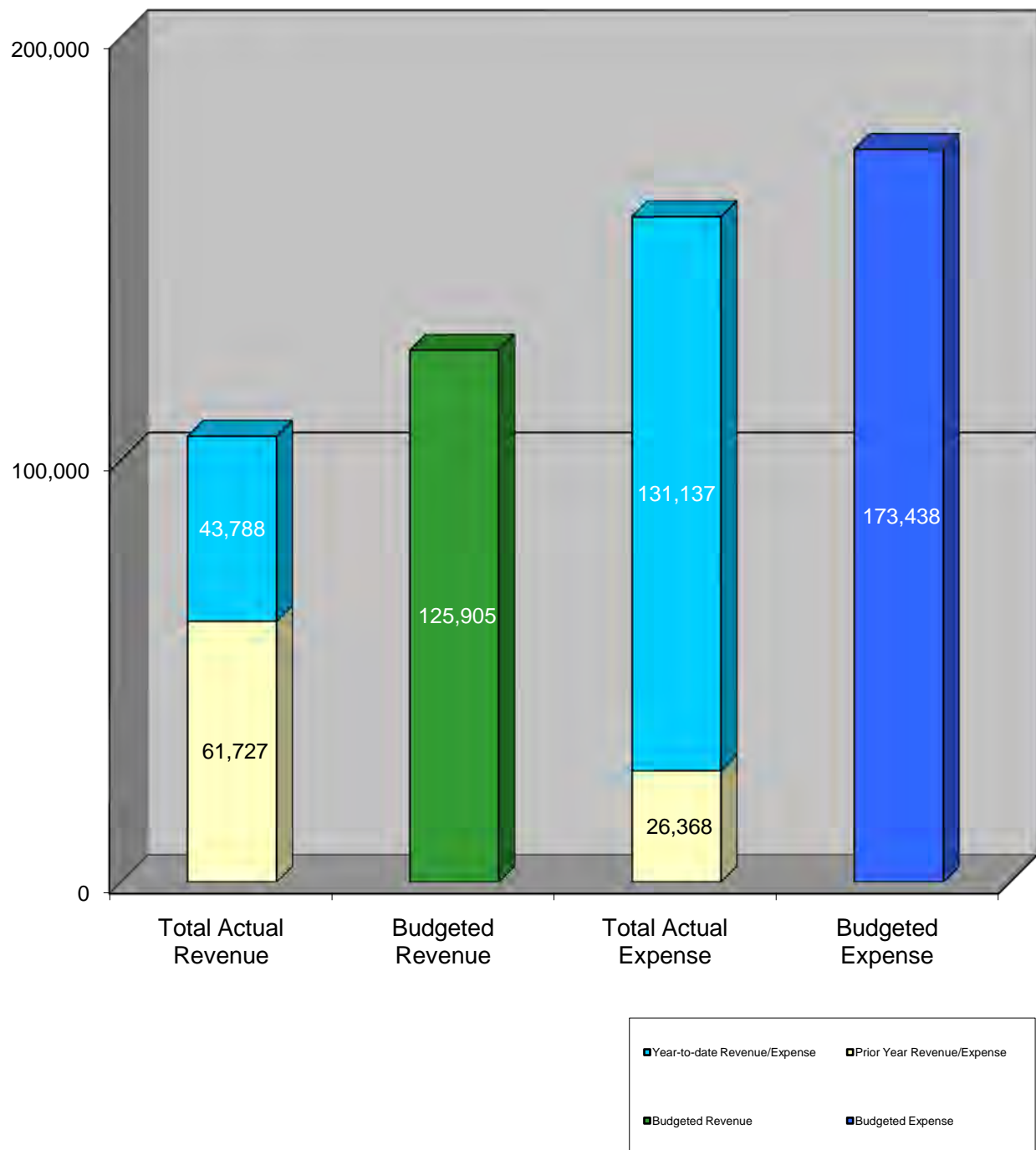
Note: Audited fund balances as of June 30, 2009:

Reserved for petty cash	100.00
Reserved for Encumbrances	118,553
Reserved for Carl Moyer Grant	480,582
Restricted Reserve Fund	25,327
Unreserved	137,913
	<hr/>
	\$ 762,475

**AQMD
ACTUAL VS BUDGETED
with CURRENT YEAR EXPENSES
FOR THE PERIOD
7/1/10 TO 7/31/10**

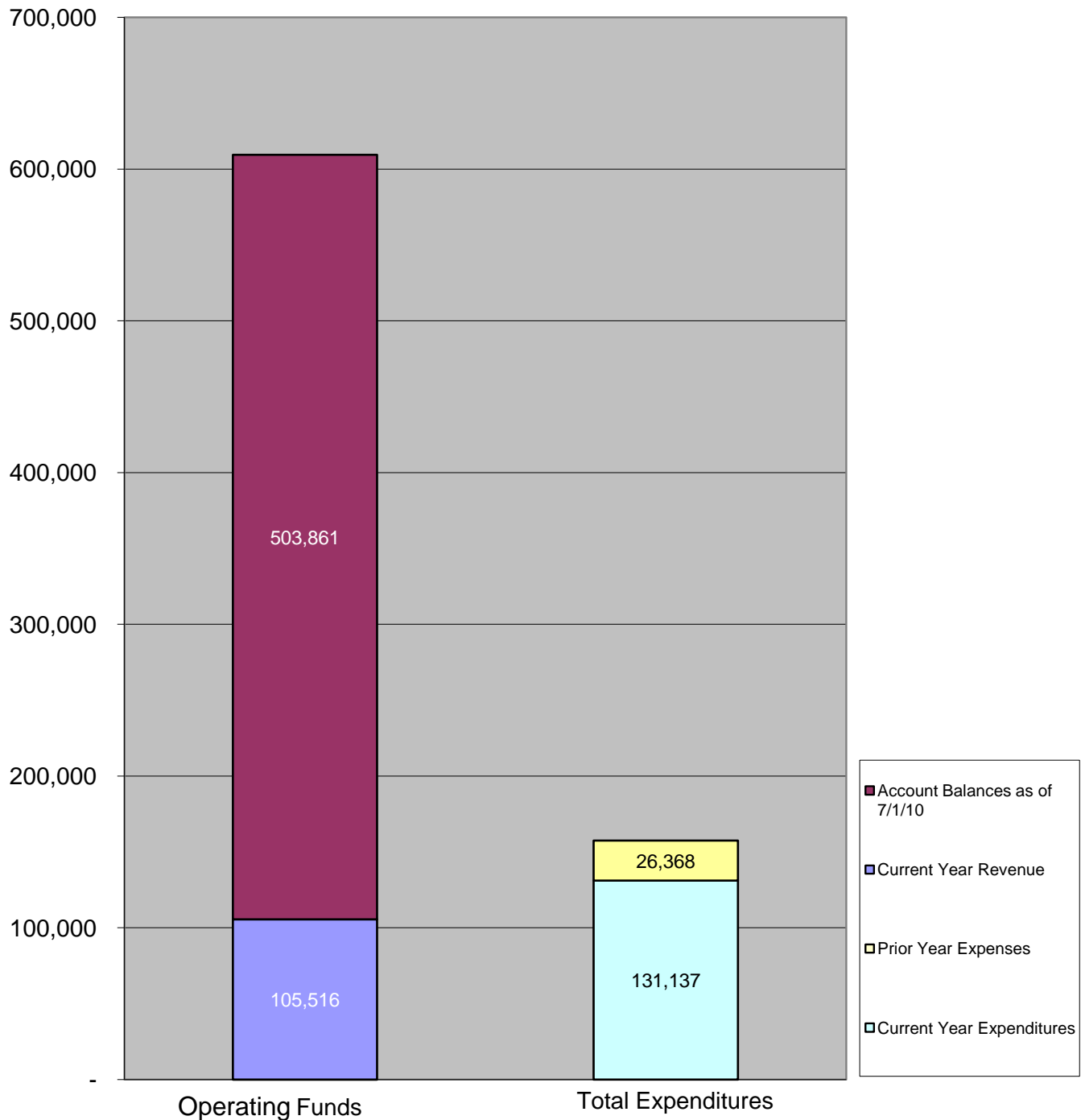


**AQMD
ACTUAL VS BUDGETED
with PRIOR YEAR EXPENSES
FOR THE PERIOD
7/1/10 TO 7/31/10**



NOTE: **Year-to-date Revenue/Expense** budgeted and occurred in FY 10/11.
Prior Year Expense (which are primarily grants) were budgeted in FY 09/10, but occurred in FY 10/11.

AQMD OPERATING FUNDS VS TOTAL EXPENDITURES FOR THE PERIOD 7/1/ 10 TO 7/31/10



NOTE: **Account Balances** include pass through grants and prior year cash.
Operating Funds include **Account Balances** and **Current Year Revenue**
Prior Year Expenses were budgeted in FY 09/10, but paid in FY 10/11



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

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Supervisor, District 3

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ANGELA THOMPSON
Councilmember, Biggs

SCOTT GRUENDL
Councilmember, Chico

JERRY ANN FICHTER
Mayor, Gridley

ALAN WHITE
Councilmember, Paradise

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: W. James Wagoner, Air Pollution Control Officer
Re: By Consent, Accept and File, Calendar of Events

DATE	CALENDAR	LOCATION
August 5	CAPCOA Planning Managers	Conference Call
August 6	BCC	Colusa
August 12-13	CAPCOA Enforcement Managers Meeting	San Francisco
August 25	CARPA	Richmond
August 26	Butte County AQMD Board Meeting	Chico
August 26-27	CAPCOA Board Meeting	TBD
September 2	CAPCOA Planning Managers	Conference Call
September 6	Labor Day	Office Closed
September 9	QEEPS	Glenn County
September 15-16	CAPCOA Rural Districts	Sonora
September 16-17	CAPCOA Fiscal Managers	Santa Barbara
September 23	Butte County AQMD Board Meeting	Paradise
September 23-24	CAPCOA Board Meeting	Sacramento
September 24	CARPA	Sacramento
October 1	BCC Meeting	Chico
October 22	CARPA	Sacramento
October 26-30	CAPCOA Fall Conference	Monterey
December 9	Butte County AQMD Board Meeting	Chico

Agenda Item 3.4



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

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Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors

From: W. James Wagoner, Air Pollution Control Officer

Staff Contact: Robyn Sousa, Administrative Services Officer

Re: By Consent, Approve the Survey, Disposal and Release of Accountability of Specified District property

ISSUE:

Survey, disposal, and release of accountability of surplus property.

RECOMMENDATION:

Approve the survey, disposal, and release of accountability of specified surplus property and direct the APCO to dispose of surveyed surplus property. Functioning surveyed surplus property shall be disposed of by reasonable price at auction with the residual of property donated to local schools.

DISCUSSION:

California Health and Safety Code Section 40701 (e) authorizes your Board to "...lease, sell, or dispose of any property... whenever, in the judgment of the District Board, such property... is no longer required for the purposes of the District... and to pay any compensation received therefore into the general fund of the District..."

The APCO has identified the property on the attached equipment transfer form as no longer useable or needed by the District. Your Board is requested to declare the property surplus pursuant to (H&S Code Section 40701(e)) and direct the APCO to survey and dispose of the specified surplus property by sale at reasonable price with the residual of property to be donated to local schools or non-profits or discard.

Attachment: Survey of Surplus Items

Agenda Item 3.5

Survey of Surplus Items

<u>Item</u>	<u>Description</u>	<u>Proposed Action</u>
<u>Number</u>	<u>Description</u>	<u>Proposed Action</u>
238	Vistanet, Computer and Monitor	Donate
239	Vistanet, Computer and Monitor	Donate
145	Tan Refrigerator - not working efficiently	Discard/Recycle
146	White Refrigerator - not working efficiently	Discard/Recycle
251	Burgundy Chair – broken	Donate/Discard
222	Computer Desk – broken	Donate/Discard
115	Olympus Digital Camera	Donate/Discard



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Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors

From: W. James Wagoner, Air Pollution Control Officer

Staff Contact: Robyn Sousa, Administrative Services Officer

Re: **By Consent, Adopt the Resolution Required by SDRMA for the District Vehicle Purchase Approved at the July 22, 2010 Meeting.**

ISSUE:

Resolution required by the Special District Risk Management Authority (SDRMA) Municipal Finance Corporation to Authorize the Execution and Delivery of an Installment Sale in order to finance the purchase of a District Vehicle previously authorized by your Board.

RECOMMENDATION:

Adopt the Resolution authorizing the Air Pollution Control Officer to enter into an Installment Sale Agreement with the Municipal Finance Corporation in order to finance the purchase a District vehicle.

DISCUSSION:

One July 22, 2010 your Board by way of Resolution 2010-18, approved the purchase of a District vehicle and authorized the APCO to purchase, by way of a financed contract, a fixed asset not to exceed \$25,000 plus tax and license.

The District has located funding through the Municipal Finance Corporation which provides funding for many Special Districts and government agencies. The Municipal Finance Corporation has requested that your Board approve the draft resolution number 2010-20 attached which contains specific language that the institution requires.

Attachments: Resolution 2010-18, dated July 22, 2010
Draft Resolution 2010-20

Agenda Item 3.6

**DRAFT RESOLUTION 2010-20
BEFORE THE BOARD OF DIRECTORS OF
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA**

AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION WITH THE ACQUISITION OF A VEHICLE

WHEREAS, the Butte County Air Quality Management District (the "District") is a public agency duly organized and existing under and pursuant to the laws of the State of California; and

WHEREAS, the District desires to provide for financing in the approximate amount of \$23,993.56 for the acquisition of a vehicle (the "Property"); and

WHEREAS, Municipal Finance Corporation (the "Corporation") has proposed a cost-effective installment sale financing arrangement at a 6.95% interest rate;

NOW, THEREFORE, it is resolved by the Board of Directors of the Butte County Air Quality Management District as follows:

SECTION 1. Installment Sale Agreement. The Chair of the Board of Directors or the Air Pollution Control Officer is hereby authorized to enter into an Installment Sale Agreement (the "Installment Sale") with the Corporation to finance the Property, subject to approval as to form by the District's legal counsel.

SECTION 2. Attestations. The Chair of the Board or the Air Pollution Control Officer is hereby authorized and directed to attest the signature of the Chair of the Board of Directors or of such other person or persons as may have been designated by the Chair of the Board of Directors, and to affix and attest the seal of the District, as may be required or appropriate in connection with the execution and delivery of the Installment Sale.

SECTION 3. Other Actions. The Chair of the Board of Directors and other officers of the District are each hereby authorized and directed, jointly and severally, to take any and all actions and to execute and deliver any and all documents, agreements and certificates which they may deem necessary or advisable in order to carry out, give effect to and comply with the terms of this Resolution and the Installment Sale. Such actions are hereby ratified, confirmed and approved.

SECTION 4. Reimbursement of Prior Expenditures. The District declares its official intent to be reimbursed from the proceeds of the Installment Sale approved hereby for a maximum principal amount of \$23,993.56 of Property expenditures occurring no earlier than sixty days prior to the adoption of this Resolution. All reimbursed expenditures will be capital expenditures as defined in Section 1.150-1(b) of the Federal Income Tax Regulations.

SECTION 5. Effect. This Resolution shall take effect immediately upon its passage.

On Motion of _____, Seconded by _____, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 26th day of August, 2010 by the following:

AYES:
NOES:
ABSTAIN:
ABSENT

W. James Wagoner, Air Pollution Control Officer
Butte County Air Quality Management District

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 August 26, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board

**DRAFT RESOLUTION 2010-18
BEFORE THE BOARD OF DIRECTORS OF
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA**

AUTHORIZE PROPOSED RESOLUTION
APPROVAL OF SURVEY, DISPOSAL AND RELEASE OF ACCOUNTABILITY OF SPECIFIED SURPLUS
PROPERTY AND
APPROVAL OF FIXED ASSET PURCHASE
AND APPROVAL OF FY 2010-11 BUDGET ADJUSTMENT

Approve the survey, disposition ..)
and release of accountability.....)
of specific surplus property.....)
Authorizing purchase of)
Specified fixed asset)
Adjust FY 2010-11 Budget in)
order to purchase fixed asset.....)

WHEREAS, the District is in need of a new or low mileage vehicle; and

BE IT THEREFORE RESOLVED, the Air Pollution Control Officer is authorized to purchase the following fixed asset and is guided by the following limitations:

- One vehicle replacement to be of the new, electric-assist gasoline engine type technology, not to exceed \$25,000 plus tax and license fees.

BE IT FURTHER RESOLVED, whereby the anticipated costs provided herein are estimates based on presently available information, the Air Pollution Control Officer shall use these costs estimated as guidelines in the purchase of the asset;

BE IT FURTHER RESOLVED, the fixed assets purchased above shall be, to the extent reasonably possible, fully compatible with other significantly related to District Equipment and operations; and,

BE IT FURTHER RESOLVED, the Air Pollution Control Officer is hereby authorized, in order to secure the lowest reasonable purchase price to the District, to purchase those this fixed asset specified herein without following a public bid process; and,

BE IT FURTHER RESOLVED , the Air pollution Control Officer is hereby authorized to apply for a line of credit with a local or non-profit credit institution to purchase said fixed asset for a term not to exceed 72 months; and

BE IT FURTHER RESOLVED, that Fixed Asset number 950122, 2001 Toyota Prius, pursuant to (H&S Code Section 40701(e)), be disposed of by way of sale at reasonable price, donation to a school or non-profit and the District be released from accountability;

AND BE IT FURTHER RESOLVED, that the FY 2010-11 budget be amended as follows in order to purchase fixed asset;

- Decrease Account 536 (Professional Services) by \$6,000
- Decrease Account 540 (Public Education) by \$1,000
- Increase Account 563 (Fixed Assets) by \$7,000

On Motion of Supervisor Dolan, Seconded by Councilmember Thompson, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 22nd day of July, 2010 by the following:

AYES: Supervisor Kirk, Supervisor Connelly, Supervisor Dolan, Councilmember Gruendl, Councilmember Thompson, Councilmember White, Mayor Fichter

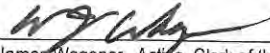
NOES:

ABSTAIN:

ABSENT: Supervisor Lambert, Supervisor Yamaguchi, and Councilmember Johansson



 W. James Wagoner, Air Pollution Control Officer

<p>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 July 22, 2010.</p> <p>ATTEST:  W. James Wagoner, Acting Clerk of the Governing Board</p>

Items Removed from the Consent Agenda for Board Consideration and Action

Agenda Item 4



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

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Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: Ursula Parker, Air Quality Compliance Specialist II
Re: Report on the Sacramento Valley Air Basin Smoke Management Program

ISSUE:

Report on the activities conducted by District Staff to implement the Sacramento Valley Smoke Management Program, including the burning of rice straw as allowed by California Health and Safety Code, Section 41865 (known as the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991).

RECOMMENDATION:

Receive Report.

DISCUSSION:

The Sacramento Valley Smoke Management Program was prepared by the Sacramento Basinwide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of the elected district board member and Air Pollution Control Officer (APCO), respectively, from each air district in the Sacramento Valley Air Basin (SVAB): Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River (Yuba/Sutter). The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board (CARB) Meteorology and Compliance Review sections, the affected industry, environmental groups and other interested parties.

The purpose of the program is to describe the policies and procedures used with hourly and daily measurements of air quality and meteorology to determine how much open biomass burning can be allowed in the SVAB, and how burning will be managed by member districts. The program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the California Code of Regulations, that is conducted at all elevations in the SVAB. Policies and procedures generally apply throughout the year. Many specific computer data gathering and analysis requirements apply only during the fall burning season.

Agenda Item 5

Primarily in response to the challenges of the field crop burning activities, the SVAB developed the first regional, coordinated burning management program in 1981. The program was tested for a two-year period before being adopted into regulation in 1983. The program included goals, policies and procedures organized into an agricultural burning management plan. The program has been reviewed every year by SVAB district staff, CARB meteorology and compliance staff, and Basin consultants. Workshops and public hearings held by the TAC and the BCC have resulted in other changes suggested by the public and the agricultural industry. Many amendments to the program and plan have been made in the last near 30 years, resulting in modifications to the CARB equations and expanded descriptions of all program elements.

According to historical records, the burning of rice straw from fields in the SVAB has been practiced since the 1920's. Burning is considered to be a cost-effective approach to removing waste material from fields which can easily become saturated and unable to be worked after a heavy rain. In addition, burning is one cost-effective method of controlling stem-rot disease and other diseases which reduce crop yields. Rice burning was unregulated until 1971 when the state, in response to the public, adopted rules minimizing maximum daily burn totals.

In 1991, AB 1378, the Connelly-Areias-Chandler Rice Straw Burning Reduction Act was implemented. The "phase down" of allowable burn acres began in 1992 with a 10 percent reduction in the total acreage each farmer was allowed to burn with the intent that burning would be phased out entirely by the year 2000. An exception was provided for farmers who could demonstrate that disease which caused crop loss was present in their fields. Any farmer whose fields are certified as affected by disease has been allowed each year, beginning in 1998, to burn up to 25 percent of their planted acres for that year with a maximum allowed 125,000 total acres burned per year in the SVAB.

Burning of rice straw is strictly regulated through the program by each local air district in the SVAB who share a daily variable acreage allocation based on air quality and meteorological conditions. Growers must register their rice fields in order to be eligible to burn and are assigned a list number on a "first-harvested, first considered to burn" basis. Daily considerations are made locally to the quantity and location of waste to be burned, especially if populated areas are projected in the path of smoke travel, local meteorological conditions, and the expectation of the smoke to comingle with other types of burning, whether from agricultural practices (either rice straw or other agricultural burning) or exceptional events (wildfires).

Complaints made to the District regarding impacts as a result of agricultural burning are investigated in an effort to immediately determine factors contributing to the impact (if verified). Records of the complaints are shared with other air districts in the SVAB in order to evaluate and develop better smoke control measures.

Violations of the program can result in enforcement action. Any person found to be negligently or intentionally violating the provisions of the Rice Straw Burning Reduction Act is guilty of a misdemeanor and is subject to a fine of not more than ten thousand dollars (\$10,000), nine months imprisonment, or both. Enforcement actions are taken for the following types of violations: burning on a no-burn day; burning in excess of the 25 percent limit; burning without authorization; burning more than allocated; burning outside of burn hours; burning material that has not met required drying times; and burning using unauthorized burning techniques.

According to the California Health and Safety Code, Districts are required to charge fees to cover the costs of implementing the program. The District currently charges a registration fee of \$70.00 and invoices a grower who has successfully burned rice straw from his or her field for the acreage burned at a rate of \$2.50 per acre.

The Sacramento Valley Air Basin Smoke Management Program document is available upon request from staff or through the website www.airquality.org/SVBCC/.

Agenda Item 5



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
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Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: W. James Wagoner, Air Pollution Control Officer
Re: **Report on Request for Air Quality Monitoring in the Durham Area.**

ISSUE:

Request from a member of the public at the July 22nd Board meeting for air quality monitoring in the Durham area.

RECOMMENDATION:

Receive Report.

DISCUSSION:

At last month's meeting Susan Sullivan, a Durham resident, expressed concerns about the air quality in the Durham area and the lack of monitoring data. The ensuing discussion centered on the use of a CARB portable PM 2.5 monitor, referred to as an E-BAM, to conduct some monitoring in the Durham area to provide additional data. Board members expressed an interest in staff pursuing this, as well as providing additional information on the E-BAM including costs.

Attached are specifications for an E-BAM site developed by CARB staff for the California Air Response Planning Alliance (CARPA). CARPA's focus is providing tools for air quality monitoring during emergency incidents such as wildfires, but the E-BAM configuration they recommend can also be used for general purpose monitoring. At the time of this report staff are still collecting cost data on the E-BAM.

Staff have sent a letter to CARB requesting assistance with a special purpose ambient air monitor for the Durham area for this fall to address concerns from residents in the Durham area about air quality impacts from open burning. If approved, the monitor will also be used and to confirm whether or not the air monitor in Gridley is representative of ambient PM 2.5 concentrations in the adjacent rural communities including Durham.

Staff will provide an update at the August 26th meeting.

Attachment

Agenda Item 6



Tool Kit Submittal Form (Form 2.1)

Title: Met One E-BAM portable PM_{2.5} monitor and AIRSIS data telemetry system.

Description: Airborne smoke particulate, especially particulates smaller than 2.5µm in diameter (PM_{2.5}), pose potential safety and health consequences that negatively affect the nearby community. Rapid deployment of air monitors during wild fires or other air emergency incidents is crucial to identify the episode's impact, to assess the public's level of risk, and to determine adverse health effects to the community's population. Displaying particulate concentration levels in affected areas, broadcasting health advisories, and promoting recommendations to decrease exposure have shown to be very effective when informing the community about the unhealthy influences in their environment.

General Information

The CARPA Data Subcommittee, in its review of existing deployable PM monitoring instruments, and through direct experience of CARPA member agencies, have found that the Met One portable E-BAM PM monitor to be one of the most effective, accurate, and easy to operate portable particulate monitors currently in use in California. As described below, the E-BAM system offers the user real-time data reporting capability and links to EPA's AIRNOW website to provide the public with near real-time air quality information.

The Met One Instruments Inc. model E-BAM automatically measures and records airborne PM₁₀ or PM_{2.5} particulate concentration levels using the principle of beta ray attenuation. This method provides a simple determination of concentration in units of milligrams of particulate per cubic meter of air. The E-BAM works by emitting a constant source of high-energy electrons known as beta particles. These beta particles are detected and counted by a sensitive scintillation detector. A vacuum pump pulls a measured amount of dust-laden air through the filter tape, which is positioned between the source and the detector thereby causing an attenuation of the beta particle signal. The degree of attenuation of the beta particle signal is used to determine the mass concentration of particulate matter on the filter tape, and the volumetric concentration of particulate matter in ambient air.

The E-BAM system package offers additional monitor upgrades such as the 034 wind set (which combines a 3-cup anemometer and vane into a single integrated package), ambient relative humidity sensors, and a solar panel option with battery banks mounted on a trailer, which eliminates the need for direct current shore power. When ordering an E-BAM and selecting its configuration, it is highly recommended that the instrument setup include the wind set and humidity sensor options. On site meteorological data has been found to be very useful during responses. Additionally, flow calibration equipment is required to properly insure E-BAM validity.

Calibration and Maintenance

Complete factory calibration is available from Met One and includes maintenance, system diagnostic and parameter checks, and standard calibration traceable to NIST certification. Field calibrations are performed using a volumetric flow calibration device, such as BGI Incorporated's deltaCal calibrator, which verify or calibrate the instrument flow rate. Since the E-BAM incorporates ambient temperature and pressure data to regulate flow rate, calibrations to the instrument's temperature and pressure sensors are required prior to performing the flow calibration. Leak tests are conducted to certify a leak free sampling system. Verification that the 034 wind set (if equipped) is operating properly is

conducted using a standard anemometer calibration kit. Wind speed and direction values displayed from the E-BAM reported values are compared against values from the calibration kit to ensure the sensors are operating within manufacturer specified limits.

E-BAM maintenance consists of visually inspection of the filter tape, tape drive, nozzle and inlet sensor, and ensuring the nozzle is correctly seating against the filter. Inspection and cleaning of the PM₁₀ inlet and PM_{2.5} sharp cut cyclone are also suggested. When the instrument is deployed it is recommended that flow verifications and maintenance occur bi-weekly.

It's recommended the AIRSIS satellite radio be checked for proper operation when disconnection and reconnection of the data cable occurs. Proper E-BAM telemetry operation may be verified remotely by accessing the website to where the data is being submitted, or by using the instrument's "System Manager". Additionally, generated data may be downloaded using HyperTerminal from the E-BAM communications port, for field QC confirmation.

Deployment

E-BAMs deployed during emergency responses are generally used to supplement the existing BAM_{2.5} network of monitors, and are positioned in locations where there are no existing PM_{2.5} monitors. E-BAM's may also be deployed to areas in the community where there are known sensitive receptors. The deployment procedure for the E-BAM can often be completed in 30 minutes or less and requires no special tools. The unit is capable of operating on either AC or DC power depending on how the instrument is configured. When selecting potential monitoring locations, staff should follow their agency's established procedures for siting criteria, or follow CFR Title 40, Part 58, Subpart G. Identification of a dependable power source within a secure location should be considered and evaluated when selecting each monitoring location. Exact monitor deployment location should be verified against a handheld GPS device. Care should be taken during instrument transport, and hard bodied shipment cases with foam inserts are recommended to decrease the potential for damage to the instrument.

Operational Limitations

The E-BAM does have some operational limitations that affect its function and accuracy which should be noted and considered prior to deployment. Current indications are that increased levels of RH elevate the actual particulate concentration values reported by the E-BAM. The instrument does not appear to become overly affected by high ambient temperature, but extreme temperatures can damage electronic components. Filter tape advancement can be internally configured to advance from 1 hour to 24 hours, however if particulate concentrations are high enough to cause a pressure drop across the filter exceeding a set threshold, the tape will auto-advance. The E-BAM will stop monitoring and report a hardware failure if the temperature and pressure sensors report values outside of their recommended control limits. Pump failures are the most prevalent issue with the instrument, but replacing a failed pump can be easily accomplished in a short time. The instrument will attach alarm codes to the data stream which indicate a potential problem or issue. Other limitations to be considered are related to siting criteria, and include the availability of reliable shore power and instrument security.

Data Output and Usage

All new E-BAMs from Met One presently are configured with Iridium satellite radios from AIRSIS when the telemetry system option is selected. The AIRSIS Iridium radios allow for consistently fast data transfer and require only one additional hardware component to be connected to the E-BAM. AIRSIS airtime plans provide users with password protected web access. The AIRSIS telemetry system allows data migration to the USEPA AIRNow Web site for public access and also accommodates data

transfer to customized websites. The AIRNow Web site provides the public with easy access to national air quality information and offers daily AQI forecasts as well as real-time AQI conditions for over 300 cities across the US, and also provides links to more detailed State and local air quality Web sites.

Short-term exposure to particulate matter is the principal public health concern from exposure to wildfire smoke. E-BAMs are particularly useful in measuring PM_{2.5}, the respirable portion of particulate matter. E-BAMs can be moved and repositioned within impacted communities with relative ease and can be run in concert with permanent air monitoring stations, portable, or mobile particulate monitors. The raw data generated from E-BAMs (in µg/m³) can be analyzed as 1-3 hr, 8 hr, or 24 hr averages and compared against recommended actions for public health officials in the Wildfire Smoke Guide.

Particulate concentrations can also be converted to Air Quality Index (AQI) equivalents either automatically if E-BAM data are uploaded to US EPA's AIRNow website, the table of equivalents in the Wildfire Smoke Guide. The AQI is a nationally uniform index that uses standard health descriptors for ranges of particulate concentrations. The Wildfire Smoke Guide goes one step further and provides specific recommended actions that local health officials can institute at various AQI levels. It is recommended that as much information as possible is made available to the public during an air emergency incident, and uploading E-BAM data to AIRNow has proven to be very effective in disseminating that information. Uploading E-BAM data through AIRSIS to the AIRNow webpage is one way to provide real-time AQI levels and their associated recommendations to residents in affected areas. Local health officials and state agencies can also issue health advisories, press releases, or emergency warnings on local and state webpages and social media avenues. Health warnings can also be posted door-to-door in rural communities, at evacuation centers, or fire camps. Whichever route of dissemination is chosen, it is important to keep in mind that the ultimate reason for deploying E-BAMs and collecting smoke concentration data is to provide those data either directly to health officials who have the responsibility of instituting emergency health protective actions and/or informing the public so that they may take steps to protect themselves during a smoke event.

Tools required for set-up and field calibration

Allen wrenches
 Phillips head screw driver
 NIST-traceable flow audit device
 NIST-traceable temperature/barometric pressure standard for calibrations and/or audits
 Compass, level and cable ties
 Laptop with a serial cable (for on-site data retrieval from E-BAM if desired).

Additional information or links

[U.S. Forest Service Technology and Development Program's E-BAM Training Videos](#)

[MetOne E-BAM Specification Sheet](#)

[MetOne 034 Windset Specification Sheet](#)

[AIRSIS Homepage](#)

[AIRNow Homepage](#)

[Wildfire Smoke: A Guide for Public Health Officials](#)

[BGI's deltaCal Specification Sheet](#)

[CFR Title 40, Part 58, Subpart G](#)

[CARB E-BAM Test Results.doc](#)

[2006CompleteSmokeParticulate300.pdf](#)

[macdougall_ebam.ppt](#)

[watkins-national_aq_conference-ebam_telemetry.ppt](#)

Submitted by: Charles Pearson

Agency: California Air Resources Board

CARPA sub-group or subcommittee: Data Subcommittee

Date: July 27th 2010



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

MAUREEN KIRK, CHAIR
Supervisor, District 3

JAMES JOHANSSON, VICE CHAIR
Vice Mayor, Oroville

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ALAN WHITE
Councilmember, Paradise

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: David J. Lusk, Senior Air Quality Engineer
Re: **Public Hearing to Consider Adoption of Proposed New Rule 433,
Rice Straw Emission Reduction Credits**

ISSUE:

Public Hearing to consider adoption of Proposed New Rule 433, *Rice Straw Emission Reduction Credits* to provide a federally recognized procedure for quantifying and certifying rice straw burning emission reductions and issuing the resulting Emission Reduction Credit (ERC) certificate.

RECOMMENDATION:

After holding a public hearing to receive public comments, adopt Rule 433, *Rice Straw Emission Reduction Credits*, as proposed in the July 28, 2010 Staff Report.

DISCUSSION:

Rice straw burning in the Sacramento Valley was "phased down" pursuant to state law adopted in 1991 (California Health & Safety Code 41865). The District has previously accepted applications for ERCs from rice straw burning; however, the District lacked an acceptable rule approved by the United States Environmental Protection Agency (EPA) and the application reviews were not completed. If issued, the EPA would not have recognized the credits as being valid offsets for "federal purposes" (i.e. for major modification projects or new major stationary sources).

The District participated in meetings to develop the model rule by the Sacramento Federal Non-Attainment Area (SFNA). The SNFA have worked in conjunction with the Sacramento Valley Basin Control Council (BCC) and the California Rice Commission to address all concerns and comments raised by the California Air Resources Board (ARB) and the US EPA. This working group created a white paper and model rule, upon which this local rule is based on.

Agenda Item 7

The proposed rule establishes a maximum number of acres eligible for ERCs in Butte County and a process for allocating those acres to those growers who voluntarily apply to bank these emission reductions. The rule proposes to have applications submitted by January 1, 2011 and applications reviewed and processed by July 1, 2011. This schedule is necessary to ensure the resulting banked emissions are included in the State Implementation Plan emissions inventory for both the ozone and PM 2.5 planning activities.

The District mailed postcards to all current rice straw burn permit holder. The proposed rule and a FACT Sheet was distributed during the Rice Registration period. A public workshop was held on August 12, 2010. Comments received during the public workshop and the District responses have been included as an attachment. In addition, a letter and FACT Sheet was sent to previous applicants to explain the proposed new rule and assure previously submitted information can be used to complete the application process for the new rule.

ARB had no comments on the proposed rule. At the time of this report, EPA had not submitted comments on the proposed rule.

List of Attachments:

- Attachment 1: Staff Report, Proposed New Rule 433, *Rice Straw Emission Reduction Credits*
- Attachment 2: Summary of Comments Received and District Response
- Attachment 3: Final Proposed Resolution of Adoption

Subsequent comments received will be provided to your Board prior to the August 26th public hearing.

Agenda Item 7

Attachment 1

**PROPOSED ADOPTION OF
RULE 433 RICE STRAW EMISSION REDUCTION CREDITS**

STAFF REPORT

Date of Release:
July 28, 2010

Prepared by:	David Lusk, Senior Air Quality Engineer
Review By:	Gail Williams, Senior Air Quality Planner
Approved by:	W. James Wagoner, Air Pollution Control Officer

Public Hearing Date

- Thursday, August 26, 2010 at 10:00 a.m. Chico City Council Chambers, 421 Main Street, Chico, CA 95928

Schedule of Meetings

- Date of Public Workshop: 3:00 p.m., Thursday, August 12, 2010, District Offices, 2525 Dominic Drive, Suite J CA.

STAFF REPORT

Proposed Rule 433, *Rice Straw Emission Reduction Credits*

Date of Release: July 28, 2010

Scheduled Date of Adoption: August 26, 2010 at 10:00 a.m. in the Chico City Council
Chambers, 421 Main Street, Chico, CA

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I. EXECUTIVE SUMMARY

On August 26, 2010, the Butte County Air Quality Management District (District) Governing Board will consider the proposed adoption of Rule 433, *Rice Straw Emission Reduction Credits*. This rule establishes procedures which ensure federal recognition of the banking of Emission Reduction Credits (ERCs) resulting from the permanent reduction of open field burning of rice straw.

The main requirements for Rule 433 will be:

1. An application will be required to bank ERCs under this program. Applying for rice straw ERCs is voluntary; only those growers who wish to receive an ERC certificate need to apply. There will be two (2) types of applications: new applications and re-certification applications. Those parties who previously applied to bank rice straw ERCs may apply to “re-certify” their request for certificates. Any other parties who can substantiate that they grew rice during the 1988 - 1992 baseline period may submit a “new” banking application to obtain credits.
2. All applications must be received within 4 months of rule adoption. This schedule is necessary to ensure review and issuance of the ERCs prior to any modeling demonstration for attainment purposes.
3. Each applicant must show that the property for which the application is submitted grew and burned rice in the baseline period between 1988 and 1992.
4. Each applicant must show that the property for which the application is submitted is limited by deed restriction to burning in any calendar year no more than 25% of the rice growing acreage.

This rule is expected to affect landowners whose parcels grew rice during the baseline period of 1988 to 1992. In our District, there were 37 parties who previously applied to bank ERCs from this source category.

It is expected that most (if not all) of the parties with rice straw ERCs will re-apply to gain federally enforceable certificates in accordance with this rule. In addition, the program will be available to other landowners who either did not know about the program previously or who previously chose not to participate in the program. The District does not know how many other new parties might apply to bank credits, but expect this to be a very small number.

The proposed rule will neither have a significant or detrimental effect on the environment. The adoption of Rule 433 is an action taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

A. BACKGROUND

Overview of source category

Rice straw burning in the Sacramento Valley was “phased down” pursuant to state law adopted in 1991 (California Health & Safety Code 41865). The District has previously accepted applications for ERCs from rice straw burning; however, the District lacked an acceptable rule approved by the United States Environmental Protection Agency (EPA) and the application reviews were not completed. If issued, the EPA would not have recognized the credits as being valid offsets for “federal purposes” (i.e. for major modification projects or new major stationary sources).

The District participated in meetings to develop the model rule by the Sacramento Federal Non-Attainment Area (SFNA). The SFNA have worked in conjunction with the Sacramento Valley Basin Control Council (BCC) and the California Rice Commission to address all concerns and comments raised by the California Air Resources Board (ARB) and the US EPA. This working group created a white paper and model rule, upon which this local rule is based on.

The ERC model rule developed by the SFNA group utilized district reports and records to determine the average number of acres planted during the period 1980 until 1992 and then used this data to determine an actual baseline year from the 1988 to 1992 period that most closely represented this historical average. The process used is documented in the “White Paper” developed to document the rule process approved by ARB and EPA in 2008. Based on historic burn records for Butte County, the historical average acres planted for the ten year period is 83,873 acres. The following table shows the acres planted and the acres burned for the baseline period:

Rice Year	Total Rice Acres Burned	Total Rice Acres Planted*
1981		114500
1982		106000
1983		61200
1984		86300
1985		72000
1986		70000
1987		83000
1988	74868	86,061
1989	67665	85,000
1990	74385	88,750
1991	69142	70,900
1992	49551	82,775
Averages		83874

* USDA

When developing the procedures to determine total amount of acres available for banking (White Paper, 2008), the other districts evaluated the average number of acres planted and, based on records available, chose a “representative year” to set the baseline for available acres. Butte County reviewed records (data above) and chose 1991 as the representative year and submitted this data in the emissions inventory work in 2005. The total acres burned in 1991 was considerably less than those in 1988 and 1990. Since the number of acres planted versus burned is about equal and maintains a historic burn fraction of 1.00, the District determined to use 1991 to be conservative and limit the maximum amount of credits which can be issued on a District wide basis. The District can calculate the total annual rice straw burning emissions, total annual rice straw burning emissions eligible for banking, estimated quarterly distribution, and the amount of VOC and NO_x credits eligible for banking that need to be included in the 8-hour ozone and 24-hour PM_{2.5} State Implementation Plan (SIP) attainment demonstrations.

Assumptions:

The emission factors (sometimes referred to as Jenkins II emission factors) come from an ARB memo, which was originally released August 17, 2000 and updated September 12, 2000. The factors in the memo are cited as being predominately from Bryan Jenkins’ “Atmospheric Pollutant Emission Factors from Open Burning of Agricultural and Forest Biomass by Wind Tunnel Simulations”, 1996, UC Davis. The units of the emission factors are pounds of emissions per ton of rice burned and fuel loading in tons of fuel per acre grown. The base loading is 3 tons per acre resulting in the following Emission Factors.

Pollutant	Emission Factor (lbs/acre)
Volatile Organic Compounds (VOC)	14.1
Nitrogen Oxides (NO _x)	15.6
Carbon Monoxide (CO)	172.2
Particulate Matter less than 10 microns (PM ₁₀)	18.9
Particulate Matter less than 2.5 microns (PM _{2.5})*	17.7
Sulfur Oxides (SO _x)	3.3

* PM_{2.5} is a subset of PM₁₀ and constitutes 94% of the PM₁₀ emissions.

The quarterly burn fractions (from the Manual of Procedures (MOP)) are slightly different for

each district with rice straw burning. For Butte County, the historical percentages are as in the following table and has been included in proposed Rule 433:

Quarterly burn fraction				
District	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Butte County	27%	44%	3%	26%

Total annual rice burning emissions:

The emissions are then calculated as follows:

$$\text{Emissions} = \text{Acres Burned} \times \text{Fuel loading (tons/acre)} \times \text{EF (lbs pollutant/ton fuel)}$$

Rice burning emissions during the baseline							
District	Acres Burned	VOC Emissions (tons)	CO Emissions (tons)	NO _x Emissions (tons)	PM10 Emissions (tons)	PM2.5 Emissions (tons)	SO _x Emissions (tons)
Butte County	69,142	487.45	5953.13	539.31	653.39	611.91	114.08

Bankable rice burning emissions:

As allowed law, the maximum amount of federally recognized bankable emissions is equal to 75% of the baseline emissions.

$$\text{Bankable} = \text{Baseline Emissions} * 75\%$$

Maximum Rice burning emissions available for banking						
District	VOC Emissions (tons)	CO Emissions (tons)	NO _x Emissions (tons)	PM10 Emissions (tons)	PM2.5 Emissions (tons)	SO _x Emissions (tons)
Butte County	365.59	4464.84	404.48	490.04	458.93	88.56

ERC Values for Attainment Demonstration Document:

When developing the SIP attainment demonstration document, the process normally accounts for ERCs which have already been banked prior to the base planning year. If the reductions occur after the base planning year, the planning exercise needs to be able to demonstrate that the emissions were accounted for as an emission source in the base planning year. For Butte County base planning year of 2002 was used in the preparation of the 1997 8-hr ozone SIP

(Note: Butte County subsequently demonstrated 3 years of clean data and, therefore, was not required to submit a SIP for the 1997 8-hr ozone standard). For the 2002 planning inventory, the actual emissions from all burning (including rice) that was occurring in 2002 was accounted for. However, these rice ERCs were not banked at that point (at least, not with federal recognition) and a portion of the emissions were not occurring in 2002 because of the phase-down law. Therefore, the rice ERCs that are “eligible for banking” will be added to the baseline inventory to ensure they are accounted for in the modeling inventory for the attainment year. By making this adjustment, Butte County will be able to show attainment, while accounting for the emissions that will occur when these ERCs are used.

Because the photochemical modeling done for the attainment demonstration uses the summer ozone season, the units for these values will be in “summer planning day” averages, which are calculated using emissions between May 1st and October 31st and dividing by 184 days. In addition, the modeling only addresses ozone precursor pollutants of VOC and NOx.

Seasonal adjustment value = Annual Bankable Emissions (tons) * % emitted between May 1st and October 31st / 184 days

Summer Planning Day calculations for Ozone			
District	May 1 st to Oct 31 st emissions (%)	VOC Emissions (tpd)	NOx Emissions (tpd)
Butte County	58.36%	1.16	1.28

The majority of Butte County was designated as a federal nonattainment area for the 24-hr PM2.5 standard in 2010. In preparation for the PM2.5 SIP, attainment planning and demonstration efforts have begun. The following table summarizes the maximum bankable PM 2.5 emissions allowable by Rule 433. This estimate for inventory purposes was calculated using the bankable portion of daily annual average of PM2.5 emissions from 1991 less the average current daily emissions for the period 2005 to 2009 (5 year average).

Annual Planning Day calculations for PM2.5	
District	PM2.5 Emissions (tpd)
Butte County	0.97

II. DISCUSSION OF PROPOSED NEW RULE 433 REQUIREMENTS

Listed below are descriptions of the proposed requirements for new Rule 433.

Section 1 General

Section 1 - Purpose: As discussed above, our District has previously allowed applications for rice straw burning emission reduction credits (in accordance with our Rule 431, Emission Reduction Credits); however, the EPA did not recognize the rule procedures to ensure federal applicability. Therefore, the purpose of this rule is to provide a federally recognized procedure for quantifying and certifying rice straw burning emission reductions. This will be the only process available for growers to receive federally recognized credits from cessation (phase-down) of rice straw burning.

Section 2 Definitions

Proposed Rule 433 provides definitions to clarify terms used in the rule, and to improve overall enforceability and compliance. Many of the definitions come from other District rules or State and Federal law.

Section 3 Standards

Section 3.1 - Determination if a parcel is eligible: This section defines which parcels qualify to generate ERCs. The parcel has to be in the District and the applicant must demonstrate (see section 4.2.2 & 4.2.3 of the proposed Rule 433) that rice straw burning occurred on the parcel during the baseline period.

Section 3.2 - Determination of available acreage: This section establishes the amount of acreage that is eligible for banking.

The District determined the total acres that were burned during the baseline, but not the individual growers who burned those acres. Following the procedures established in the “White Paper”, the “representative” year for Butte County was selected as 1991 as discussed above, during which time there were 69,142 acres burned. If the District receives applications with total available acreage of more than 69,142 acres, the District will adjust the values available for individual applications based on Section 404.

Section 3.3 - Determination of annual emission reductions available: As established between the Districts in the SFNA, ARB, and EPA, 75% of the emissions are bankable by law.

Section 3.4 - Determination of quarterly emission reductions available: This section

establishes the quarterly breakdown of the annual emissions. These values came from the Manual of Procedures (MOP)(currently Section 6.10, District Administrative Code, Part B).

Section 3.5 – Community Bank adjustment: Consistent with Rule 431, *Emission Reduction Credits*, the District will acquire 5% of the ERCs for deposit in the District’s Community Bank.

Section 3.6 - Deed restriction: This section requires that prior to issuing ERCs, a deed restriction be placed on the parcel. The deed restriction must limit the agricultural burning on the parcel consistent with the ERC. This section (along with 3.7 and 3.8) was added at the request of the EPA to establish federal enforceability of the program.

Section 3.7 - Restricted burn list: This section requires that the District place the parcel on our “restricted burn list”, which is a feature of our agricultural burn program.

Section 3.8 - Burning prohibition: This section requires that any parcel that obtained ERCs cannot burn more than 25% of the planted rice growing acreage.

Section 4 Administrative Requirements

This section establishes all of the administrative requirements associated with this program.

III. COMPARISON TO OTHER APPLICABLE REGULATIONS AND REQUIREMENTS

California Health and Safety Code (CH&SC) Section 40727.2 requires districts to perform a comparative alternative analysis of any new control standard. Since there are no new control standards being proposed with this rule, this analysis is not applicable.

IV. IMPACTS OF THE PROPOSED RULE

Emissions Impacts

The open field burning of rice straw creates emissions of all criteria pollutants: Nitrogen Oxides (NO_x), Carbon Monoxide (CO), Particulate Matter less than 10 microns (PM₁₀), Particulate Matter less than 2.5 microns (PM_{2.5}), Volatile Organic Compounds (VOCs), and Sulfur Oxides (SO_x). This rule will not result in any emission reductions.

Cost Effectiveness

CH&SC Section 40703 requires the District, in the process of the adoption of any rule or

regulation, to consider and make public its findings related to the cost effectiveness of the rule. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced.

This rule is not a control measure; therefore, a cost effectiveness cannot be performed.

Socioeconomic Impacts

CH&SC Section 40728.5 (a) requires the District, in the process of the adoption of any rule or regulation, to consider the socioeconomic impact if air quality or emission limits may be significantly affected. However, districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5 (a). The District's population is estimated to be approximately 210,000 and well below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

Incremental Cost Effectiveness

CH&SC Section 40920.6 requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, Carbon Monoxide (CO), Sulfur Oxides (SOx), Nitrogen Oxides (NOx), and their precursors. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options that can achieve the same emission reduction goal of a regulation.

This rule is not a control measure, and therefore an incremental cost effectiveness cannot be performed.

Impacts to the District

The District will receive applications as a result of this rule, however, the rule requires application and evaluation fees to be submitted with applications, so there will be cost recovery to evaluate the applications and issue the ERC certificates.

V. ALTERNATIVES

The Governing Board may choose to:

- a) Approve the proposed new rule as proposed;
- b) Direct staff to modify the amended rule after receiving public comments during the hearing; or
- c) Take no action.

VI. ENVIRONMENTAL REVIEW AND COMPLIANCE

The adoption of proposed new Rule 433 is categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State CEQA Guidelines and no exceptions to these exemptions apply. This exemption is allowed when the rule will help improve air quality in Butte County. California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by adoption of the proposed rule.

VII. REQUIRED FINDINGS

Findings required by Division 26 of the California Health and Safety Code requires local districts to comply with a rule adoption protocol as set forth in Section 40727 of the Code. This section has been revised through legislative mandate to contain six findings that the District must make when developing, amending, or repealing a rule or regulation. These findings and their definitions are included in the Table 2.

Table 2 - Findings

FINDING	DEFINITION	REFERENCE
Authority	A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.	California Health and Safety Code Division 26, Part 3, Sections 40001, 40702, and 40716 are provisions of law that provide the District with the authority to adopt the proposed rule.
Necessity	The district has demonstrated that a need for the rule, or for rule amendment or repeal.	The adoption of proposed new Rule 433 is necessary to ensure federal recognition of ERCs generated from rice straw burning reductions.
Clarity	The rule is written or displayed so that its meaning can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rule is written in such a manner that persons affected by the rule cannot easily understand it.
Consistency	This rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The District has found that the proposed rule is consistent with applicable statutory requirements.
Non-Duplication	The rule does not impose the same requirements as an existing State or federal regulation, unless the district finds that the requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the district.	The proposed rule does not impose requirements that duplicate existing laws or regulations.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	California Health and Safety Code, Division 26, Part 3, Sections 40000, 40001, and 41865.

VIII. PUBLIC COMMENTS AND STAFF RESPONSES

Staff will hold a public workshop on August 12, 2010 to discuss the proposed adoption of Rule 433. Notification to surrounding Air Districts, agricultural commissioner, the Butte County Farm Bureau, the Rice Commission, all agricultural rice burn permit holders, and all previous rice straw ERC applicants. The workshop notice was published in the Enterprise Record and Gridley Herald.

A copy of the public workshop notice, the draft staff report, and draft rule language, was posted on the District's web page.

IX. REFERENCES

1. "Sacramento Federal Non-Attainment Area Rice Straw Emission Reduction Credit Model Rule Support Document (White Paper)", October 16, 2008
2. SFNA Rice Straw ERC Model Rule, October 16, 2008

ATTACHMENT A

PROPOSED NEW RULE 433, RICE STRAW EMISSION REDUCTION CREDITS

RULE 433 RICE STRAW EMISSION REDUCTION CREDITS
(Proposed for Adoption August 26, 2010)

RULE 433 CONTENTS

- 1. GENERAL**
- 2. DEFINITIONS**
- 3. STANDARDS**
- 4. ADMINISTRATIVE REQUIREMENTS**
- 5. MONITORING AND RECORDS**
- 6. PROGRAM EVALUATION**
- 7. IDEMNIFICATION**

1 GENERAL

- 1.1 Purpose:** The purpose of this Rule is to provide a federally recognized procedure for quantifying and certifying rice straw burning emission reductions, and issuing the resulting Emission Reduction Credit (ERC) certificates.

This rule provides the only process by which ERC certificates issued for reductions in rice straw burning may be stored for later use to meet federal new source review offset requirements. Once issued in accordance with this rule, the procedures in Rule 431, *Emission Reduction Credits* shall be used as the administrative mechanism for sources to transfer ERCs to other sources for use as offsets.

- 1.2 Applicability:** The provisions of this Rule shall apply to any agricultural operation that grew rice and burned rice straw in the Butte County Air Quality Management District (DISTRICT) during the baseline period and voluntarily applies for rice straw ERCs.

- 2 DEFINITIONS:** Unless otherwise defined below, the terms used in this Rule are the same as defined in DISTRICT Rule 431, *Emission Reduction Credits*, Rule 430, *New Source Review*, or Rule 101, *Definitions*, in that order of priority.

- 2.1 Agricultural Burning:** Open outdoor fires used in the growing of crops. For the purpose of this Rule, agricultural burning is considered to be a source and such activity requires an agricultural burn permit.
- 2.2 Agricultural Burn Permit:** A permit issued by the DISTRICT, which is required in order to conduct an agricultural burn.
- 2.3 Agricultural Operation:** Equipment used exclusively in the growing of agricultural crops or in the commercial raising of fowl or animals.
- 2.4 Air Pollution Control Officer (APCO):** The person appointed pursuant to California Health and Safety Code (HSC) Section 40750 or his or her designated representative.
- 2.5 Applicant:** For a new application, the owner (or his/her designee) of the parcel. For a re-certification application, the current owner (or his/her designee) of an existing rice straw burning ERC.
- 2.6 Applicant Designee:** The person, company, or entity submitting an application on behalf of the applicant. Such designee shall provide written authorization signed by the applicant to serve as the designee.

- 2.7 Banking:** The system of quantifying, certifying, recording, and storing ERCs for future use and transfer. This system shall be called the ERC Bank.
- 2.8 Baseline Period:** Calendar years 1988 through 1992.
- 2.9 Certified:** ERCs which have been evaluated under the requirements of this Rule and other applicable DISTRICT, State, and Federal Rules and Regulations and which have been granted by the APCO.
- 2.10 Emission Reduction Credits (ERCs):** Reductions of actual emissions that are registered with the DISTRICT in accordance with the requirements of Rule 431, *Emission Reduction Credits*.
- 2.11 Historic Burn Fraction (HBF):** The percentage of the total amount of rice planted which was burned during the baseline period. For this rule, the HBF is 100%.
- 2.12 New Application:** An application submitted in accordance with this rule for which the DISTRICT has not already received an ERC application for reductions in rice straw burning for a parcel(s) prior to adoption of this Rule.
- 2.13 Parcel:** A legally identifiable piece of land as registered with a County Assessor's office for property tax purposes and assigned an Assessor's Parcel Number (APN).
- 2.14 Re-Certification Application:** An application submitted in accordance with this rule for which the DISTRICT has previously received an ERC application for reductions in rice straw burning for a parcel(s) prior to adoption of this Rule.
- 2.15 Register:** The document that records all ERC deposits, withdrawals, transfers, and transactions.
- 2.16 Restricted Burn List:** A list (maintained by the DISTRICT) of parcels which have restrictions related to future agricultural burning.
- 2.17 Rice Straw Burning:** The intentional open burning of rice straw material. For the purpose of this Rule, rice straw burning is considered to be a source and such activity requires an agricultural burn permit.
- 2.18 Rice Straw Burning Emission Reductions:** Emission reductions that qualify for banking pursuant to HSC Section 41865.

- 2.19 Rice Growing Acreage:** The amount of acreage contained in a parcel that was used for the production of rice during the baseline period.
- 2.20 Surplus:** The amount of emission reductions that are, at the time of generation of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a State statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this Rule if those reductions meet all other requirements of this Section. Examples of federal, State, and local laws, and of SIP-related requirements, include, but are not limited to, the following:
- 2.20.1** The federally-approved California SIP;
 - 2.20.2** Other adopted State air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the DISTRICT or the State has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the DISTRICT or the State in the future; or (2) is the subject of a public notice distributed by the DISTRICT or the State regarding an intent to adopt such revision;
 - 2.20.3** Any other source- or source-category specific regulatory or permitting requirement, including, but not limited to, Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and the Lowest Achievable Emission Rate (LAER); and
 - 2.20.4** Any regulation or supporting documentation that is required by the federal Clean Air Act but is not contained or referenced in 40 Code of Federal Regulations (CFR) Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

3 STANDARDS

- 3.1 Determination If A Parcel Is Eligible:** A particular parcel qualifies to generate ERCs under this rule if the following requirements are met:
- 3.1.1** The parcel is located in Butte County; and
 - 3.1.2** Rice straw burning occurred on the parcel during the baseline period.

- 3.2 Determination Of Available Acreage:** The available acreage for generating ERCs shall be determined by adding all of the rice growing acreage of an applicant's eligible parcels and multiplying by the HBF. In no case shall the total available acreage for the entire DISTRICT exceed 69,142 acres. In the event that the DISTRICT receives applications for which the total available acreage exceeds 69,142 acres, the DISTRICT shall lower the amount of available acreage for each application in accordance with Section 4.4.
- 3.3 Determination Of Annual Emission Reductions Available:** The amount of annual emission reductions available shall be determined by multiplying the available acreage times 75% times the applicable emission factor in the following table:

Pollutant	Emission Factor (lbs/acre)
Volatile Organic Compounds (VOC)	14.1
Nitrogen Oxides (NO _x)	15.6
Carbon Monoxide (CO)	172.2
Particulate Matter less than 10 microns (PM ₁₀)	18.9
Particulate Matter less than 2.5 microns (PM _{2.5})*	17.7
Sulfur Oxides (SO _x)	3.3

*PM_{2.5} is a subset of PM₁₀ and constitutes 94% of the PM₁₀ emissions.

- 3.4 Determination Of Quarterly Emission Reductions Available:** The emission reductions shall be quantified on a calendar quarter basis. The following percentages shall be used to determine the amount of emission reductions in each calendar quarter:

Calendar Quarter	Percentage
First Quarter	27%

BUTTE COUNTY AQMD

RULES AND REGULATIONS

Second Quarter	44%
Third Quarter	3%
Fourth Quarter	26%

3.5 Community Bank Adjustment:

3.5.1 Except as provided in Section 3.5.2 below, the DISTRICT shall take five percent (5%) of the emission reductions before the ERCs are granted and apply the emissions toward attainment of the air quality standards or place the emissions into a community bank controlled by the DISTRICT for use by essential public services, such as sewage treatment, schools, hospitals, fire fighting, police, jail, water delivery, and mandated cleanup operations.

3.5.2 An applicant may restrict use of the ERCs only for the applicant's own future use, at the same parcel or site, in which case the DISTRICT will not adjust the ERCs. The applicant may have the restriction removed by the DISTRICT upon payment of costs incurred by the DISTRICT to re-issue an unrestricted ERC certificate.

3.5.3 Owners of ERC certificates may donate their ERCs to the DISTRICT for purposes of assisting the DISTRICT towards attainment of the air quality standards.

3.6 Deed Restriction: Prior to the issuance of an ERC, a deed restriction shall be placed on the parcel or group of contiguous parcels for which ERCs will be granted and a copy provided to the DISTRICT. The deed restriction shall prohibit agricultural burning on the parcel which is not consistent with the ERC.

3.7 Restricted Burn List: Prior to the issuance of an ERC, the DISTRICT shall place the parcel or group of contiguous parcels on the restricted burn list. In each calendar year, no agricultural burn permit may be issued for greater than 25% of the rice growing acreage of any parcel listed on the restricted burn list.

3.8 Burning Prohibition: No person shall conduct agricultural burning on more than 25% of the rice growing acreage of a parcel which has received an ERC certificate pursuant to the provisions of this rule. In addition, applicants must comply with California H&SC 41865.

4 ADMINISTRATIVE REQUIREMENTS

- 4.1 Application Filing Deadline:** All applications to obtain rice straw ERC certificates in accordance with this rule shall be submitted by January 1, 2011. Applications submitted after January 1, 2011 shall not be eligible for ERCs under this rule.
- 4.2 Application Requirements - New Applications:** The applicant shall submit one application for each parcel or for each set of contiguous parcels. The application shall contain the following information:
- 4.2.1** List of each parcel included in the application, including APN and any owner's designation or identifier.
 - 4.2.2** The acreage of each parcel that was used to grow rice during the baseline period and documentation of such acreage.
 - 4.2.3** Documentation that rice straw burning occurred on the acreage of each parcel (identified above) during the baseline period. Examples of acceptable documentation include, but are not limited to, copies of a DISTRICT burn permit, log books, pictures, or other DISTRICT approved verifiable records. In the event that a burn permit or other records are not available, the DISTRICT may accept a signed affidavit (under penalty of perjury) from the applicant certifying that rice straw on the parcel was burned during the baseline period.
 - 4.2.4** A statement of intent to file a deed restriction required by Section 3.6 for each parcel or for each set of contiguous parcels for which an application is being submitted (A copy of the deed restriction must be provided prior to final issuance of the rice straw ERC certificate).
 - 4.2.5** Filing fees for the application shall be assessed in accordance with District Rule 500, *Stationary Source Permit Fees* and issuance of ERCs will be assessed in accordance with District Rule 503, *Emission Reduction Credit (ERC) Fees*.
- 4.3 Application Requirements - Re-Certification Applications:** The applicant shall submit one application for each ERC certificate for a parcel or group of contiguous parcels.
- 4.4 Available Acreage Adjustment:** In the event that the DISTRICT receives applications in which the requested available acreage totals to more than 69,142 acres, the DISTRICT shall lower the percentage available as follows:

- 4.4.1 The re-certification applications meeting the criteria of this rule shall get full credit on their acreage.
- 4.4.2 The applications with verifiable burn records will have second priority. If the total available acreage for all these applications along with the re-certification applications does not exceed 69,142 acres, these applications will get full credit. If the total of all these applications along with the re-certification applications exceeds 69,142 acres, these applications shall be adjusted proportionally so that the total acreage for which all rice straw burning ERCs are issued does not exceed 69,142 acres.
- 4.4.3 For all remaining applications with affidavits for burn documentation, the amount of rice straw acreage determined to be available shall be adjusted proportionally so that the total acreage for which all rice straw burning ERCs are issued does not exceed 69,142 acres.

4.5 Application Processing Procedures:

- 4.5.1 **Complete Application:** The APCO shall determine whether the application is complete not later than 30 days after receipt of the application for ERC certificates. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. If the specified information is not submitted within 30 days the application shall be denied by the APCO.
- 4.5.2 **Additional Information:** Upon receipt of additional information for an incomplete application a new 30 day period to determine completeness shall begin. During the processing of the application, the APCO may request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
- 4.5.3 **Preliminary Decision:** Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine compliance with all applicable DISTRICT Rules and Regulations and make a preliminary written decision as to whether the emission reduction should be certified as ERCs. The decision should be supported by a succinct written analysis.
- 4.5.4 **Publication And Public Comment:** Within 10 calendar days following a preliminary decision, the APCO shall publish, in at least one newspaper of general circulation in the DISTRICT, a notice stating the preliminary decision of the APCO, noting how the pertinent information can be obtained, and inviting written public comment for a 30 day period following the date of publication.
- 4.5.5 **Deed Restriction:** Within 90 calendar days of the public notice being published, the applicant shall submit a final copy of a legal deed restriction.

- 4.5.6 Public Inspection:** The APCO shall make available for public inspection at the DISTRICT office the information submitted by the applicant and the APCO's analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 4.5.4. Further, all such information shall be transmitted to the California Air Resources Board and the US Environmental Protection Agency (EPA) regional office, and to any party which requests such information no later than the date of publication.
- 4.5.7 Final Action:** Within 180 days after the application filing deadline in Section 4.1 of this rule, the APCO shall take final action on the applications, after considering all written comments.
- 4.6 Violations:** Failure to comply with any provision or restriction of this rule shall be considered a violation of this rule.
- 5 MONITORING AND RECORDS:** For any parcel or group of contiguous parcels for which a rice straw ERC certificate has been issued, the initial ERC holder or current land owner shall keep records of the amount of acres, crop type and burning that has occurred during the previous five (5) years.
- 6 PROGRAM EVALUATION:** Within two (2) years after adoption of this rule, the DISTRICT shall evaluate the program and submit an evaluation report to EPA. The report shall include a discussion of the total number of applications approved, total acreage subject to this rule, and total amount of ERCs issued.
- 7 INDEMNIFICATION:** Each applicant for, and recipient of, an ERC certificate agrees to indemnify, defend and hold the DISTRICT (including its Board Members, officers, directors, managers, employees and agents) harmless and free and clear from and against any liability, debt, obligation, claim, judgment, action, cause of action or cost or expense, of any amount or nature whatsoever incurred by or imposed upon the DISTRICT arising out of, as a result of, related to or in any way in connected with the denial, issuance, modification or transfer of a certificate, including an action by the Hearing Board. Such costs or expenses shall include, but not be limited to, reasonable attorneys fees, expert witness fees and all other litigation expenses.

ATTACHMENT B
PUBLIC NOTICE

NOTICE OF PUBLIC HEARING AND WORKSHOP

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to and in compliance with all public notice requirements in effect, that the Butte County Air Quality Management District (District) Governing Board of Directors will hold a Public Hearing on Thursday, August 26, 2010 at 10:00 a.m. to consider adoption of proposed new District Rule 433, *Rice Straw Emission Reduction Credits*, which sets forth a program to ensure federal recognition of ERCs generated from rice straw burning reductions. The proposed new rule sets forth the procedures for applications, evaluations, and issuance for rice straw reduction burning ERCs. The hearing will be held at the Chico City Council Chambers, 421 Main Street in Chico, CA.

A public workshop will be held on Thursday, August 12, 2010 at 3:00 p.m. at the District Office, 2525 Dominic Drive, Suite J, Chico, CA.

COMMENTS: The public may comment verbally or in writing prior to the time of the hearing. Interested parties may review the proposed new rule, related Staff Report, and supporting documentation either online at www.butteairquality.com or at the District Office on or after July 28, 2010. The District office telephone number is (530) 891-2882. All written comments should be filed with the District BOARD CLERK, at the District Office, no later than August 19, 2010.

HEARING: All persons planning to attend the Public Hearing are advised that this item may be taken up after 10:00 a.m. pursuant to the order of items set forth in the Agenda. Comments, statements, or arguments relating to the matters publicized in this Notice may be presented orally or in writing. Following the Public Hearing on August 26, 2010, and without further notice, the District Board may adopt the proposed new Rule or take other action consistent with the terms of this Notice.

DATED: July 28, 2010

By: W. James Wagoner
AIR POLLUTION CONTROL OFFICER

ATTACHMENT C
DRAFT RESOLUTION NO. 2010-19

**DRAFT RESOLUTION 2010-
BEFORE THE BOARD OF DIRECTORS OF
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA**

Resolution 2010-19.....)
Adopt Proposed New Rule 433.....)

WHEREAS, the Butte County Air Quality Management District Board obtains its authority to adopt, amend, or repeal Rules and regulations from California Health and Safety Code Sections Division 26, Part 3, Sections 40001, 40702, and 40716;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the adoption of the proposed new rule is necessary to ensure federal recognition of ERCs generated from rice straw burning reductions;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amendments to the Rule are written or displayed so that its meaning can easily be understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3));

AND WHEREAS, the Butte County Air Quality Management District Board has found that the proposed rule is consistent with applicable statutory requirements;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed new Rule adopted herein are in harmony with, and not in conflict with or contradictory to existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)) and that the regulation does not impose the same requirements as an existing state or federal regulation (Health and Safety Code Section 40727(b)(5));

AND WHEREAS, the Butte County Air Quality Management District Board conducted public hearing on August 26, 2010 concerning the proposed new rule herein;

AND WHEREAS, the District staff has made notice of the public hearing to adopt the proposed Rule, held a public workshop meeting, and received comments as included in the board report, which are included herein as a record of those proceedings;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby adopts, with an effective date of August 26, 2010, proposed new Rule 433, Rice Straw Emission Reduction Credits, as released on July 28, 2010.

On Motion of _____, Seconded by _____, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 26 day of August, 2010 by the following:

AYES:

NOES:
ABSTAIN:
ABSENT

W. James Wagoner, Air Pollution Control Officer
Butte County Air Quality Management District

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 August 26, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board

Attachment 2

Rice Straw ERC Public Workshop Comments and District Responses:

1. Many rice growers lease fields from the landowner. Can rice straw burning reductions be applied for from these fields?

Response: If the landowner agrees to adding the deed restriction to the title of the parcel and the grower can document that rice was grown and stubble burned on the parcel during the baseline period, ERCs can be applied for the parcel. The District is preparing an affidavit for the landowner to authorize a grower to apply for ERCs for such parcels.

2. Can a grower commit to no burning on a parcel and bank 100% of the reductions?

Response: EPA believes it is only appropriate to apply those credits mandated by State law toward the federal requirements. Therefore, only 75% of the emission reductions from rice straw burning reductions are proposed for federally recognized ERCs.

3. Growers commented that it would be difficult to only burn 25% of each parcel. How will this be implemented?

Response: For groups of contiguous parcels (parcels that share a portion of the boundaries), the deed restriction for this group of contiguous parcels will not allow more than 25% burning on the group of parcels each year. This will allow the grower some flexibility in planning a burning to meet the 25% limit. For non-contiguous parcels, the deed restriction will not allow more than 25% burning on the parcel each year. The District intends to code restricted fields into a tracking system to coordinate compliance with these restrictions when authorizing acreage for burning.

4. How much emission reductions are for each acre and how much are they worth?

Response: Section 3.3 of the proposed Rule 433 lists the emission rates in pounds per acre for each pollutant based on the recognized rice burning emission factors. For example, Oxides of Nitrogen (NO_x) has a factor of 15.6 pounds per acre. For particulate matter, PM_{2.5} is a subset of PM₁₀ and will be noted as such on the ERC certificates when issued.

The District has no data on how much an ERC from rice straw burning reductions may be worth in Butte County. However, other districts who have implemented this program have reported that some growers have been offered from \$20,000 to \$40,000 per ton for PM₁₀ and NO_x ERCs. This value is dependent on the availability of credits in each district and the number of projects that require offsets.

5. Some growers questioned what are ERCs and who needs them?

Response: Emission Reduction Credits (ERCs) are proven reductions in air pollutant emissions that are permanent (deed restriction ensures up to 25% burning), real (actually happened), quantifiable (emission rates in proposed rule), enforceable (through deed restrictions), and surplus (definition in proposed rule). ERCs are needed by new and modified sources that have the potential to emit over 25 tons per year of any non-attainment pollutant. By convention, ERCs are generated and tracked on a quarterly basis.

6. What years does the baseline period cover?

Response: For applying for ERCs, the period from 1988 to 1991 are the years that a grower must have grown rice and burned rice stubble. In the Staff Report, the District used the years from 1981 to 1991 to determine the average acres planted and demonstrate that 1991 was representative of the acres burned in Butte County.

Attachment 3

**DRAFT RESOLUTION 2010-19
BEFORE THE BOARD OF DIRECTORS OF
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA**

Resolution 2010-19.....)
Adopt Proposed New Rule 433.....)

WHEREAS, the Butte County Air Quality Management District Board obtains its authority to adopt, amend, or repeal Rules and regulations from California Health and Safety Code Sections Division 26, Part 3, Sections 40001, 40702, and 40716;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the adoption of the proposed new rule is necessary to ensure federal recognition of ERCs generated from rice straw burning reductions;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amendments to the Rule are written or displayed so that its meaning can easily be understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3));

AND WHEREAS, the Butte County Air Quality Management District Board has found that the proposed rule is consistent with applicable statutory requirements;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed new Rule adopted herein are in harmony with, and not in conflict with or contradictory to existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)) and that the regulation does not impose the same requirements as an existing state or federal regulation (Health and Safety Code Section 40727(b)(5));

AND WHEREAS, the Butte County Air Quality Management District Board conducted public hearing on August 26, 2010 concerning the proposed new rule herein;

AND WHEREAS, the District staff has made notice of the public hearing to adopt the proposed Rule, held a public workshop meeting, and received comments as included in the board report, which are included herein as a record of those proceedings;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby adopts, with an effective date of August 26, 2010, proposed new Rule 433, Rice Straw Emission Reduction Credits, as released on July 28, 2010.

On Motion of _____, Seconded by _____, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 26 day of August 2010 by the following:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT

W. James Wagoner, Air Pollution Control Officer
Butte County Air Quality Management District

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 August 26, 2010.



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

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

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: W. James Wagoner, Air Pollution Control Officer
Re: APCO Report

ISSUE:

Report from the Air Pollution Control Officer on current areas of potential interest to your Board, including air-quality-related activities at the local, state and federal scene.

RECOMMENDATION:

Receive Report

DISCUSSION:

Local Scene:

- Staff were recently notified by the California Air Resources Board (CARB) that the District will be eligible to request a "clean data finding" for the 24-hour PM 2.5 standard provided we finish this calendar year with reasonably good air quality. The result of a "clean data finding" is that the requirements for our State Implementation Plan (SIP) will be scaled back significantly. The District would still be classified as not attaining the standard. We do not know yet what this means as far as new regulations, but we would expect that voluntary measures such as the **Check Before You Light** Program may be acceptable to U.S. EPA. A "clean data finding" can be made even though we may experience days over the federal standard. EPA uses a so-called design value, which is an annualized number, allowing for a certain number of exceedances each year.
- The PM 2.5 monitor located at the Paradise Fire station on Birch Street will be relocated due to roofing work at the facility. Staff will provide more details at the August 26th Board meeting.
- As reported at last month's Board meeting staff have developed final proposed amendments to the District's open burning regulations. We plan on holding one more workshop in the Magalia area, with a public hearing at the September 23rd Board meeting.

Agenda Item 8

State Scene:

- The CAPCOA Rural Districts will be meeting in Sonora September 15-16. Discussions will include the Carl Moyer Program, Diesel regulations, potential new EPA 105 grants and a state legislation update including the budget.

Federal Scene:

- U.S. EPA will be recognizing the 40th anniversary of the Clean Air Act (and the 20th anniversary of the 1990 Clean Air Act Amendments) on September 14th. The event will bring together leaders, past and present, including members of Congress, business and industry, state and local governments, leaders in public health, technology, environmental justice and advocacy.
- U.S. EPA has been a key player in the Gulf oil spill response. Our staff have been briefed on some of the air quality challenges from this incident, through our involvement with the California Air Response Planning Alliance (CARPA). Attached are some of the documents EPA has released to address air quality impacts due to the spill, which may be of interest to your Board.

Attachments

Florida ESF8 Deepwater Horizon (MC252)
 Health Trigger Guideline and Actions Recommended
 Version 5.3, June 2, 2010

This is an outline intended to provide a high-level planning framework. Actual activity and resource decisions will be made through the State Emergency Response Team.

Health Level Of Concern	Trigger	Action Recommended <i>Actual actions will be determined after assessment</i>
LOW	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Remote sensing images of oil / sheen >30 miles or approx 1-2 days away and <u>not</u> moving inshore (NGA / NOAA), Increasing concern from unexposed well persons, No confirmed tar balls, No reports of ingestion of contaminated seafood in Florida, Water sample results at or below baseline, Seafood tissue samples at or below baseline. 	<ul style="list-style-type: none"> Conduct syndromic surveillance through Emergency Departments, monitor Poison Information Network exposure data, and monitor ESF14 communications. Develop and distribute pre-scripted health messaging shared with established call centers and county health departments. Consult with toxicologist and clinicians to further define those at risk. Develop messages for these populations. Monitor DACS/FDA recalls and market withdrawals for Florida seafood products. Monitor closures of Florida fisheries.
MEDIUM	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Remote sensing of oil / sheen < 30 miles or less than 1-2 days away and moving inshore, Closure of non-Florida Fishery(ies) or harvest areas, (> 9 nautical miles) Unintentional consumption of contaminated commercial seafood or seawater, Exposed individuals report ill to healthcare system, Air quality (AQI) unhealthy or worse for sensitive groups, Scattered/Presence of tar balls, Sample results (seafood or water) indicate risk. 	<p><u>In addition to low activity:</u></p> <ul style="list-style-type: none"> Conduct confirmatory sampling - SCAT/FDADACS/DEP. Conduct further analysis – Subject Matter Experts Modify/ verify the sensitivity and specificity syndromic surveillance systems. Provide outreach to health care providers o reporting requirements. Provide messages about how recognize an to limit exposure to poor air quality. Distribute public messaging, common sens approach for avoiding contact (swimming, diving, etc) with oil/sheen, what to do when inadvertent contact occurs, and accidental ingestion of seawater. Reinforce messages about not fishing in contaminated waters and how to recognize contaminated fish and shellfish (filter feede Distribute pre-scripted health messages for populations at risk.
HIGH	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Streamers observed near shore within or approaching state lines, Closure of Florida Fishery(ies) or harvest areas, (< 9 nautical miles from shore) Presence/heavy coverage tar balls, Confidence that oil / sheen will be on shore within 1 day, Water sample results at affected beach unacceptable, Food tissue sample results showing unacceptable taint or risk, Air quality (AQI) unhealthy, Reports of unexpected clinical effects from oil exposure or clusters of illness reported from common exposure. 	<p><u>In addition to medium activity:</u></p> <ul style="list-style-type: none"> Post health advisories at affected beach based on approved concept of operations Alert media of beach advisory posting Implement criteria for re-sampling and removing health advisory Delineate and alert media of closed fish an shellfish harvesting areas with concurrent health advisory - FDADACS/DEP Distribute targeted health messages for general and at risk populations. Enhance surveillance and investigation of reported health affects.

Florida ESF8 Deepwater Horizon (MC252)
Health Trigger Guideline and Actions Recommended

Version 4.2, June 2, 2010

This is an outline intended to provide a high-level planning framework. Actual activity and resource decisions will be made through the State Emergency Response Team

Absorption Hazard

Health Level Of Concern	Trigger	Action Recommended <i>Actual actions will be determined after assessment</i>
<p style="text-align: center;">LOW</p>	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Remote sensing images of oil / sheen >30 miles or approx 1-2 days away and <u>not</u> moving inshore (NGA / NOAA), No confirmed tar balls, Water sample results at or below baseline, Increasing concern from unexposed well. 	<ul style="list-style-type: none"> Conduct syndromic surveillance through Emergency Departments, monitor Poison Information Network exposure data, monitor ESF14 communications. Develop and distribute pre-scripted health messaging shared with established call centers and county health departments. Consult with toxicologist and clinicians to further define those at risk. Develop targeted messages for medium level.
	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Remote sensing of oil / sheen <30 miles or less than 1-2 days away and moving inshore, Presence /Scattered tar balls, Exposed individuals reporting ill to healthcare systems. 	<p><u>In addition to low activity:</u></p> <ul style="list-style-type: none"> Conduct confirmatory sampling - SCAT/DDEP. Conduct further analysis – Subject Matter Experts Modify/verify the sensitivity and specificity of syndromic surveillance systems. Provide outreach to health care providers on reporting requirements Distribute targeted messaging, common sense approach for avoiding contact (swimming, diving, etc) with oil/sheen, and what to do when inadvertent contact occurs. Distribute pre-scripted health messages for infants and children and populations with chronic dermal illness, pregnant women, and at risk individuals.
<p style="text-align: center;">MEDIUM</p>	<ul style="list-style-type: none"> Water sample results indicate risk. 	<ul style="list-style-type: none"> Consider Public Health Advisory. Consider Public Health Criteria for re-sampling and removing public health advisory.
	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Streamers observed near shore within or approaching state lines, Confidence that oil / sheen will be on shore within 1 day, Presence / Heavy tar balls, Increasing numbers and clusters of individuals reporting ill to health care with exposure from common area, Water samples unacceptable. Misinformation widely distributed. 	<p><u>In addition to medium activity:</u></p> <ul style="list-style-type: none"> Enhanced surveillance and investigation of reported illnesses and clusters, Post health advisories on affected beach based on approved concept of operations, Alert media of beach advisory posting, Implement criteria for re-sampling and removing health advisory. Distribute targeted health messages for general and at risk populations. <ul style="list-style-type: none"> Widely distribute corrected information. Clarify differences between reporting sources that may lead to misinterpretation and misinformation.
<p style="text-align: center;">HIGH</p>		

Florida ESF8 Deepwater Horizon (MC252)
 Health Trigger Guideline and Actions Recommended

Version 4.2, June 2, 2010

This is an outline intended to provide a high-level planning framework. Actual activity and resource decisions will be made through the State Emergency Response Team

Inhalation Hazard

Level Of Concern	Trigger	Action Recommended <i>Actual actions will be determined after assessment</i>
LOW	<p>General Population</p> <ul style="list-style-type: none"> No smoke/air quality index (AQI) Green, Remote sensing images of oil / sheen >30 miles or approx 1-2 days away wind direction <u>not</u> blowing towards the shore (NGA / NOAA), Increasing concern from unexposed well about odor and/or <i>in situ</i> burning. 	<ul style="list-style-type: none"> Conduct syndromic surveillance through Emergency Departments, monitor Poison Information Network exposure data, monitor ESF14 communications. Develop and distribute pre-scripted health messaging shared with established call centers and county health departments. Consult with toxicologist and clinicians to further define those at risk. Develop messages for these populations. Develop targeted messages for medium level.
	<p>Vulnerable Populations</p> <ul style="list-style-type: none"> <i>In situ</i> burns or remote sensing of oil / sheen >50 miles or approx 3-5 days away with wind direction blowing towards the shore, Increasing concern from unexposed well about odor and/or <i>in situ</i> burning. 	<ul style="list-style-type: none"> Distribute pre-scripted health messages for infants and children and populations with respiratory/cardio illness, pregnant women, and those at risk.
MEDIUM	<p>General Population</p> <ul style="list-style-type: none"> Remote sensing of oil / sheen <30 miles or less than 1-2 days away with wind approaching the shore, Air quality is moderate – AQI is yellow or orange, Increased reports about odor, or <i>in situ</i> burning, Increased reports of respiratory illness complaints. 	<p>In addition to low activity:</p> <ul style="list-style-type: none"> Modify/verify the sensitivity and specificity of syndromic surveillance systems. Distribute targeted messaging, common sense approach for reducing/avoiding inhalation of oil related hazards and how to limit exposure to poor air quality. Investigate respiratory complaints. Explain why AQI fluctuates and if it is related to burning/oil spill.
	<p>Vulnerable Population</p> <ul style="list-style-type: none"> Remote sensing of oil/sheen <50 miles or less than 3-5 days away with wind approaching the shore, Air quality is unhealthy for sensitive individuals – AQI is orange, Increased reports about odor, or <i>in situ</i> burning, Increased reports about respiratory complaints. 	<p>In addition to above:</p> <ul style="list-style-type: none"> Consider General Health Advisory , based on approved concept of operations (DEP/EPA/DOH) Include messages that populations at risk should contact their health care provider if experiencing illness or need more specific information on preventive measures.
HIGH	<p>General & Vulnerable Population:</p> <ul style="list-style-type: none"> Presence of oil on shore and air quality is unhealthy-AQI is Red or higher, Clusters of illness reports consistent with exposure to unhealthy air quality. Misinformation widely distributed 	<p>In addition to medium activity:</p> <ul style="list-style-type: none"> Conduct enhanced surveillance and investigation of health effects. Reinforce DEP/EPA health advisories Clarify differences between reporting sources that may lead to misinterpretation and misinformation. Widely distribute corrected information

Florida ESF8 Deepwater Horizon (MC252)
Health Trigger Guideline and Actions Recommended

Version 4.2, June 2, 2010

This is an outline intended to provide a high-level planning framework. Actual activity and resource decisions will be made through the State Emergency Response Team

Ingestion Hazard

Level Of Concern	Trigger	Action Recommended <i>Actual actions will be determined after assessment</i>
LOW	<p><u>General & Vulnerable Population</u></p> <ul style="list-style-type: none"> Remote sensing images of oil / sheen >30 miles or more than 1-2 days away (NGA / NOAA) No reports of ingestion of contaminated seafood in Florida, Increasing concern from unexposed well, Seafood tissue results at or below baseline. 	<ul style="list-style-type: none"> Conduct syndromic surveillance through Emergency Departments, monitor Poison Information Network exposure data, monitor ESF14 communications. Consult with toxicologist and clinicians to further define those at risk. Develop messages for these populations. Develop and distribute pre-scripted messaging to reassure general public. Develop pre-scripted message for infants, children, pregnant women and populations at risk. Monitor DACS/FDA recalls and market withdrawals for Florida seafood products. Monitor closures of Florida fisheries.
MEDIUM	<p><u>General & Vulnerable Population</u></p> <ul style="list-style-type: none"> Remote sensing of oil / sheen <30 miles or less than 1-2 days away, Closure of non-Florida fishery(ies) or harvest areas, Unintentional consumption of contaminated commercial seafood or seawater, Increased reports to healthcare system of illness related to ingestion of contaminated seafood or seawater. 	<p><u>In addition to low activity:</u></p> <ul style="list-style-type: none"> Distribute targeted messages with a common sense approach for not fishing in contaminated waters, or ingesting seawater, and how to recognize contaminated fin fish and shellfish (filter feeders). Modify/verify the sensitivity and specificity of syndromic surveillance systems. Distribute pre-scripted health messages for infants and children and populations with chronic dermal illness, pregnant women, and at risk individuals. Investigate reports of illness.
HIGH	<p><u>General & Vulnerable Population:</u></p> <ul style="list-style-type: none"> Tissue sample results indicate risk Water sample results indicate risk. 	<p><u>Consider Public Health Advisory.</u></p> <ul style="list-style-type: none"> Conduct confirmatory testing/sampling - FDA/DACS/DEP. Refine criteria for re-sampling and removing health advisory. <p><u>In addition to medium activity:</u></p> <ul style="list-style-type: none"> Conduct enhanced surveillance and investigations of illness. Delineate and alert media of closed fish and shellfish harvesting areas concurrent with health advisory. FDA/DACS/DEP Reinforce messaging about avoiding contact with oil and oil products. Implement criteria for re-sampling and monitoring when health advisory can be lifted.

Odors from the BP Oil Spill

June 1, 2010

Residents of the Gulf Coast are concerned about odors from the BP oil spill and whether they are harmful to breathe. Some residents along the coast report smelling odors, and experiencing eye, nose, or throat irritation, nausea, or headaches.

EPA and CDC are concerned about the odors and any health effects from the pollutants causing the odors. We have been particularly concerned about pollutants that could reach shore from the burning of oil and pollutants that may evaporate from the spill as it spreads closer to shore, potentially affecting residents along the shoreline.

Since late April, EPA has been monitoring the air at multiple sites along the Gulf Coast for certain pollutants that are associated with petroleum products and from the burning oil out at sea. EPA's air monitoring to date, has found that air quality levels for ozone and particulates are normal on the Gulf coastline for this time of year and odor-causing pollutants associated with petroleum products are being found at low levels. This report summarizes the information that is available at this time. We are continuing to work to increase our information base.

The Centers for Disease Control and Prevention (CDC) has reviewed the results of EPA's sampling efforts and used data on the likely short term and long term health effects associated with these chemicals to determine whether pollutants in the air would be expected to cause health problems. The levels of some of the pollutants that have been reported to date may cause temporary eye, nose, or throat irritation, nausea, or headaches, but are not thought to be high enough to cause long-term harm. These effects should go away when levels levels go down or when a person leaves the area. The low levels that have been found are not expected to cause long term harm. We will continue to monitor the air and if we begin to detect levels that are higher we will provide updates to the public. For up-to-date information on air quality and monitoring data along the Gulf Coast, please see <http://www.epa.gov/bpspill/air.html>.

What can people do if they smell odors related to the spill?

- In general people should limit exposure to the spill and related odors as much as possible. For example, to the extent possible, close windows and doors, turn your air conditioner on and set to a recirculation mode. If you are experiencing severe incidents of nausea or other medical issues, please seek medical care as soon as possible.

Some of the odors and chemicals that are being identified in the area are as follows:

- “Rotten Egg” Odor
 - If you smell a “rotten egg” odor, you may be smelling hydrogen sulfide (H₂S).

- The levels of H₂S that have been reported to date may cause irritation, but as stated above, these effects should go away when H₂S levels go down, or when a person leaves the area.
- .
- While, H₂S is associated with oil and natural gas extraction, it also comes from marshes and sewage treatment plants. Because H₂S has only been seen at individual monitors on an infrequent basis, this indicates the H₂S is more likely from a local source near the monitor rather than from the oil spill. We do not know the exact source of H₂S in these areas.
- “Gas Station-Like” Odor
 - If you smell a ‘gas station’ like odor – the odor you might smell while filling up your car – it may be volatile organic compounds, or VOCs.
 - The key toxic VOCs in most oils are benzene, toluene, ethylbenzene, and xylene.
 - Exposure to low levels of VOCs may cause temporary irritation of the eyes, nose, throat, and skin. It is possible that people with asthma may be more sensitive to the effect of inhaled VOCs. The VOC smell may give you a headache or upset stomach but is not expected to cause long term health effects. If you are sensitive to VOCs, you should stay indoors to limit your exposure, close windows and doors, and set your air conditioner to a recirculation mode. The smell may become stronger if the wind or weather change.
 - Historical data on oil spills indicate that VOCs are likely to evaporate, disperse and/or react quickly after the oil reaches the surface of the water.
 - Currently, we are measuring very low levels of VOCs. We will continue to monitor the air and if we begin to detect VOC levels that may be harmful will provide updates to the public. For up-to-date information on air quality and monitoring data along the Gulf Coast, please see <http://www.epa.gov/bpspill/air.html>.
- “Asphalt” or “Tar-Like” smell
 - There are chemicals remaining in the weathered oil known as semi-volatile organic compounds (or SVOCs) and asphaltenes, and these could be responsible for “asphalt- or tar-like” odors.
 - EPA is monitoring for SVOCs onshore to quantify the amounts of SVOCs in the air to determine if any might be present at unsafe levels. These data are posted here ([insert link to SVOC data](#))
- As we get information about specific SVOCs, we will provide additional information about potential health concerns related to these compounds.

Closed Session

Supporting documents
to be provided separately

Agenda Item 9



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

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

Date of Release: August 19, 2010
Board Consideration: August 26, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: W. James Wagoner, Air Pollution Control Officer
Re: Consider Approving the Proposed Lease for District Office.

ISSUE:

Approval of a new District office lease.

RECOMMENDATION:

Approve Proposed Lease and Authorize the APCO to sign.

DISCUSSION:

Staff anticipate providing a proposed lease to your Board prior to the August 26th Board meeting.

Other Business

Agenda Item 12

Public Comment Period

Agenda Item 13

ADJOURNMENT:

**The next Board of Directors Meeting is scheduled
for September 23, 2010 at 10:15.**

**Town of Paradise Council Chambers
5555 Skyway
Paradise, CA 95969**

Agenda Item 14