

ACRONYM REFERENCE

-Board of Director's Meeting - July 22, 2010

Summarized below are acronyms commonly used in Board folders and accompanying staff reports.

A/C	Authority to Construct Permit
AB	Assembly Bill
AMOS	Automatic Meteorological Observation Stations
AP-42	EPA technical reference specifying specific Air Pollutant Emission Factors
APCD	Air Pollution Control District
APCO	Air Pollution Control Officer
AQMD	Air Quality Management District
ATCM	Airborne Toxic Control Measure
AQI	Air Quality Index
BACT	Best Available Control Technology
BAM	Beta Attenuation Monitor (records hourly ambient particulate data)
BCAG	Butte County Association of Governments
BCAQMD	Butte County Air Quality Management District
BCC	Sacramento Valley Basinwide Air Pollution Control Council
BOS	Board of Supervisors
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
Cal-EPA	California Environmental Protection Agency
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBYL	Check Before You Light
CCO	Central Computer Operator (applies to Agricultural Burning Program)
Cd	Chemical symbol for cadmium
CDF	California Department of Forestry
CEQA	California Environmental Quality Act
CI	Compression Ignition
CO	Chemical symbol for carbon monoxide
CO ₂	Chemical symbol for carbon dioxide
CPA	Certified Public Accountant
CPI	Consumer Price Index
CSAC	California State Association of Counties
CUA	Chico Urbanized Area
DMV	Department of Motor Vehicles
DTSC	California Department of Toxic Substance Control
EG	Emission Guidelines
EI	Emission Inventory
Emfac	Emission Factor Computer Model
EPA	Environmental Protection Agency (Federal)
ERC	Emission Reduction Credit
ESA	Endangered Species Act
EVR	Enhanced Vapor Recovery
FIP	Federal Implementation Plan
FRM	Federal Reference Method
FY	Fiscal Year (June 30-July 1, unless otherwise stated)
GASB	Governmental Accounting Standards Board
GDF	Gasoline Dispensing Facilities
GFOA	Governmental Finance Officers Association
GHG	Greenhouse Gases
GWP	Global Warming Potential
HAP	Hazardous Air Pollutants
HCl	Hydrochloric Acid
Hg	Chemical symbol for mercury
HRA	Health Risk Assessments
HSC	Health & Safety Code
ICE	Internal Combustion Engine

ACRONYM REFERENCE

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ISD	In-Station Diagnostics
ISR	Indirect Source Review
LESB	Lower Emission School Bus program
Mb	Millibar
Mg/Yr	Milligrams per year
Micron	Abbreviation of Micrometer or 1,000,000th of a meter in size
MPO	Metropolitan Planning Organization
Msl	Mean sea level
MMT CO2	Million Metric Tons of Carbon Dioxide equivalent emissions
MSW	Municipal Solid Waste
NAAQS	National Ambient Air Quality Standard
NACAA	National Association of Clean Air Agencies
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NMOC	Non-Methane Organic Compound
NON	Notice of Noncompliance
NOx	Oxides of Nitrogen
NSPS	New Source Performance Standards
NSR	New Source Review
NTA	Notice to Apply for a Permit
NTC	Notice to Comply
OEHHA	California Office of Environmental Health Hazard Assessment
OAL	Office of Administrative Law
ORVR	Onboard Refueling Vapor Recovery
Pb	Chemical symbol for lead
PERP	Portable Equipment Registration Program
PM	Particulate Matter
PM 10-2.5	Particulate Matter 10 Microns in Size and smaller, but greater than 2.5 Microns
PM10	Particulate Matter 10 Microns in Size and smaller
PM2.5	Particulate Matter 2.5 Microns in Size and smaller
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
RCRC	Regional Council of Rural Counties
RRF	Relative Reduction Factor
RSD	Remote Sensing Device
SB	Senate Bill
SDRMA	Special District Risk Management Authority
SF	Square Foot
SIC	Standardized Industrial Classification
SIP	State Implementation Plan
SO2	Chemical symbol for sulfur dioxide
SSI	Size Selective Inlet (applies to particulate samplers)
TAC	Technical Advisory Committee of the BCC
TARMAC	CAPCOA Toxics and Risk Managers Committee
TEIP	Toxic Emission Inventory Plan
TEIR	Toxic Emission Inventory Report
TEOM	Taper Element Oscillating Microbalance (records hourly ambient particulate data)
Title 17	California Code of Regulations, Administrative Law adopted by the California Air Resources Board, and referencing in this Board folder the Agricultural burn guidelines
ug/m3	Micrograms per cubic meter
URBEMIS	Urban Emissions computer program
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
UV	Ultra Violet
VEE	Visible Emission Evaluation Certification
VOC	Volatile Organic Compound
WUI	Wildland Urban Interface
YTD	Year to Date



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
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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

July 22, 2010 at 10:15 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 *Chair Kirk*
2. Additions and Deletions to the Consent Agenda. *Chair Kirk*
3. CONSENT AGENDA

Items for Action

- 3.1 By Consent, Approve Minutes of the June 24, 2010 Meeting of the Board of Directors. *Jim Wagoner*
- 3.2 By Consent, Accept and File, Activity Report on Butte County Air Quality Management District activities. *Bob McLaughlin*
- 3.3 By Consent, Accept and file, Financial Status Report for Fiscal Year 2009-2010. *Robyn Sousa*
- 3.4 By Consent, Accept and File, Status Report on Calendar of Events. *Jim Wagoner*
- 3.5 By Consent, Approve Revised Governing Board Meeting Schedule for 2010 *Jim Wagoner*
- 3.6 By Consent, Accept and File, Status Report on Ambient Air Quality Monitoring Data January – April 2010 *Gail Williams*
- 3.7 By Consent, Approve 2010 Biennial Review of the District's Conflict of Interest Code *Jim Wagoner*

3.8 By Consent, Re-Authorize a Line of Credit to be used in the Event of Cash Flow Problems. *Robyn Sousa*

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. *Robyn Sousa*

ACTION REQUESTED: APPROVE CONSENT AGENDA ITEMS 3.1 THROUGH 3.9

REGULAR AGENDA

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

5. Status Report on Proposed Amendments to Regulation III, and Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, and Rule 507, *Burn Permit Fees*. *Ursula Parker*
ACTION REQUESTED: Receive Report and Provide Direction to Staff as appropriate.

6. Consider Approving an Amnesty Period for Businesses That Do Not Have Required Air Quality Permits. *Bob McLaughlin*
ACTION REQUESTED: Approve 90 day Amnesty Period commencing August 1, 2010.

7. Consider the State of the District Report and Goals for FY 2010-2011. *Jim Wagoner*
ACTION REQUESTED: Accept Report and Approve Goals

8. Discussion on Potential Changes to the Board Operating Protocols including Voting Procedure and Agendas. *Jim Wagoner*
ACTION REQUESTED: Discuss and Provide Direction to Staff as appropriate.

9. APCO Report. *Jim Wagoner*
ACTION REQUESTED: Receive Report

10. Consider Appointing a committee to review the performance of the Air Pollution Control Officer. *Chair*
ACTION REQUESTED: Appoint Committee consisting of the Chair and two other Governing Board Members to evaluate the APCO's performance.

11. Adjourn to Closed Session. *Chair*
11.1 Conference with Labor Negotiators (*Government Code 54957.6*)
District Designated Representatives: Jim Wagoner, APCO and Greg Einhorn, District Council
Organization: Butte County Air Quality Management District Employees' Association

11.2 Real Property Negotiations (*Government Code 54956.8*)

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
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. Report from Closed Session. *Chair*
- 13. Other Business *Chair*
- 14. 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.

- 15. **ADJOURNMENT:** *Chair*
The next Board of Directors Meeting is scheduled for August 26, 2010 at 10:15 a.m. at the Chico City Hall, 421 Main Street, Chico, CA 95928



*Draft Minutes of the
Butte County Air Quality Management District
Governing Board of Directors Meeting of
June 24, 2010*

Members Present

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

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

Staff Present

W. James Wagoner
Bob McLaughlin
Robyn Sousa
Trish Weir
Ursula Parker

Air Pollution Control Officer
Assistant APCO
Admin. Services Officer
Clerk of the Board
Air Quality Compliance
Specialist

Members Absent

Alan White

Councilmember, Town of Paradise

Others Present

John Scott
Don Wilt
Nick Fiorenza
Frank Cook
Linda Furr
Richard Alloway

Butte Environmental Council
Resident of Magalia
Resident of Magalia
Resident of Magalia
B. C. League of Women Voters
Paradise Pines Property Owners
Association

1. Call to Order

Chair Kirk called the meeting to order at 10:15 a.m. at the City of Oroville Council Chambers, 1735 Montgomery Street, Oroville, CA.

Agenda Item 3.1

2. Additions and Deletions to the Consent Agenda.

None

3. Consent Agenda.

- 3.1 By Consent, Approve Minutes of the May 27, 2010 meeting of the Board of Directors..
- 3.2 By Consent, Accept and File, Activity Report on Butte County Air Quality Management District activities
- 3.3 By Consent, Accept and File, report on Financial Status Report for Fiscal Year 2009-2010.
- 3.4 By Consent, Accept and File, Status Report on Calendar of Events.
- 3.5 By Consent, Allocate additional \$500.00 to the 2010 Woodstove and Fireplace Change out Program
- 3.6 By Consent, Authorize the Air Pollution Control Officer to enter into a lease agreement for a copy machine not to exceed \$300 per month for 60 months and approve the survey, disposal and release of accountability for the existing Canon iR C5870U machine.

Action Requested: Approve Consent Agenda Items 3.1 through 3.6.

No Public Comment.

Motion: Approve Consent Agenda Items 3.1 through 3.6.

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember White

Motion Carries.

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

No items were removed.

Regular Agenda

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

ACTION REQUESTED: Following a Public Hearing, Accept and Consider comments, and:

- 1. Repeal existing Rules 301, 302, 303, 304, 305, 306, 307, 308, and 309 as proposed in the February 19, 2010 Staff Report.
- 2. Adopt Amendments to Rule 300 as proposed in the May 21, 2010 Final Staff Report addenda, including adoption of Staff Option 1 for Section 11.4, Additional Requirements for the Magalia/Upper

Ridge Area; and Staff Option 1 for Section 11.5, Additional Requirements for the Chico Sphere of Influence.

3. Adopt Amendments to Rule 507 as proposed in the May 21, 2010 addenda.

Public Hearing Opened at 10:23 am

John Scott, Butte Environmental Council, stated he would like Agenda Item 5 continued to the next meeting because the Town of Paradise is not represented with Councilmember White's absence and he feels it's important for the people of Paradise to have input on this agenda item because it will mainly impact them.

Don Wilt stated he has fire hazard and illegal dumping concerns with reducing the hours that debris can be burned and would like the regulation to be left as it is currently. Mr. Wilt also voiced concerns regarding piling up debris could result in a fine from the Property Owners Association (POA).

Nick Fiorenza stated he was speaking on behalf of his brother Steve Fiorenza because he was not able to attend the meeting due to work. Mr. Fiorenza stated his brother spoke with many citizens in Magalia (he works at the Post Office) and they did not know about the proposed regulation revision. He further disagreed with restricting open burning because of potential for increased fire hazard.

Public Hearing Closed at 10:31 am

Chair Kirk asked for clarification on the prohibition of burning in January and February. Staff responded that statically January and February are wet months and prohibiting burning during the wet months will reduce particulate matter.

Supervisor Connelly stated he has been traveling around to the rural parts of his district and has heard some concerns from his constituents. The first concern is the lag time to find out if it is a permissive burn day and the other is the length of burn hours are not adequate. Staff responded that the District has recently revised the Residential Burn Day Status to reflect current day and next day status, seven days a week. If there is reason to be concerned about the burn day status due to weather or Cal Fire warnings, the recording will be updated daily. Staff also stated the reason is for prohibiting adding burn material to the pile after sunset is the lack of smoke dissipation during the evening hours. Staff further stated that recently the District has found out that they ability to make burn day determinations based on 500 foot elevation increments to differentiate between the valley floor and above the inversion layer; Starting this fall, on CARB designated No Burn Days staff can request authorization to approve fire hazard reduction burning in foothill communities if the meteorological conditions are favorable.

Supervisor Yamaguchi stated his concerns with the lack of daily burn hours, lack of time to burn in the Fall and educating the public about what the District is trying to achieve with the regulation. Supervisor Yamaguchi also requested that the vote on this regulation be delayed so that a more precise regulation that is easier to understand can be presented. Staff responded in the current proposal there is no geographic line restriction for Fall burning, the proposed 10:00 am to 4:00 pm burn hours were based on comments at the last Governing Board Meeting provided by Craig Carter, Cal Fire Fire Behavior Specialist and Cal Fire does not typically lift the (fire hazard safety) Burn Suspension until sometime in late October.

Richard Alloway, Manager of the Paradise Pines POA, stated January through March the Association does not impose any restrictions regarding yard debris. Mr. Alloway also stated that the association would adapt to any new regulation the District adopts.

Chair Kirk asked Mr. Alloway if the members of the Association need to be better educated regarding the regulation. Mr. Alloway stated that he felt the District had done quite a bit to educate the members of the Association and the last meeting at the community center only had about 5 or 6 people show up and was advertised in the newsletter and the local newspaper. He felt that people do not want to see burning banned but that tighter restrictions and enforcement because people burn the "wrong way" could help the smoke issues.

MOTION: Delay the acting on Agenda Item 5 for further public outreach as determined by staff.

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember White

Motion Carries.

6. **PUBLIC HEARING:** Consider Adopting Proposed Amendments to Rule 101, *Definitions*.

ACTION REQUESTED: Following a Public Hearing, Adopt Amendments as proposed in the February 19, 2010 Staff Report.

Supervisor Dolan asked if the industries that are affected by the amended definitions understand and support the amendments. Staff responded that was accurate.

Public Hearing Opened at 11:13 am

No Public Comment.

Public Hearing Closed at 11:13 am

MOTION: Approve Amendments as proposed in the February 19, 2010 Staff Report.

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember White

Motion Carries.

7. **PUBLIC HEARING:** Adopt the Proposed Final Fiscal Year 2010-2011 Budget.

ACTION REQUESTED: Following a Public Hearing on the 2010-2011 Fiscal Year Budget pursuant to Health and Safety Code Section 40130 and 40131, Accept and Consider comments, and:

1. Approve Resolution 2010-07 Adopting the 2010-2011 Budget, as included in the Proposed Budget released April 20, 2010.
2. Approve implementing Resolutions 2010-08 and 2010-09 as included in the Proposed Budget released April 20, 2010.

Public Hearing was opened at 11:27 am

Frank Cook, expressed concerns about his taxpayer dollars supporting an agency that he has no ability to comment or control regulations that are approved and enforced.

Public Hearing was closed at 11:32 am

MOTION: Adopt Fiscal Year 2010-2011 Budget with supplemental Resolutions; Adoption of the 2010-2011 FY Budget (Resolution 2010-07), Agreement for Butte County Services (Resolution 2010-08), and Agreement for outside legal services (Resolution 2010-09).

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember White

Motion Carries.

8. Consider Approving Proposed change to District Staff Organization, including Amendments to select staff Position Descriptions.

ACTION REQUESTED: Approve Organizational changes and Amendments to Staff Position Descriptions as Proposed, Effective July 1, 2010.

No Public Comment.

Motion: Approve Organizational changes and Amendments to Staff Position Descriptions as Proposed,

Effective July 1, 2010.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Yamaguchi, Supervisor Connelly, Supervisor Lambert Mayor Fichter (second), Vice Mayor Johansson, Councilmember Gruendl, Councilmember Thompson (motion).
NOES: None
ABSTAIN: None
ABSENT: Councilmember White

Motion Carries.

9. APCO Report.

ACTION REQUESTED: Receive Report.

Jim Wagoner provided a report on the following topics:

- Local Scene
- State Scene
- Federal Scene

No Public Comment.

10. Other Business: Consider Supporting CAPCOA Letter to the California Air Resources Board Regarding Approval of Local Air District Verifiers of Greenhouse Gas Inventories under AB 32.

ACTION REQUESTED: Authorize the Chair to sign the proposed CAPCOA letter.

Supervisor Dolan asked if the District was approved by CARB to verify inventories would obtaining verification of inventories cost industries less and be more accessible. Staff responded that the District believes that would be correct.

Supervisor Kirk inquired if industries would have a choice to use the District verifiers or a private consulting firm. Staff responded yes, it would be their choice.

No Public Comment.

MOTION: Authorize the Chair to sign the proposed CAPCOA letter.

AYES: Supervisor Kirk, Supervisor Dolan, Supervisor Yamaguchi, Supervisor Connelly, Supervisor Lambert Mayor Fichter, Vice Mayor Johansson (second), Councilmember Gruendl (motion), Councilmember Thompson.
NOES: None
ABSTAIN: None
ABSENT: Councilmember White

Motion Carries.

11. Public Comment Period.

No Public Comment.

12. ADJOURNMENT: 11:35 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 June 24, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board



MAUREEN KIRK, CHAIR
Supervisor, District 3

JAMES JOHANSSON, VICE CHAIR
Vice Mayor, Oroville

BILL CONNELLY
Supervisor, District #1

JANE DOLAN
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W. James Wagoner
Air Pollution Control Officer

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Date of Release: July 15, 2010
Board Consideration: July 22, 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: July 2010 Activity Report

ISSUE:

BCAQMD Activities.

RECOMMENDATION:

Accept and File.

2010 Activity Report

Activity	2009	Jan	Feb	Mar	April	May	June	YTD
Inspections Performed	155	20	14	11	11	16	6	78
Complaints Received	161	6	7	9	4	16	14	56
Status Change Reports Received	185	13	3	3	2	12	21	54
Notices of Noncompliance Issued	108	5	2	1	12	4	11	35
Notices to Comply Issued	1	1	0	0	0	0	0	1
Hearing Board Petitions Processed	2	3	0	0	1	0	0	4
Environmental Documents Reviewed	13	0	0	0	1	1	2	4
Permits to Operate Issued/Renewed	752	18	35	57	158	68	106	442
A/C ¹ Permit Applications Received	103	5	8	5	15	4	5	42
A/C ¹ Permits Issued	86	3	8	5	11	4	4	35
Agricultural Burn Days ²	336	31	28	31	30	30	28	178
Agricultural No-Burn Days ²	29	0	0	0	0	1	2	3
Burn Permits Issued	835	56	41	100	60	79	61	397
Burn Notifications	4,350	231	572	583	389	347	234	2,356
Rice Fields Swapped	79	0	0	1	0	0	0	1
Rice Fields Reported Harvested	569	0	0	2	0	0	0	2
Rice Grower Appointments	103	0	0	1	1	0	0	2
Portable Equipment Registrations	31	4	3	0	1	0	0	8
Engine Registrations Issued/Renewed	76	0	332	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: July 15, 2010
Board Consideration: July 22, 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 2009-2010**

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, 2009 to June 30, 2010. To date, the District is operating within overall budgeted revenue and expenditures.

Attachments:

FY 09-10 Financial Statements, Budget vs. Actual as of 6/30/10

FY 09-10 Bar Graph 1-Actual Rev. & Exp. vs. Budget, current year only as of 6/30/10

FY 09-10 Bar Graph 2- Actual Rev. & Exp. vs. Budget, including prior year expenses pd. in FY 09/10 as of 6/30/10

FY 09-10 Bar Graph 3- Operating Funds vs. Total Expenditures as of as of 6/30/10

Agenda Item 3.3

Air Quality Management District**FY 09-10****Budget vs. Actual****July 1, 09 - June 30, 10**

	Yearly Budget	July 1, 09 through June 30, 10	Balance of Budgeted Acct	% of Budget
Income/Expense				
Income				
4213010 · Ag Burn Permits	81,000.00	68,991.58	(12,008.42)	85.2%
4213013 · Ag Engine Registration Program	2,900.00	30,236.10	27,336.10	1042.6%
4213020 · Title V Permits	13,000.00	12,211.78	(788.22)	93.9%
4213030 · Operating Permits	316,000.00	295,702.69	(20,297.31)	93.6%
4213035 · Portable Engine Registration	13,950.00	4,648.80	(9,301.20)	33.3%
4213040 · Auth to Construct	57,000.00	32,910.90	(24,089.10)	57.7%
4213055 · Emission Reduction Fee	0.00	1,485.80	1,485.80	0.0%
4213060 · Misc. Other Permits	2,000.00	550.73	(1,449.27)	27.5%
4300001 · Civil Settlements	86,000.00	90,421.65	4,421.65	105.1%
4410201 · Interest - B of A General	0.00	0.60	0.60	0.0%
4410401 · Interest - Wash. Mutual - MM	15.00	0.00	(15.00)	0.0%
4410501 · Interest - Tri Counties - MM	10.00	8.25	(1.75)	82.5%
4410601 · Interest - B of A Money Market	45.00	59.06	14.06	131.2%
4410801 · Interest Butte CB - Carl Moyer	450.00	419.30	(30.70)	93.2%
4410901 · Interest B of A - Grant 1	0.00	68.17	0.00	0.0%
4500001 · State Subvention	62,000.00	60,967.00	(1,033.00)	98.3%
4510906 · Carl Moyer	361,587.00	378,529.00	16,942.00	104.7%
4510907 · DMV Surcharge	753,000.00	737,277.38	(15,722.62)	97.9%
4600790 · AB 2588 Hot Spots Fee	5,000.00	67.00	(4,933.00)	1.3%
4610105 · Return Check Fee	50.00	75.00	25.00	150.0%
4711900 · Other Reimbursements	150.00	125.00	(25.00)	83.3%
4711910 · Copy Reimbursement	75.00	0.00	(75.00)	0.0%
4712523 · Misc. Revenue	60,000.00	66,982.67	6,982.67	111.6%
Total Ordinary Income	1,814,232.00	1,781,738.46	(32,493.54)	98.2%
Expense				
511 · Salaries & Wages	759,000.00	723,389.33	(35,610.67)	95.3%
512 · Extra Help	8,400.00	8,195.00	(205.00)	97.6%
514 · Overtime	10,183.00	10,182.75	(0.25)	100.0%
518 · Employee Benefits	366,000.00	351,682.49	(14,317.51)	96.1%
523 · Communications	13,000.00	7,025.78	(5,974.22)	54.0%
523R · PY Communications	0.00	2,364.17	2,364.17	0.0%
526201 · Household/Janitorial	4,200.00	3,400.00	(800.00)	81.0%
527 · General Insurance	12,325.00	11,320.94	(1,004.06)	91.9%
530001 · Maintenance/Vehicles	2,300.00	2,168.47	(131.53)	94.3%
530001R · P/Y Maintenance/Vehicles	0.00	102.92	102.92	0.0%
530042 · Maintenance/Computer	8,600.00	6,750.00	(1,850.00)	78.5%
531103 · Maintenance/Building	2,115.00	2,079.35	(35.65)	98.3%
531201 · Maintenance Misc.	723.00	651.54	(71.46)	90.1%
533 · Memberships	2,991.00	2,991.00	-	100.0%
535104 · Office Exp/Postage	5,200.00	5,033.16	(166.84)	96.8%
535105 · Messenger Service	1,800.00	930.00	(870.00)	51.7%
535105R · P/Y Messenger Service	0.00	630.00	630.00	0.0%
535201 · Office Supplies	30,000.00	27,844.48	(2,155.52)	92.8%
535201R · P/Y Office Supplies	0.00	45.38	45.38	0.0%
536 · Prof & Specialized Serv	32,000.00	29,536.64	(2,463.36)	92.3%

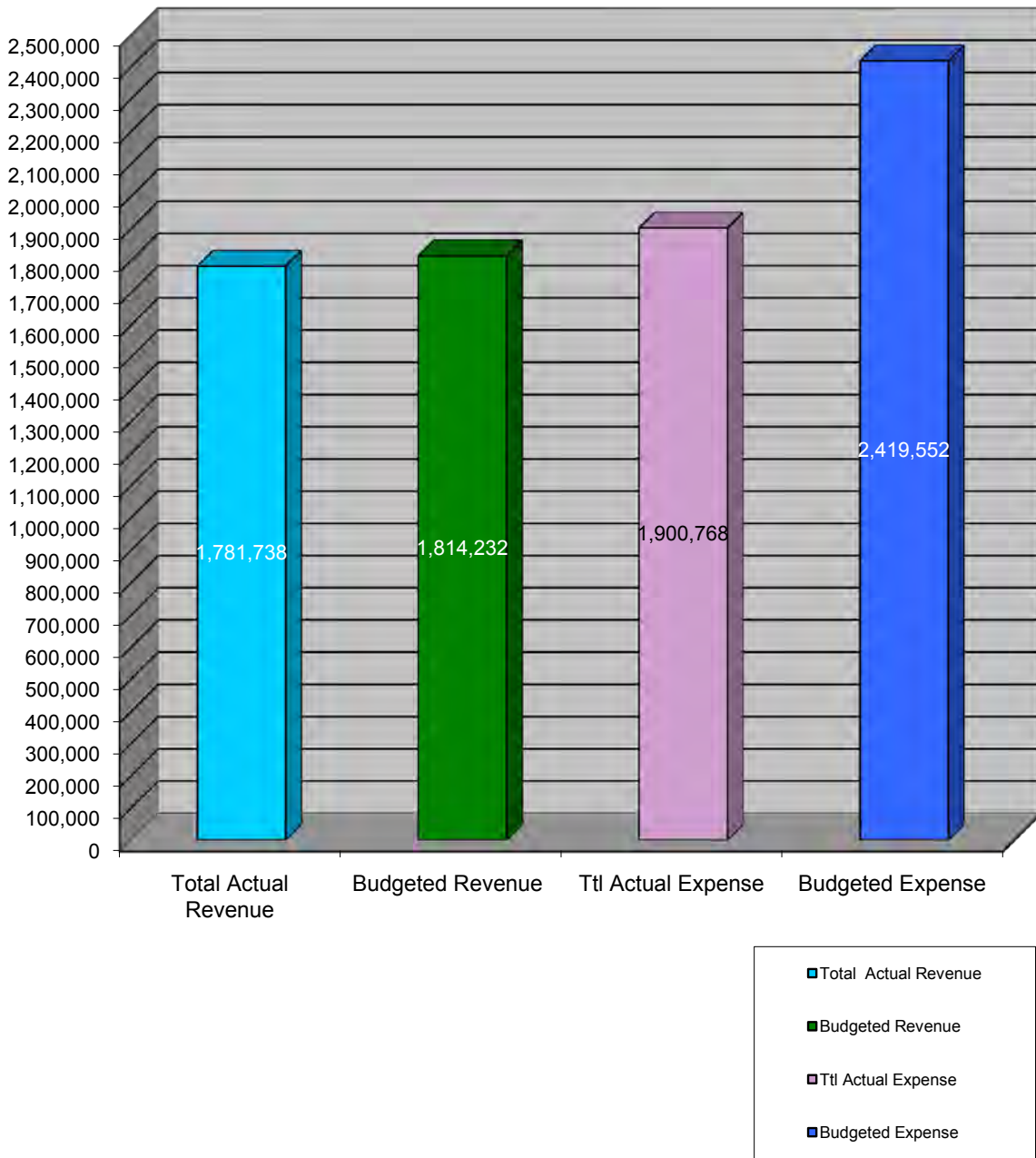
Air Quality Management District**FY 09-10****Budget vs. Actual****July 1, 09 - June 30, 10**

	Yearly Budget	July 1, 09 through June 30, 10	Balance of Budgeted Acct	% of Budget
536101 - Attorney Fees	25,000.00	18,100.76	(6,899.24)	72.4%
536101R -P/Y Attorney Fees	0.00	3,060.00	3,060.00	0.0%
536R - PY Prof & Specialized Serv	0.00	73.65	73.65	0.0%
537 - Publications & Legal Notice	6,500.00	2,431.09	(4,068.91)	37.4%
537R - P/Y Publications & Legal Notice	0.00	162.50	162.50	0.0%
538 - Rents & Leases	65,700.00	63,759.59	(1,940.41)	97.0%
539 - Rents & Leases/Equip	325.00	308.52	(16.48)	94.9%
540 - Public Awareness	19,000.00	13,675.46	(5,324.54)	72.0%
540R - PY Public Awareness	0.00	751.26	751.26	0.0%
541 - Special Dept. Expenses	300.00	169.49	(130.51)	56.5%
543101 - Training	3,000.00	2,849.90	(150.10)	95.0%
543101R - P/Y Training	0.00	155.00	155.00	0.0%
543201 - Trans & Travel	17,000.00	12,547.22	(4,452.78)	73.8%
544 - Utilities	10,000.00	9,631.40	(368.60)	96.3%
545- Road Exp/Gas	2,716.00	1,266.63	(1,449.37)	46.6%
545R- P/Y Road Exp/Gas	0.00	148.53	148.53	0.0%
552 - Contrib to other Agen.	503,404.00	77,759.15	(425,644.85)	15.4%
552R - P/Y Contrib to other Ag	465,400.00	497,594.53	32,194.53	106.9%
580 - Approp for Contingencies	1,037.00	0.00	(1,037.00)	0.0%
590 - Restricted Reserves	41,333.00	0.00	(41,333.00)	0.0%
Total Expense	2,419,552.00	1,900,768.08	(518,783.92)	78.6%
Net Income	(605,320.00)	(119,029.62)	486,290.38	

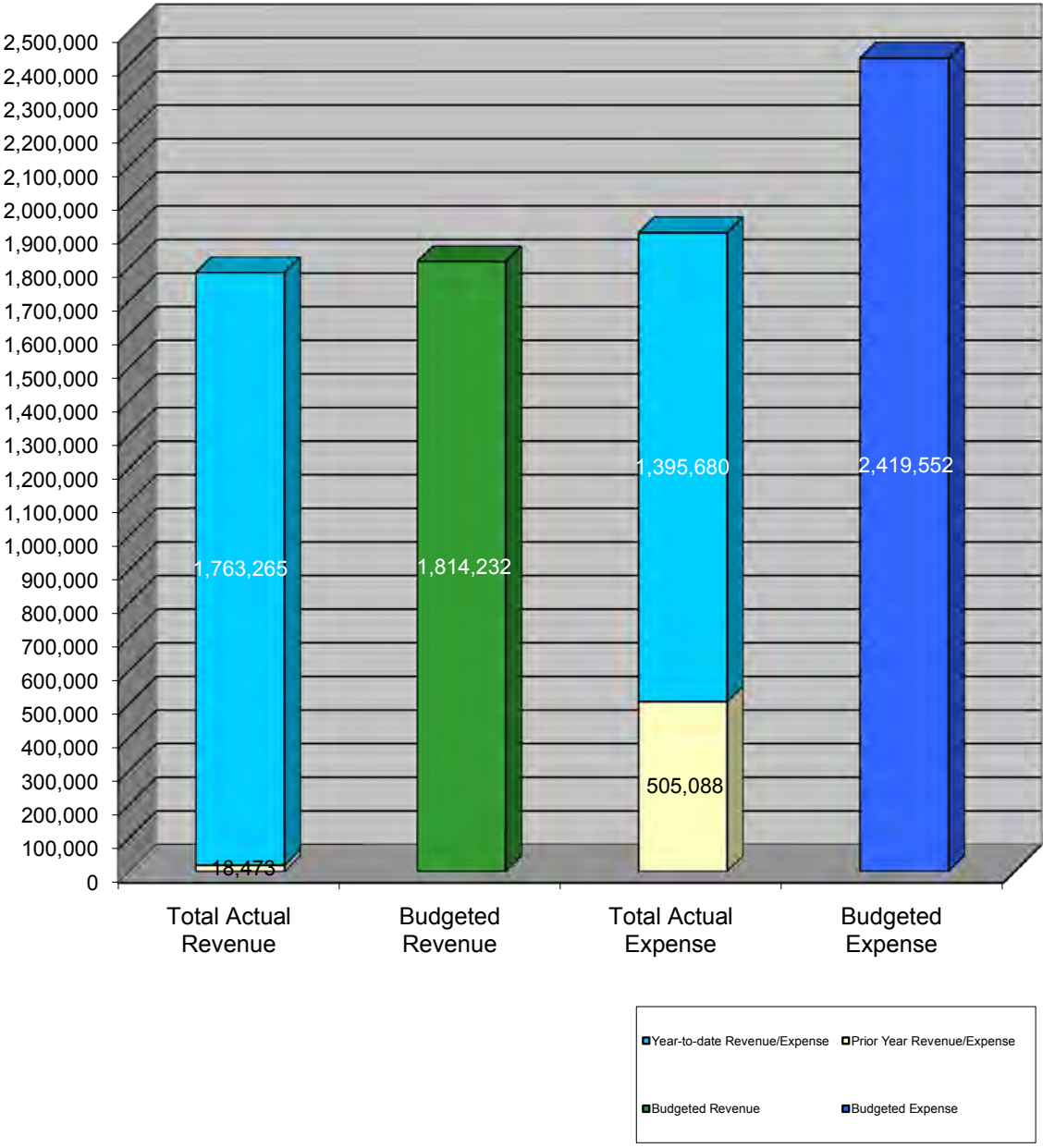
NOTE:**Note: Audited fund balances as of June 30, 2009:**

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
	<u>762,475</u>
	\$ 762,475

**AQMD
ACTUAL VS BUDGETED
with CURRENT YEAR EXPENSES
FOR THE PERIOD
7/1/09 TO 6/30/10**

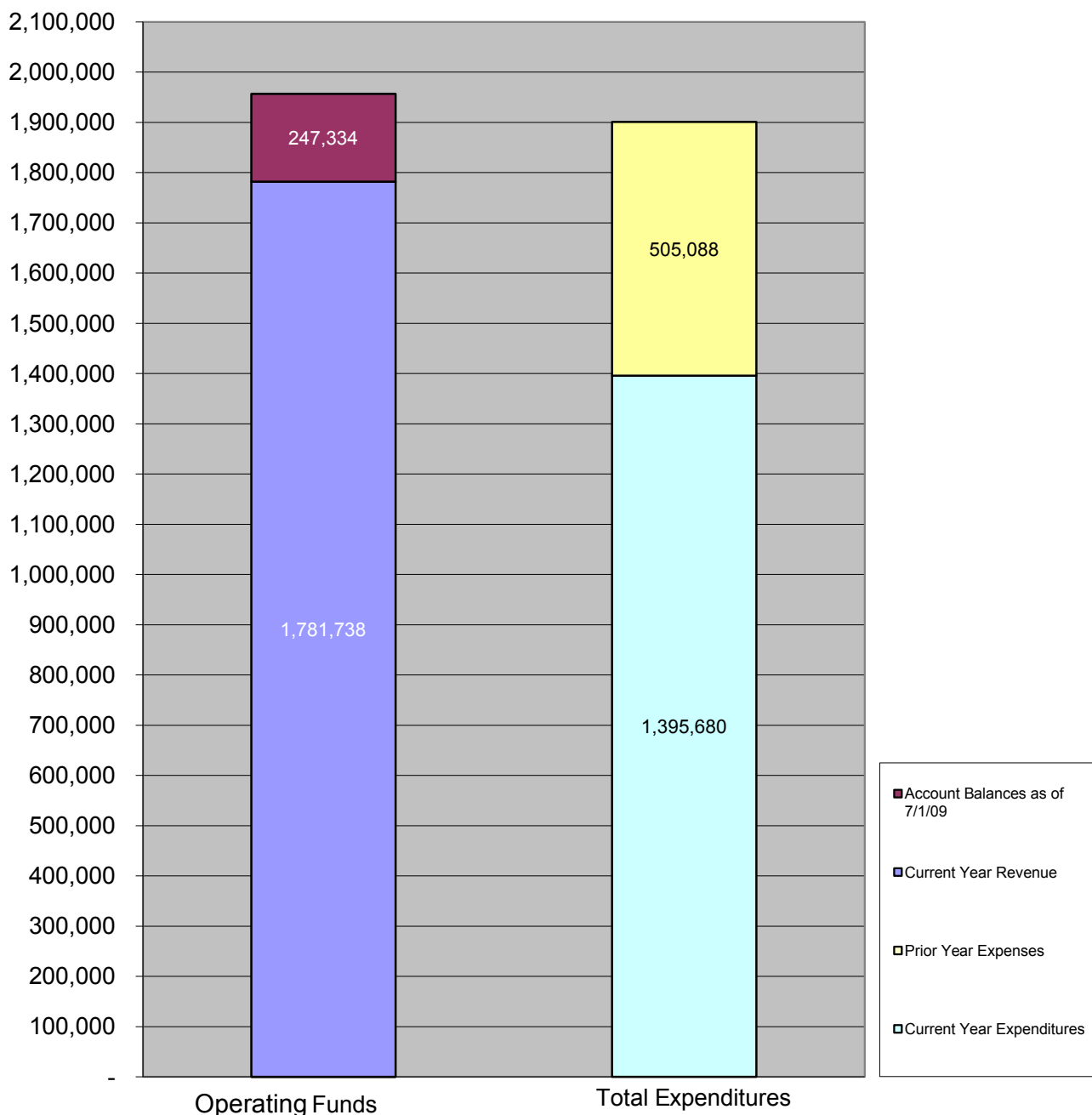


**AQMD
ACTUAL VS BUDGETED
with PRIOR YEAR EXPENSES
FOR THE PERIOD
7/1/09 TO 6/30/10**



NOTE: **Year-to-date Revenue/Expense** budgeted and occurred in FY 09/10.
Prior Year Expense (which are primarily grants) were budgeted in FY 08/09, but occurred in FY 09/10.

AQMD OPERATING FUNDS VS TOTAL EXPENDITURES FOR THE PERIOD 7/1/ 09 TO 6/30/10



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 08/09, but paid in FY 09/10



MAUREEN KIRK, CHAIR
Supervisor, District 3

JAMES JOHANSSON, VICE CHAIR
Vice Mayor, Oroville

BILL CONNELLY
Supervisor, District #1

JANE DOLAN
Supervisor, District #2

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Mayor, Gridley

ALAN WHITE
Councilmember, Paradise

W. James Wagoner
Air Pollution Control Officer

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

Date of Release: July 15, 2010
Board Consideration: July 22, 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
July 8	CAPCOA Planning Managers	Conference Call
July 15	BCC-TAC Meeting	Chico
July 22	Butte County AQMD Board Meeting	Chico
July 23	CARPA	Sacramento
July 22-23	CAPCOA Board Meeting	TBD
August 5	CAPCOA Planning Managers	Conference Call
August 6	BCC	Colusa
August 12-13	CAPCOA Enforcement Managers Meeting	San Francisco
August 19	BCC-TAC Meeting	Redding
August 26	Butte County AQMD Board Meeting	Chico
August 26-27	CAPCOA Board Meeting	TBD
September 6	Labor Day	Office Closed
September 16	BCC-TAC Meeting	Marysville
September 23	Butte County AQMD Board Meeting	Paradise
September 23-24	CAPCOA Board Meeting	TBD

Agenda Item 3.4



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
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MAUREEN KIRK, CHAIR
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Date of Release: July 15, 2010
Board Consideration: July 22, 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, Approve Revised Governing Board Meeting Schedule for 2010**

ISSUE:

Revised Board meeting dates, locations and time for balance of Calendar Year 2010.

RECOMMENDATION:

Approve proposed revised schedule.

DISCUSSION:

The following schedule is proposed for the balance of this calendar year. The changes proposed are cancelling the scheduled October 28th meeting, no meeting in November and a meeting on December 9th. The December 9th meeting has been coordinated with BCAG.

The Governing Board Meetings that are held in Chico will be held at the Chico City Council Chamber beginning at 10:15 a.m., following BCAG's monthly Board meeting. The proposed revised schedule is as follows:

August 26 th	Chico (no changes)
September 23 rd	Paradise (no changes)
October 28 th	Cancelled (note: BCAG may still meet on this date)
November	Cancelled
December 9 th	Chico

cc: Jon Clark, BCAG
Debbie Presson, Chico City Clerk
Administrative Assistants

Agenda Item 3.5



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
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MAUREEN KIRK, CHAIR
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Councilmember, Paradise

Date of Release: July 15, 2010
Board Consideration: July 22, 2010

To: Butte County Air Quality Management District Board of Directors
From: W. James Wagoner, Air Pollution Control Officer
Staff Contact: Gail Williams, Senior Air Quality Planner
Re: By Consent, Accept and File Status Report on Ambient Air Quality Monitoring Data (January - April 2010)

ISSUE:

Air Quality Monitoring Data for January through April 2010

RECOMMENDATION:

Accept and File

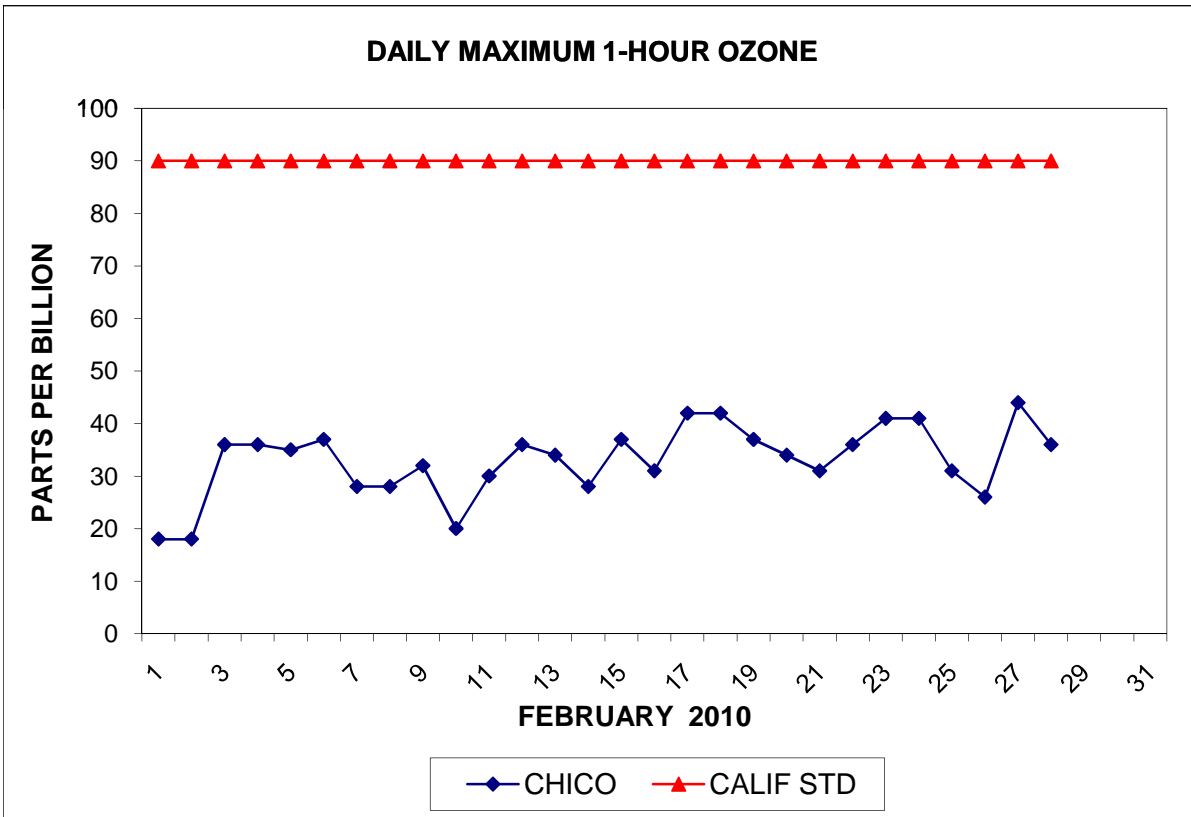
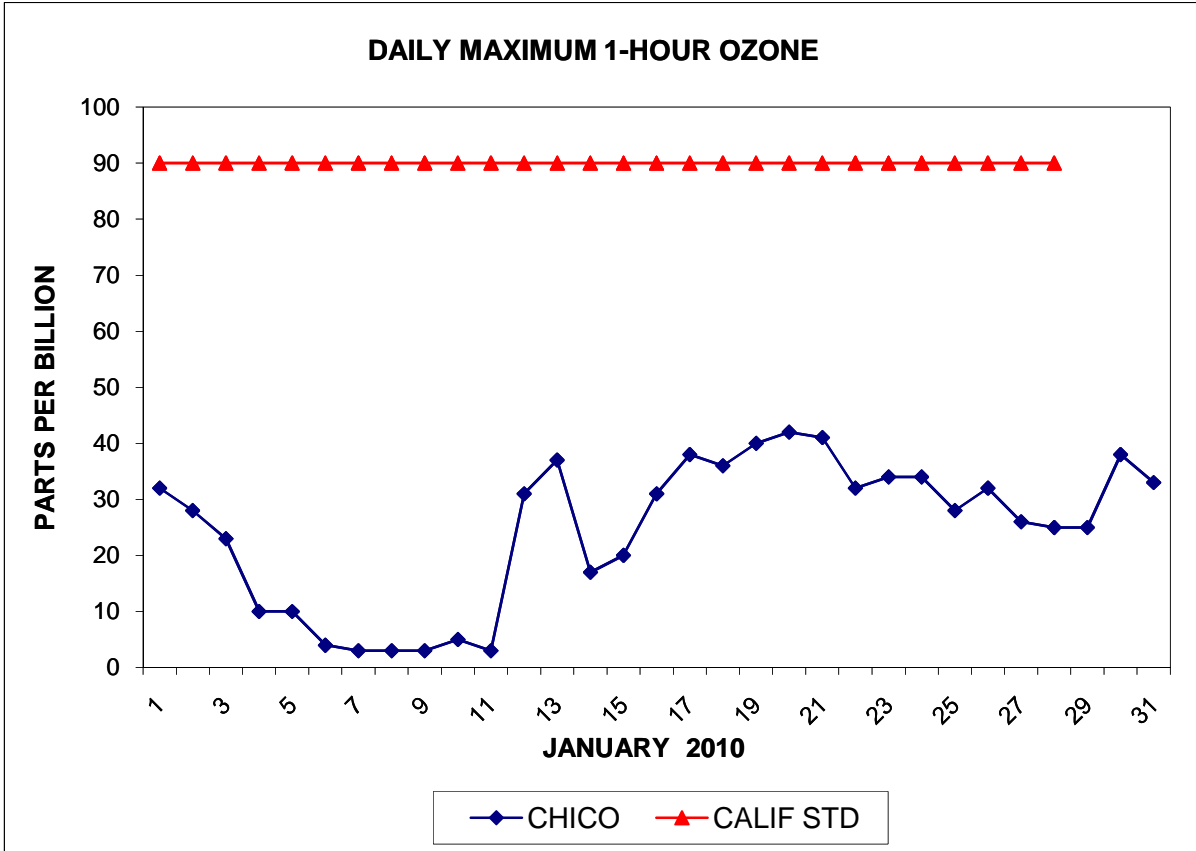
DISCUSSION:

Attached are the preliminary data graphs for ozone and fine particulate matter PM2.5 (less than 2.5 microns in diameter) for January through April 2010 from the Chico, Paradise and Gridley air monitoring stations. Summary of the *preliminary data* shows no days above the State or federal ambient air quality standards.

Attachments: January through April 2010 Air Monitoring Data Graphs

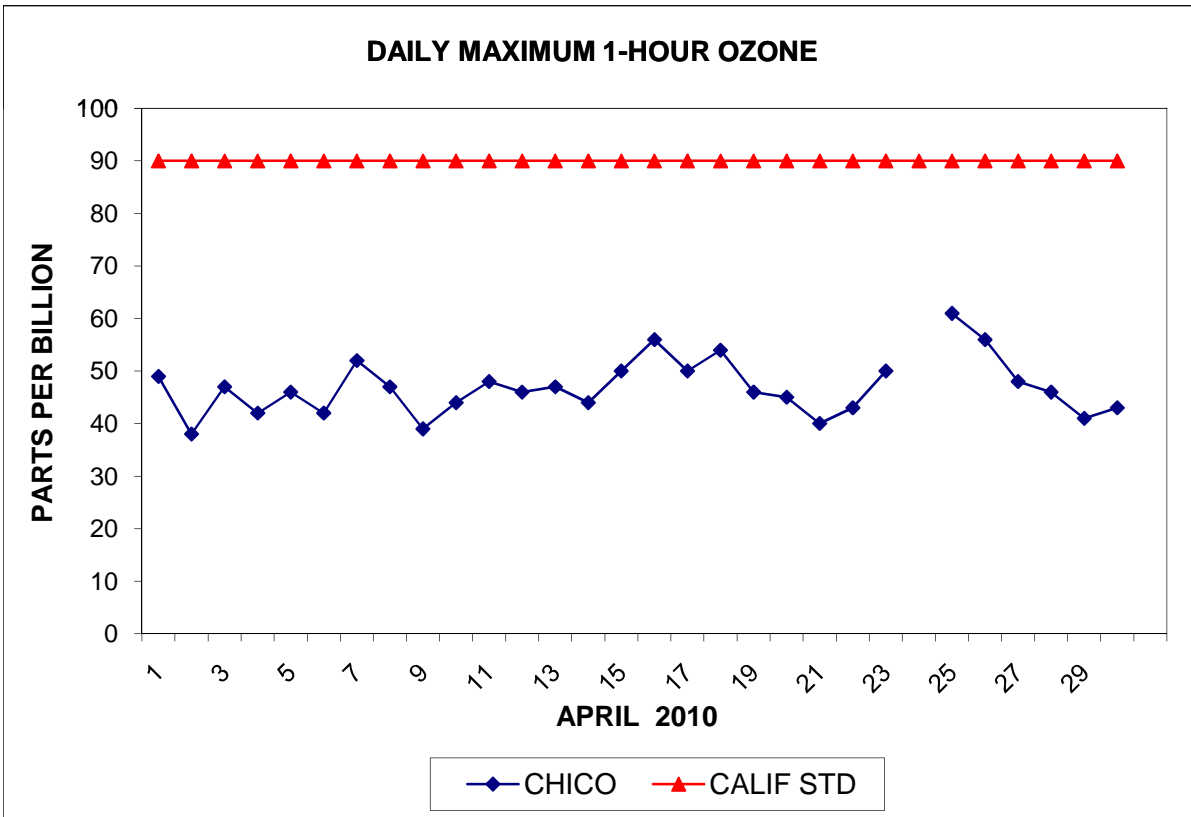
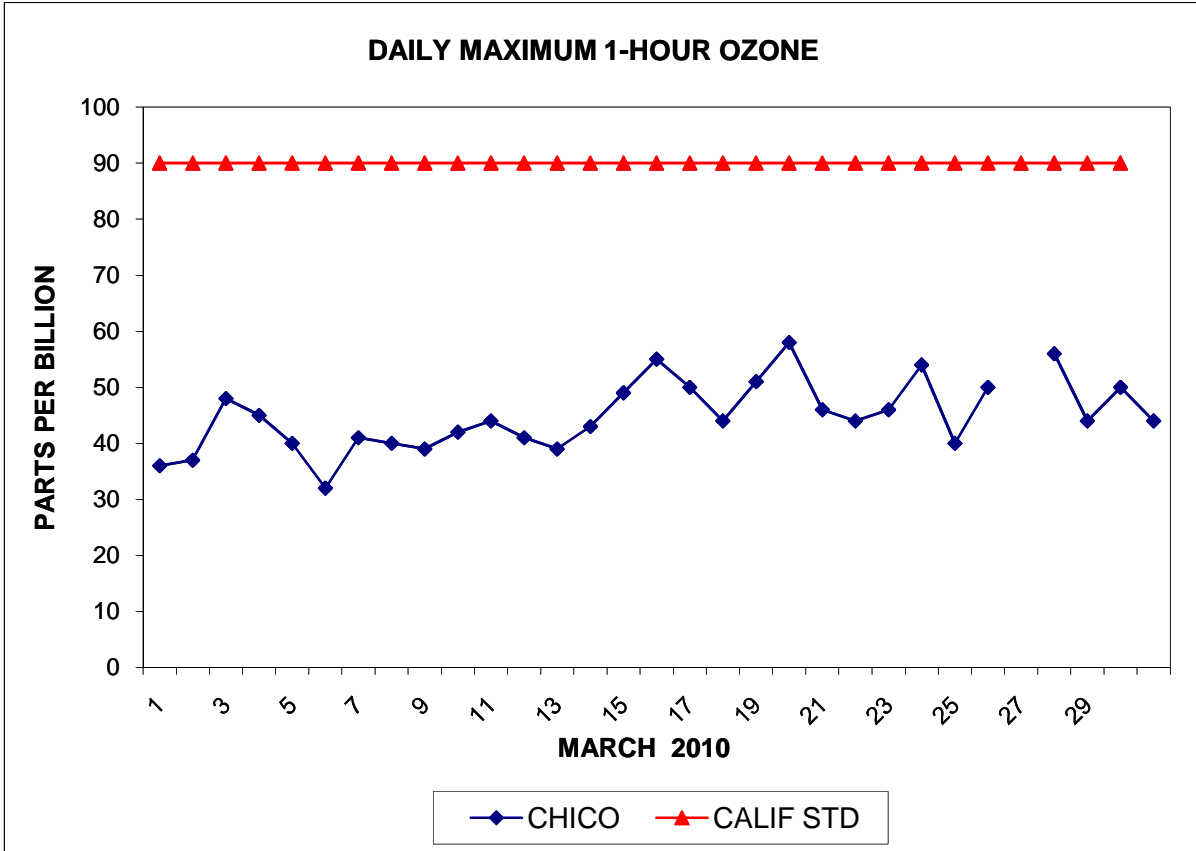
Agenda Item 3.6

CHICO DAILY MAXIMUM 1-HOUR OZONE
 JANUARY AND FEBRUARY 2010



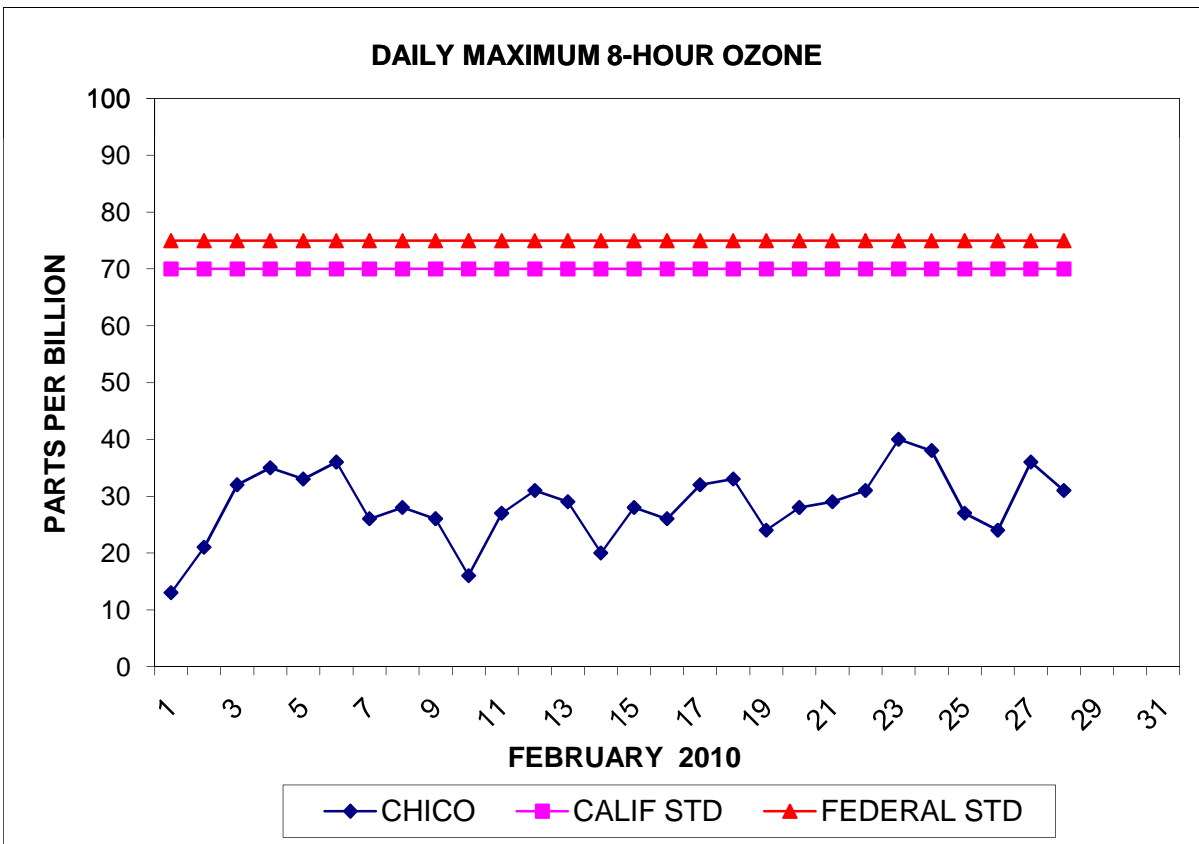
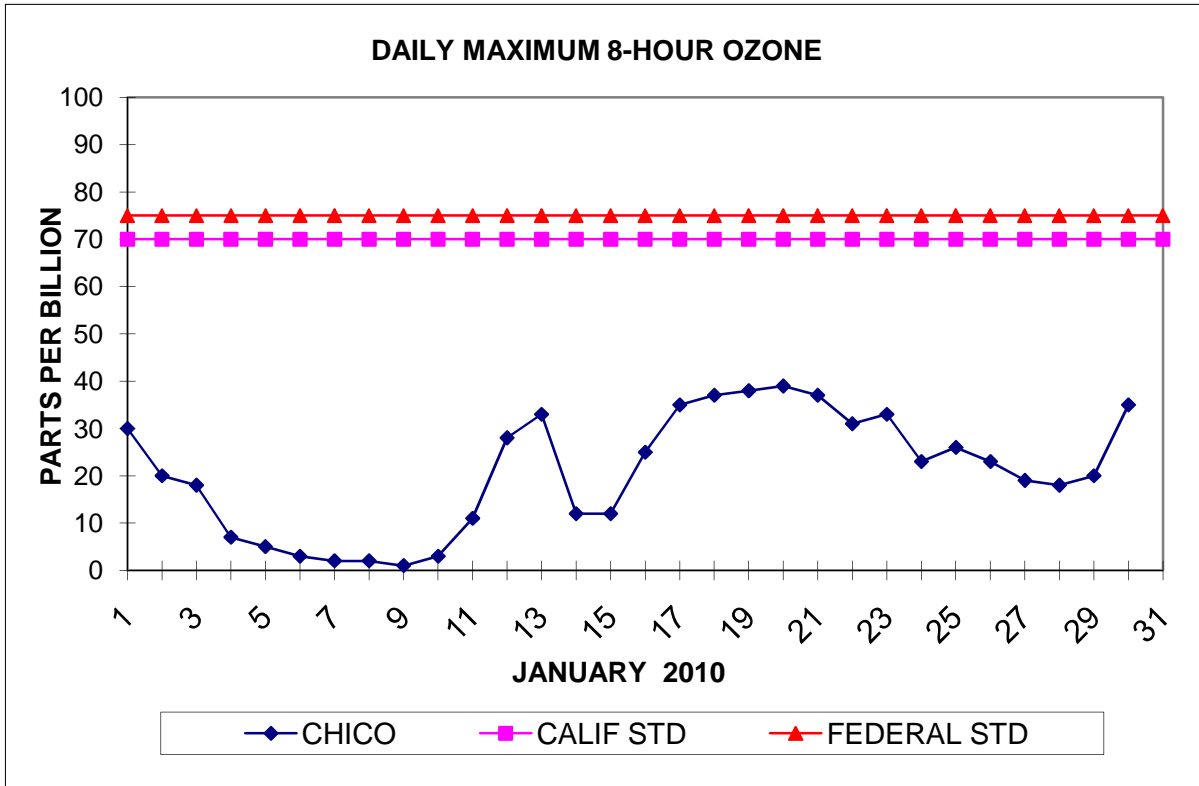
POTENTIAL VIOLATIONS: 0

CHICO DAILY MAXIMUM 1-HOUR OZONE
MARCH AND APRIL 2010



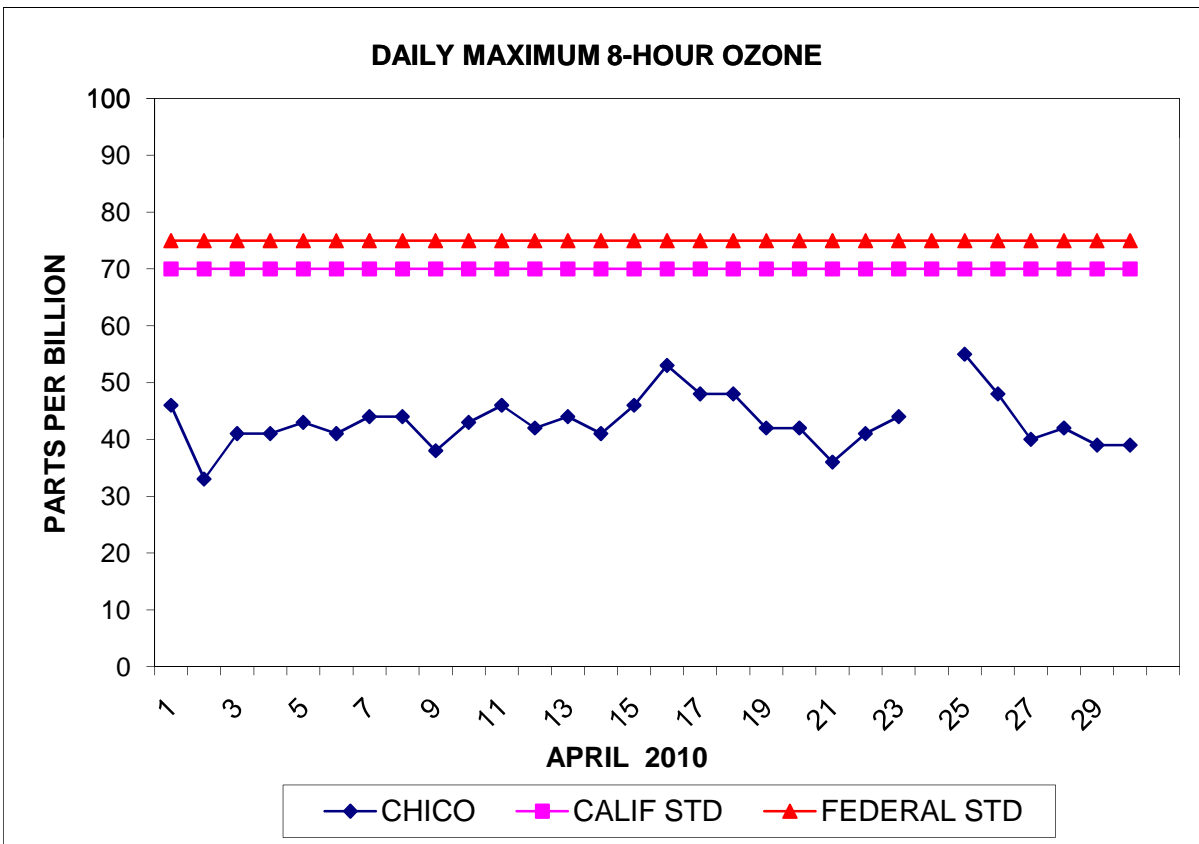
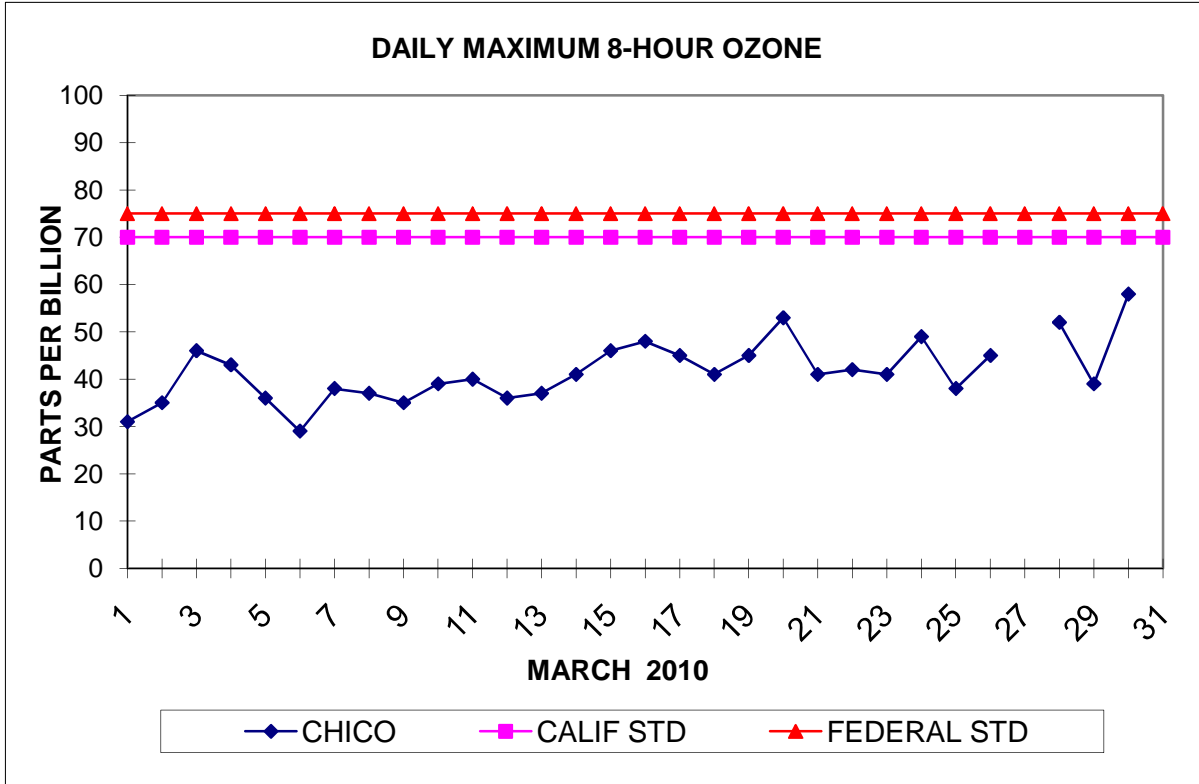
POTENTIAL VIOLATIONS: 0

CHICO DAILY MAXIMUM 8-HOUR OZONE JANUARY AND FEBRUARY 2010



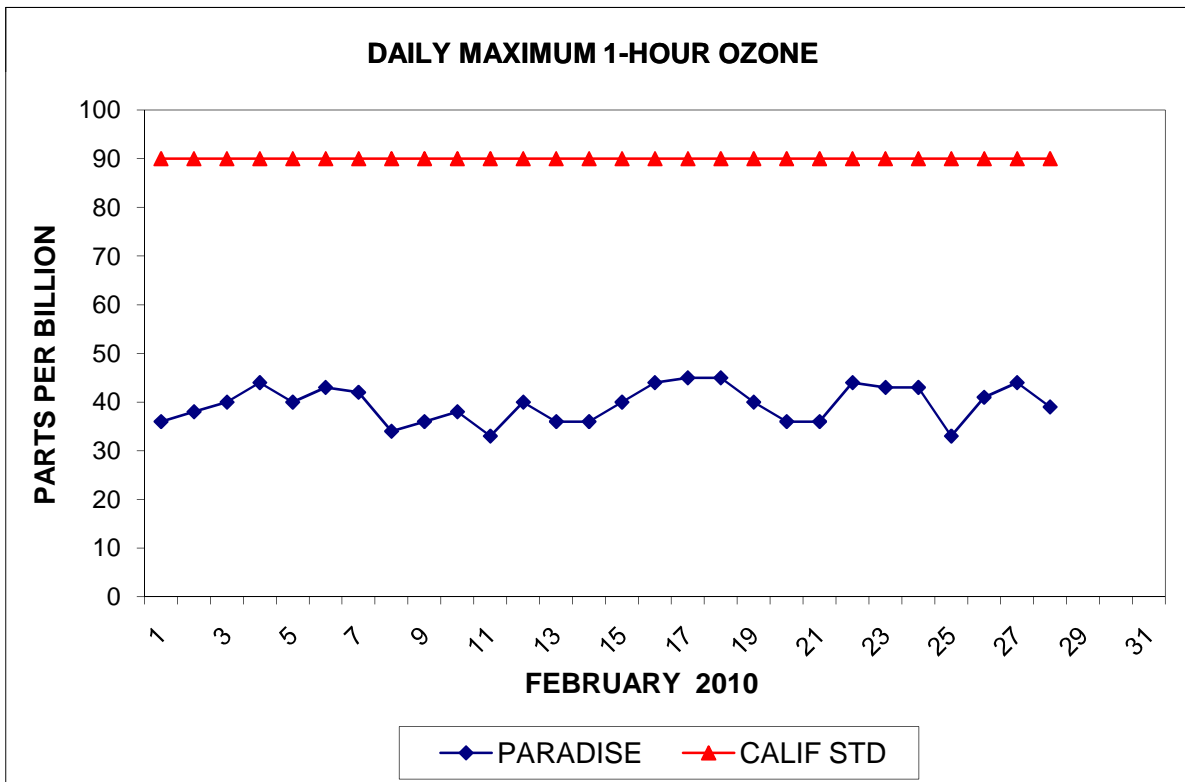
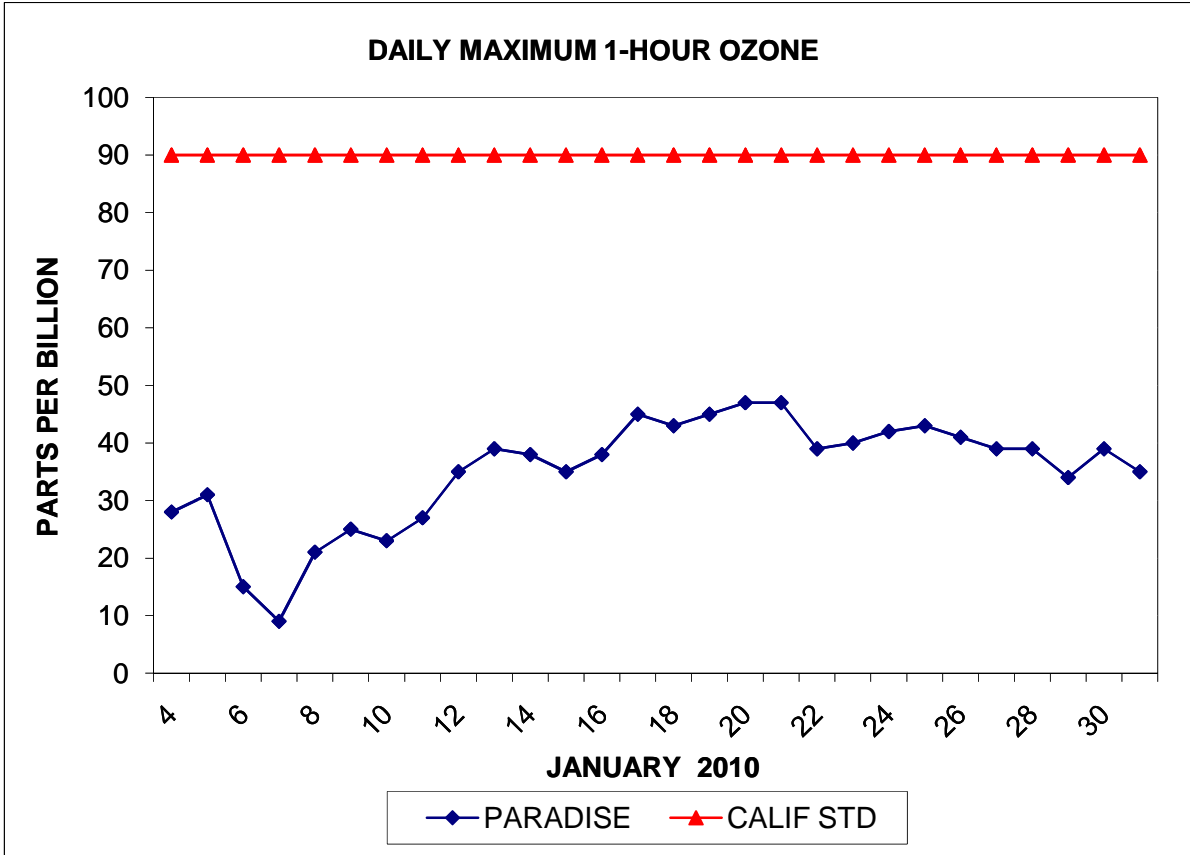
POTENTIAL VIOLATIONS: 0

CHICO DAILY MAXIMUM 8-HOUR OZONE
MARCH AND APRIL 2010



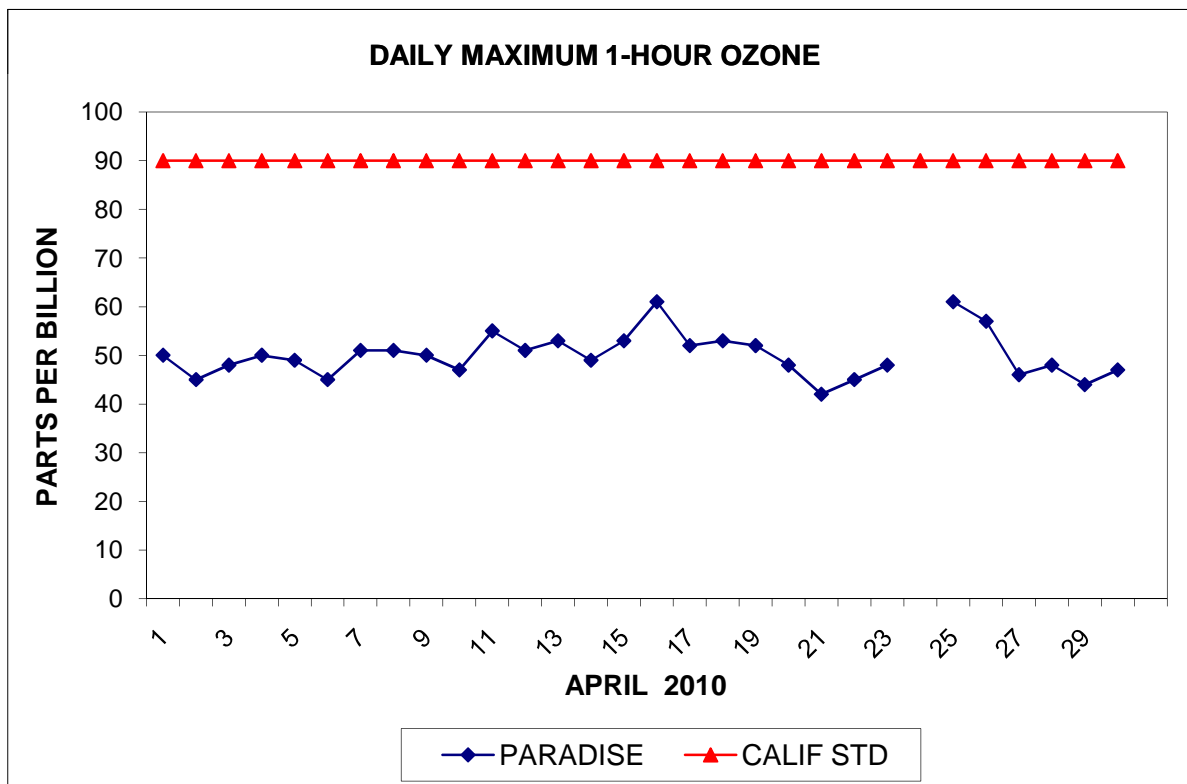
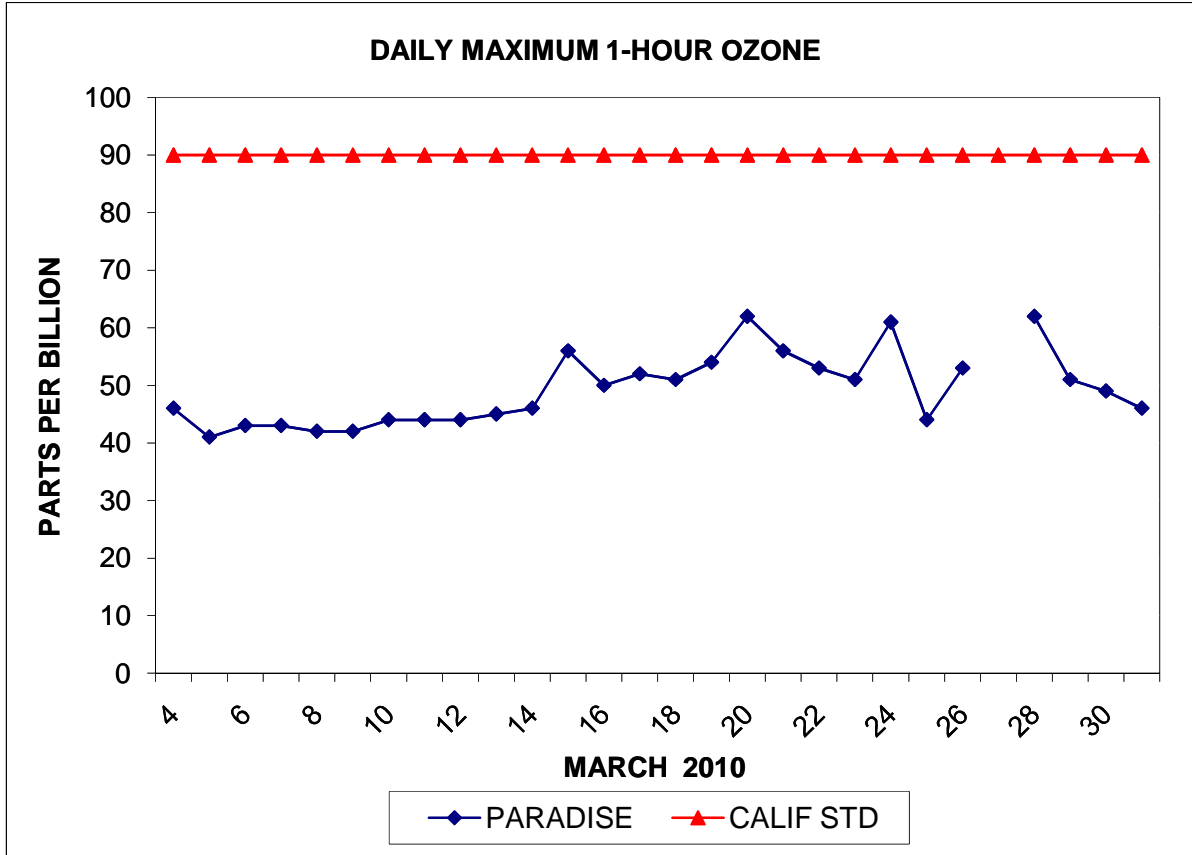
POTENTIAL VIOLATIONS: 0

PARADISE DAILY MAXIMUM 1-HOUR OZONE
 JANUARY AND FEBRUARY 2010



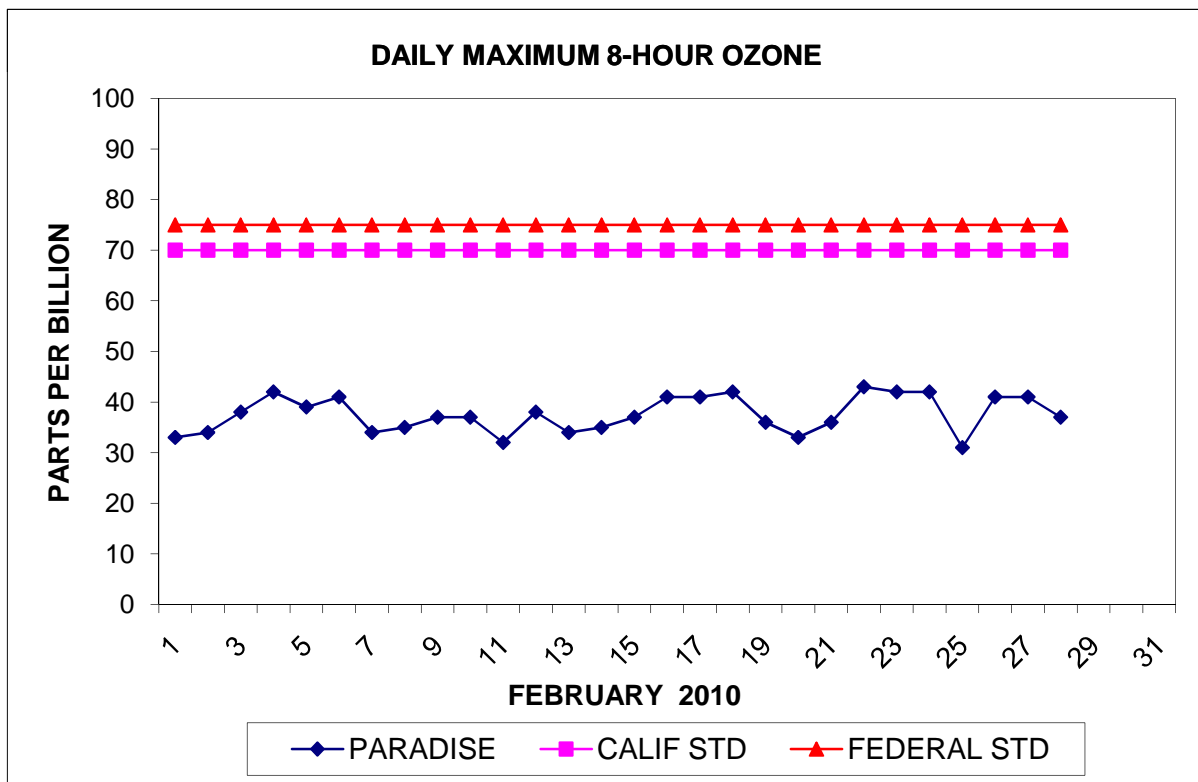
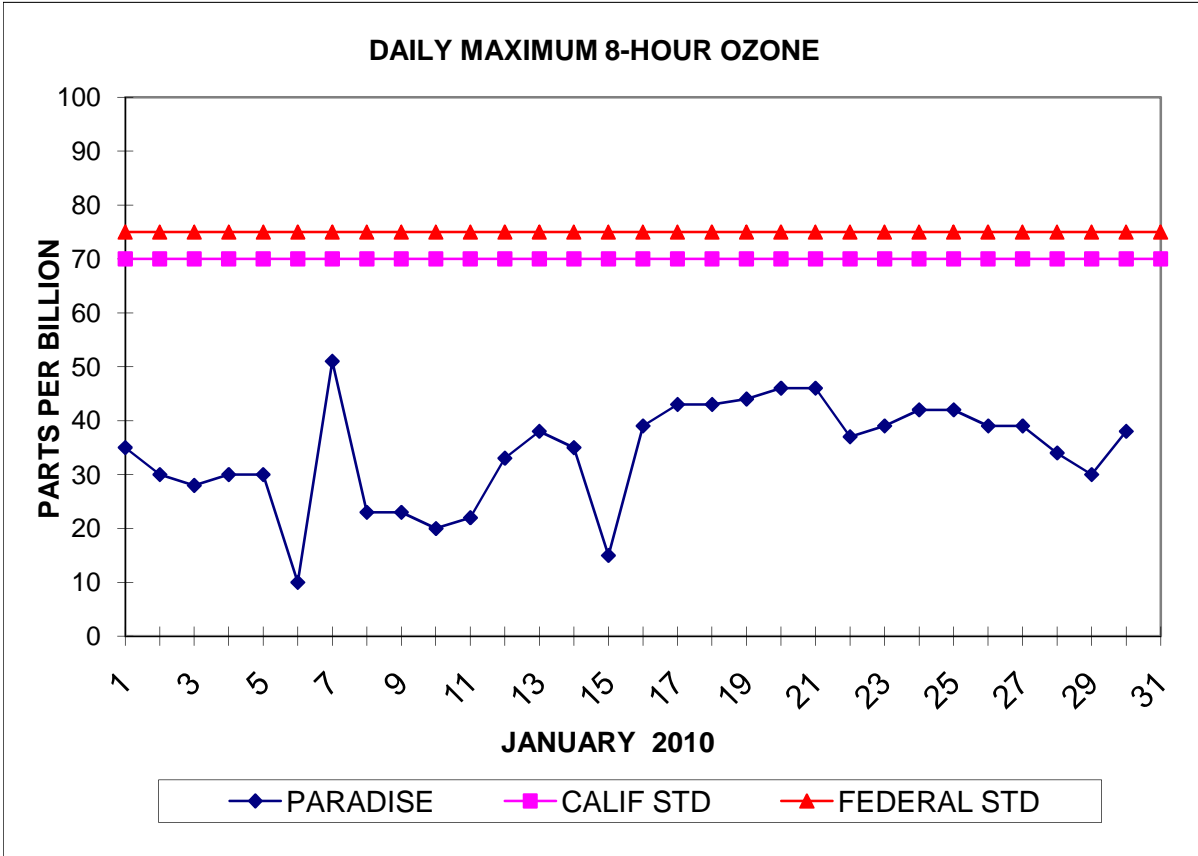
POTENTIAL VIOLATIONS: 0

PARADISE DAILY MAXIMUM 1-HOUR OZONE
MARCH AND APRIL 2010



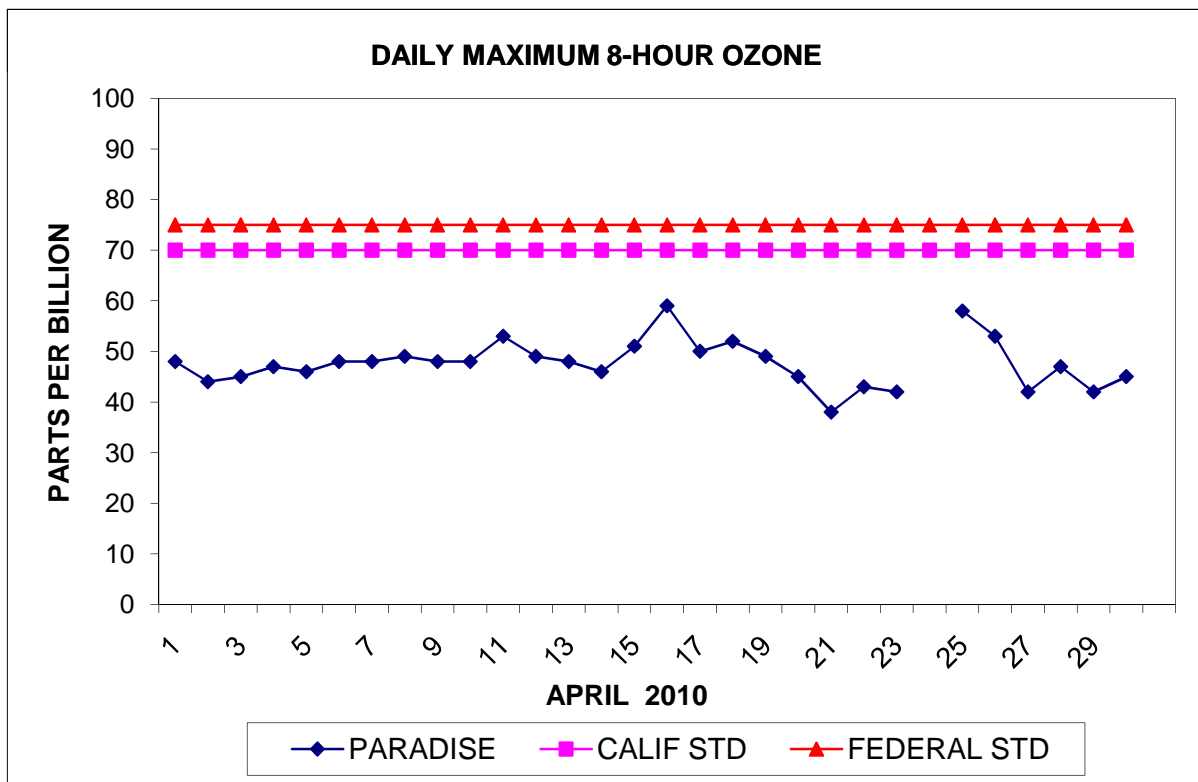
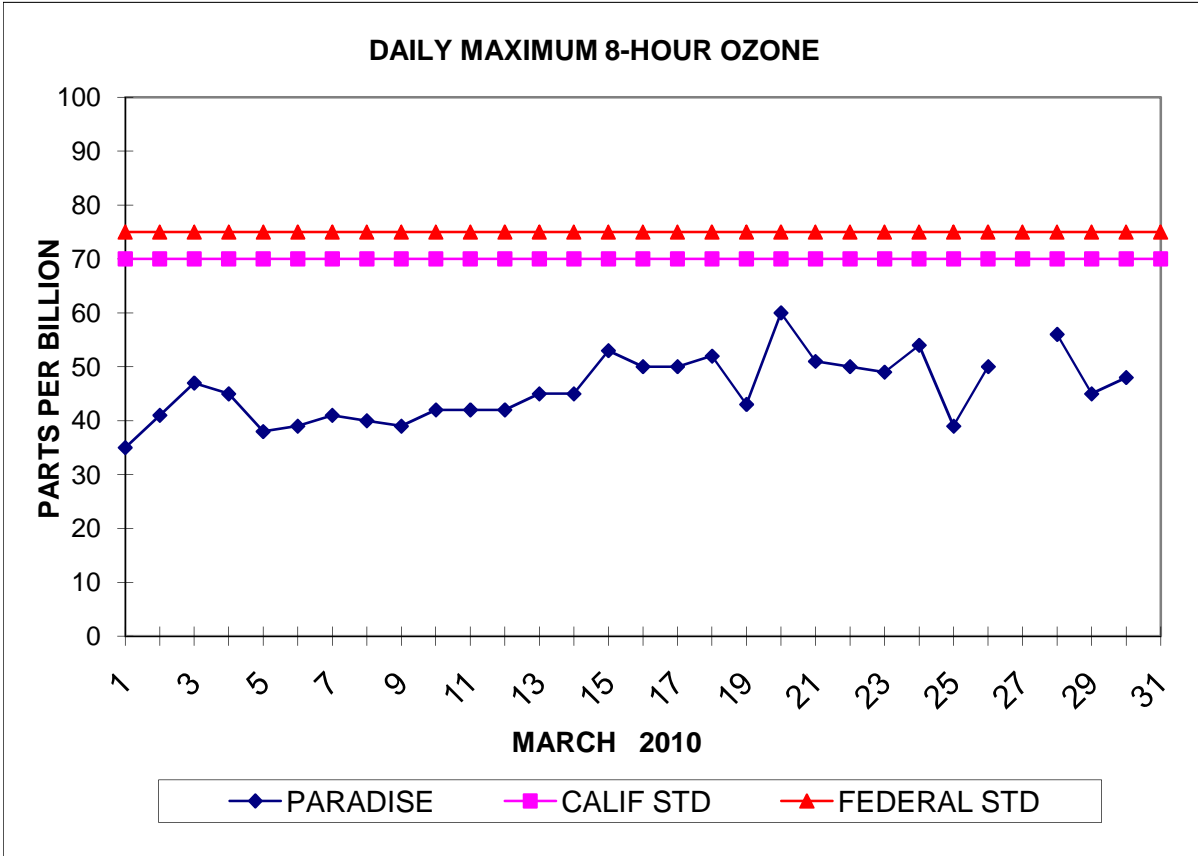
POTENTIAL VIOLATIONS: 0

PARADISE DAILY MAXIMUM 8-HOUR OZONE
JANUARY AND FEBRUARY 2010



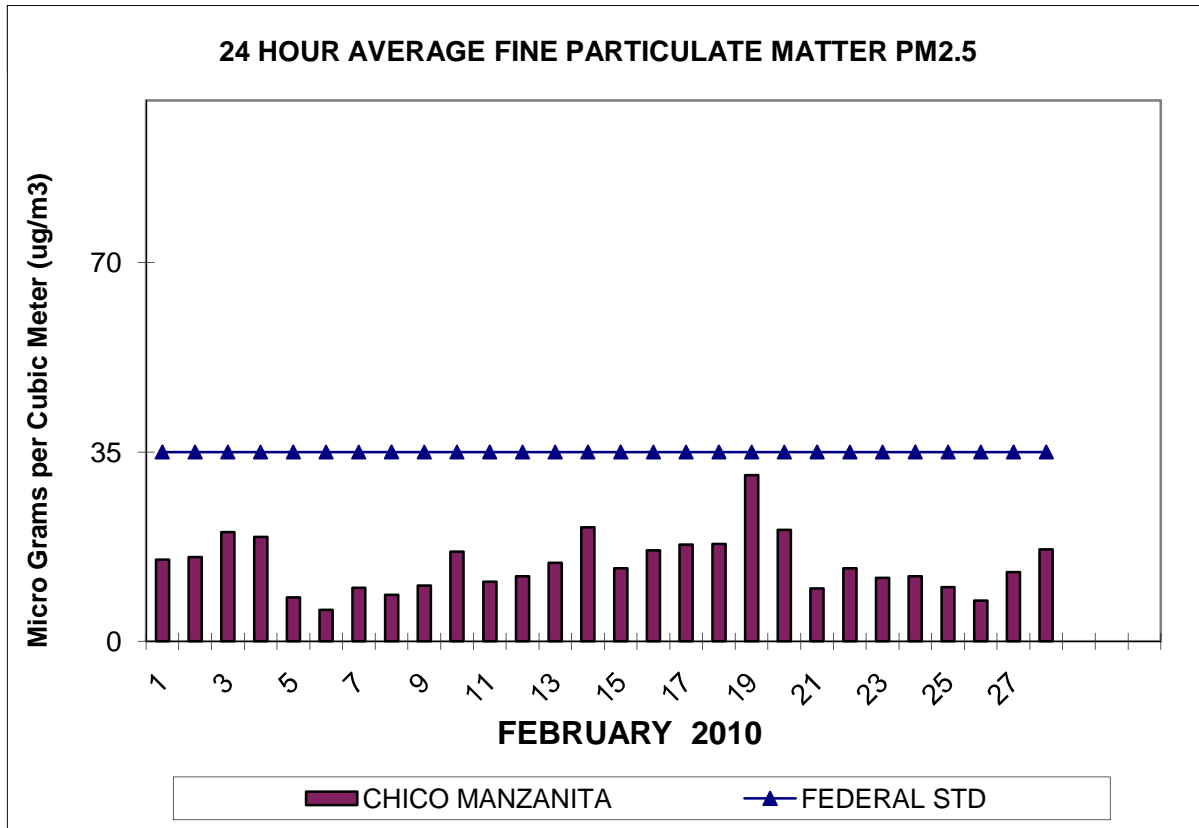
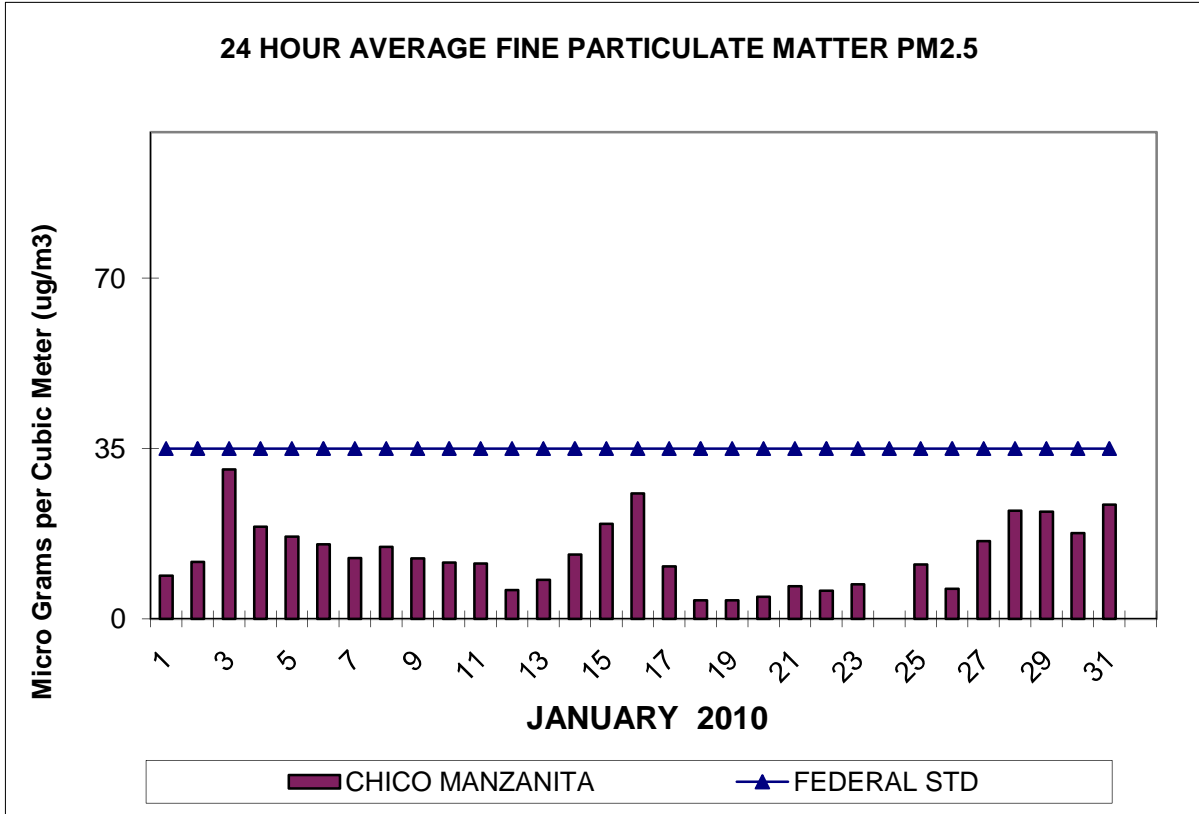
POTENTIAL VIOLATIONS: 0

PARADISE DAILY MAXIMUM 8-HOUR OZONE
MARCH AND APRIL 2010



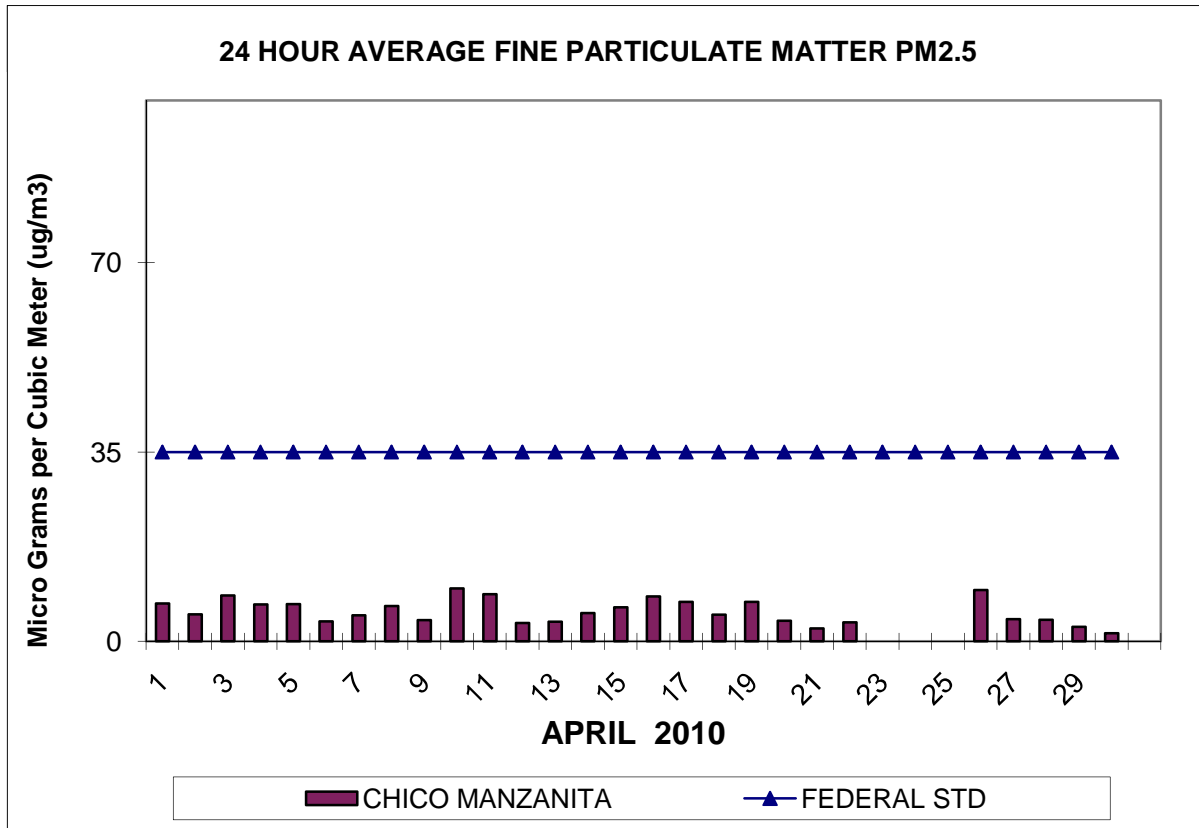
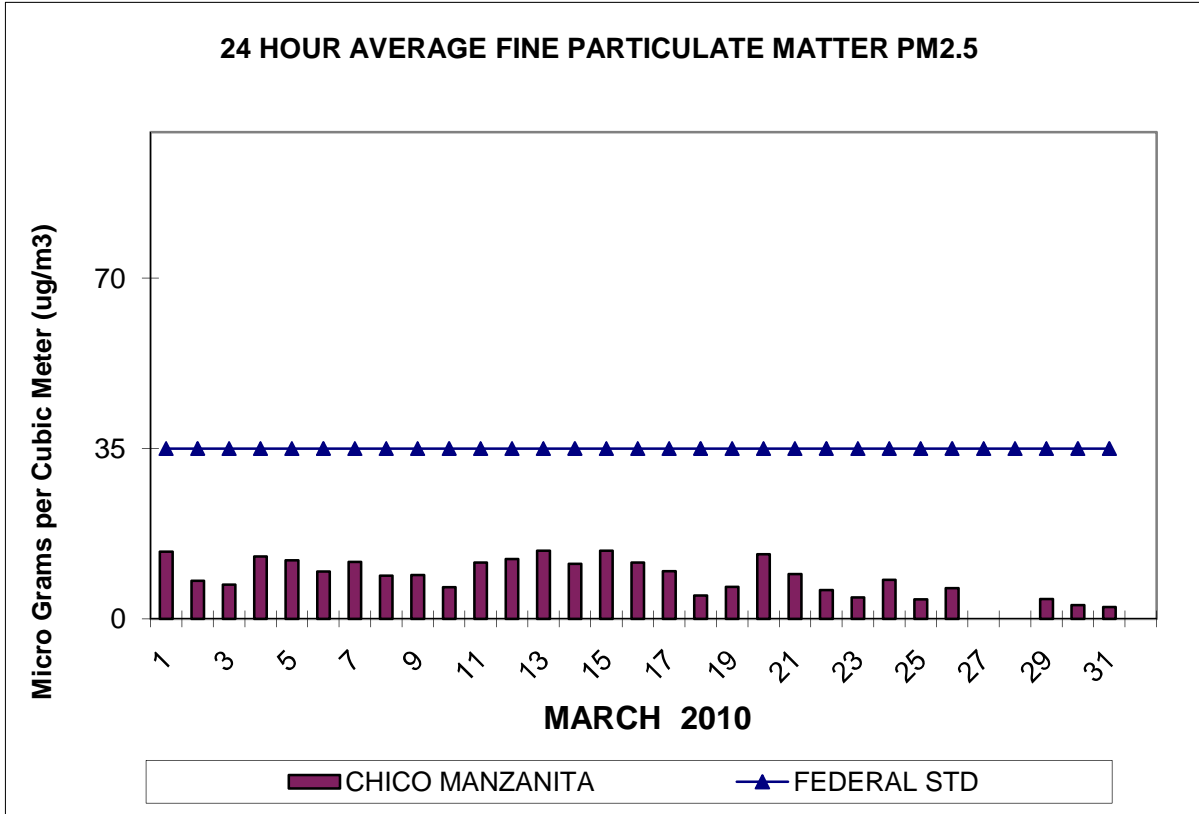
POTENTIAL VIOLATIONS: 0

CHICO 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
 JANUARY AND FEBRUARY 2010



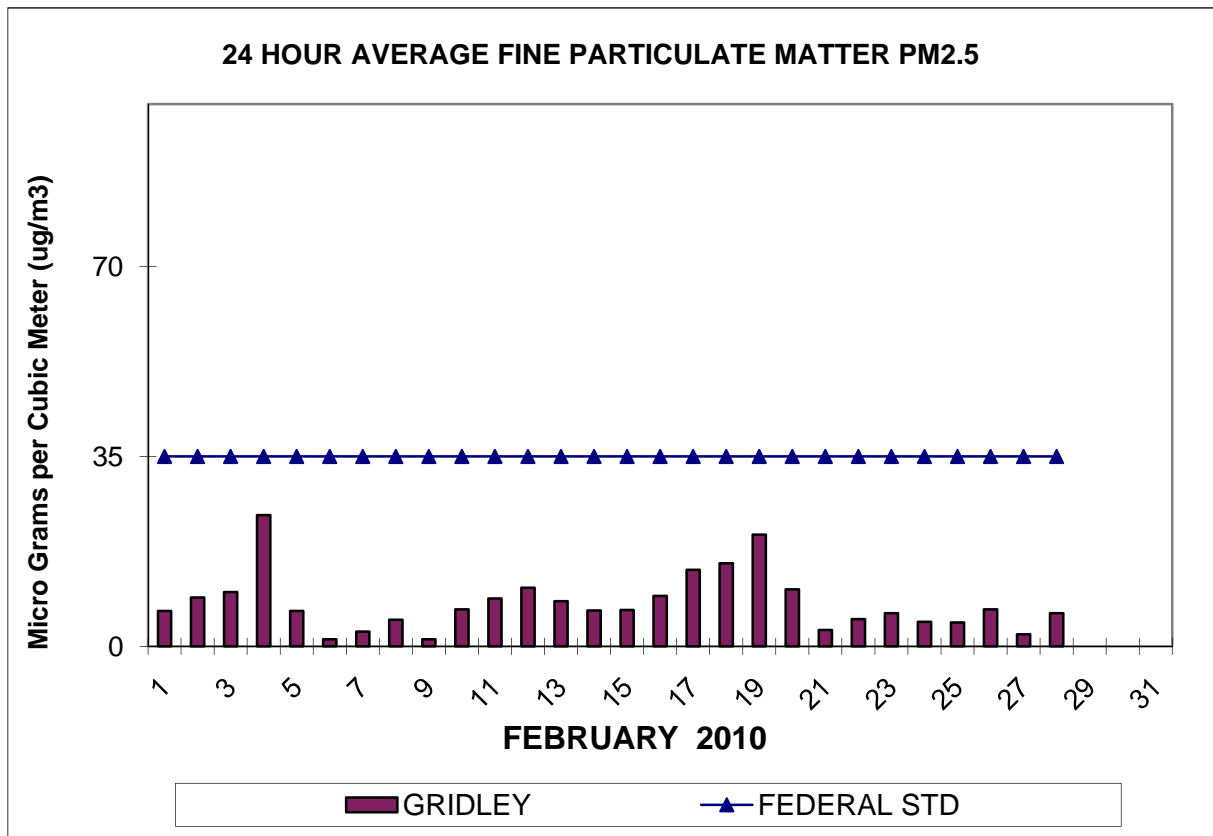
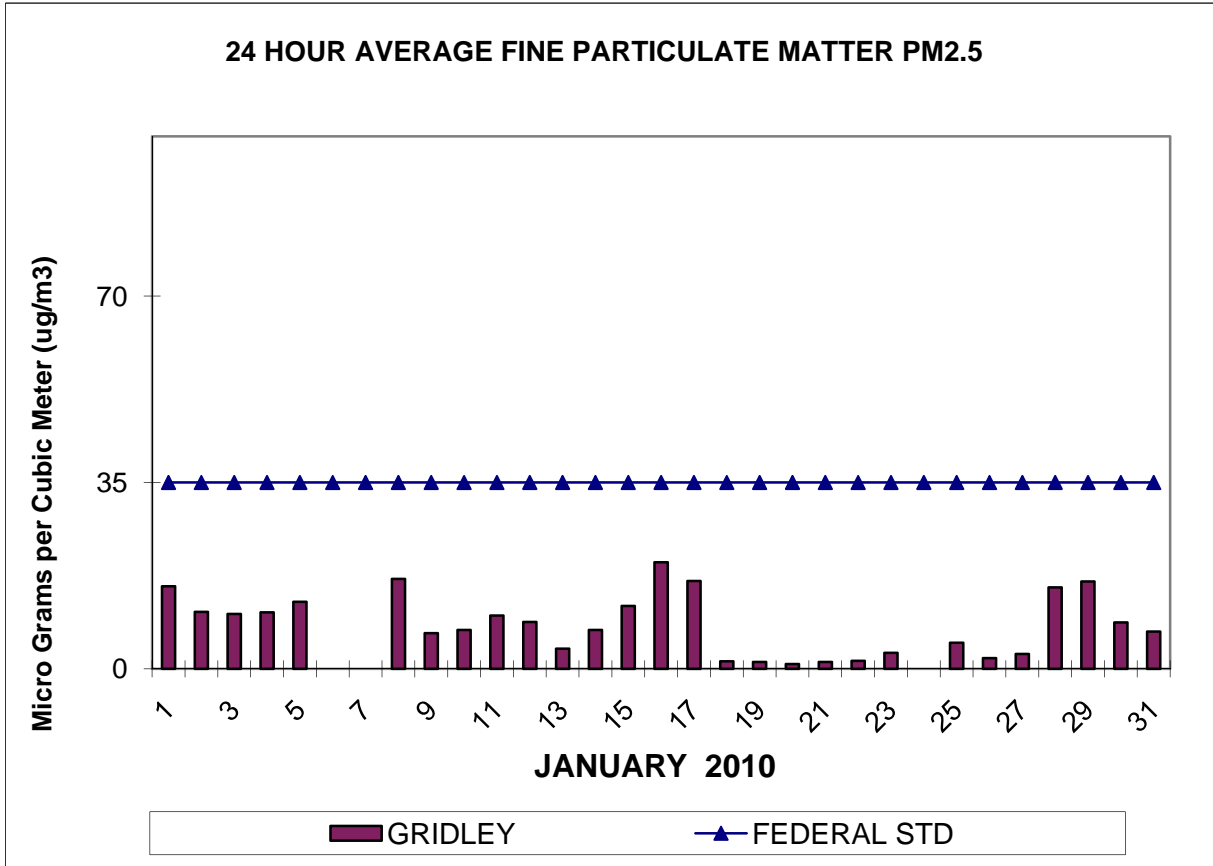
DAYS ABOVE STANDARD: 0

CHICO 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
MARCH AND APRIL 2010



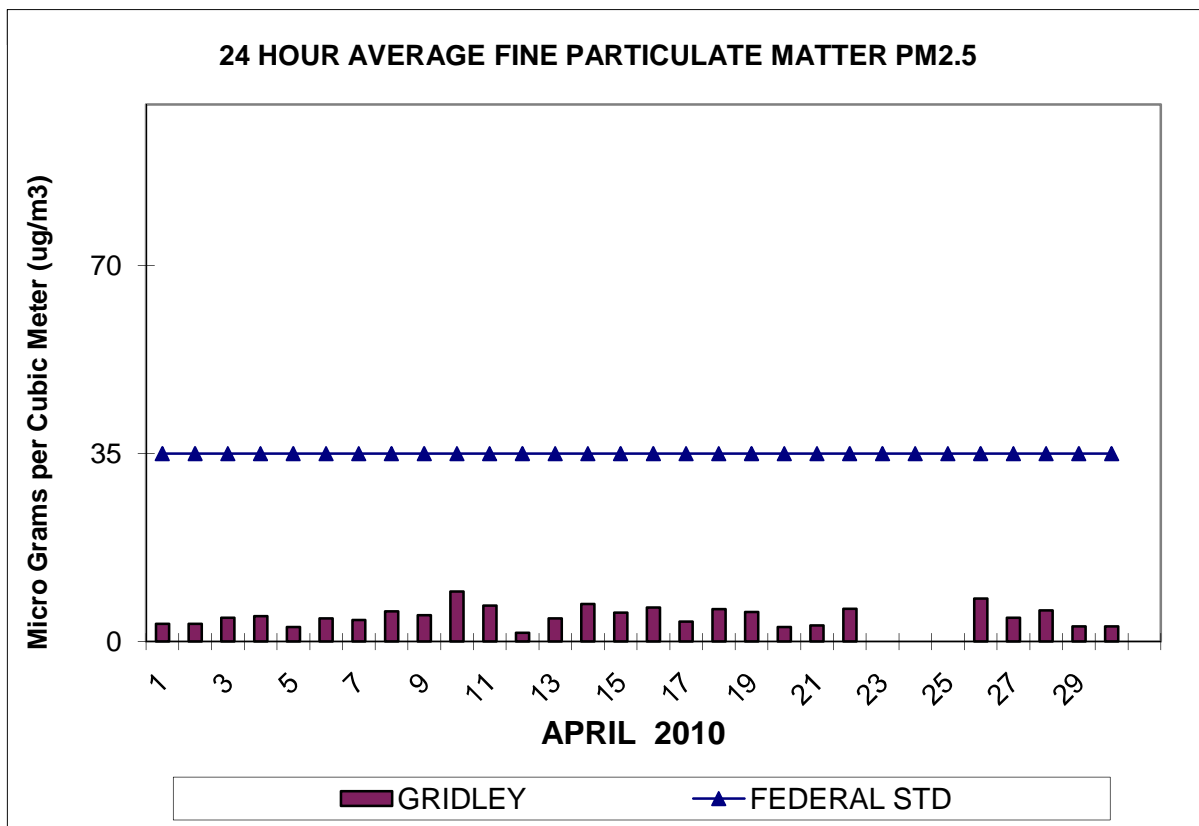
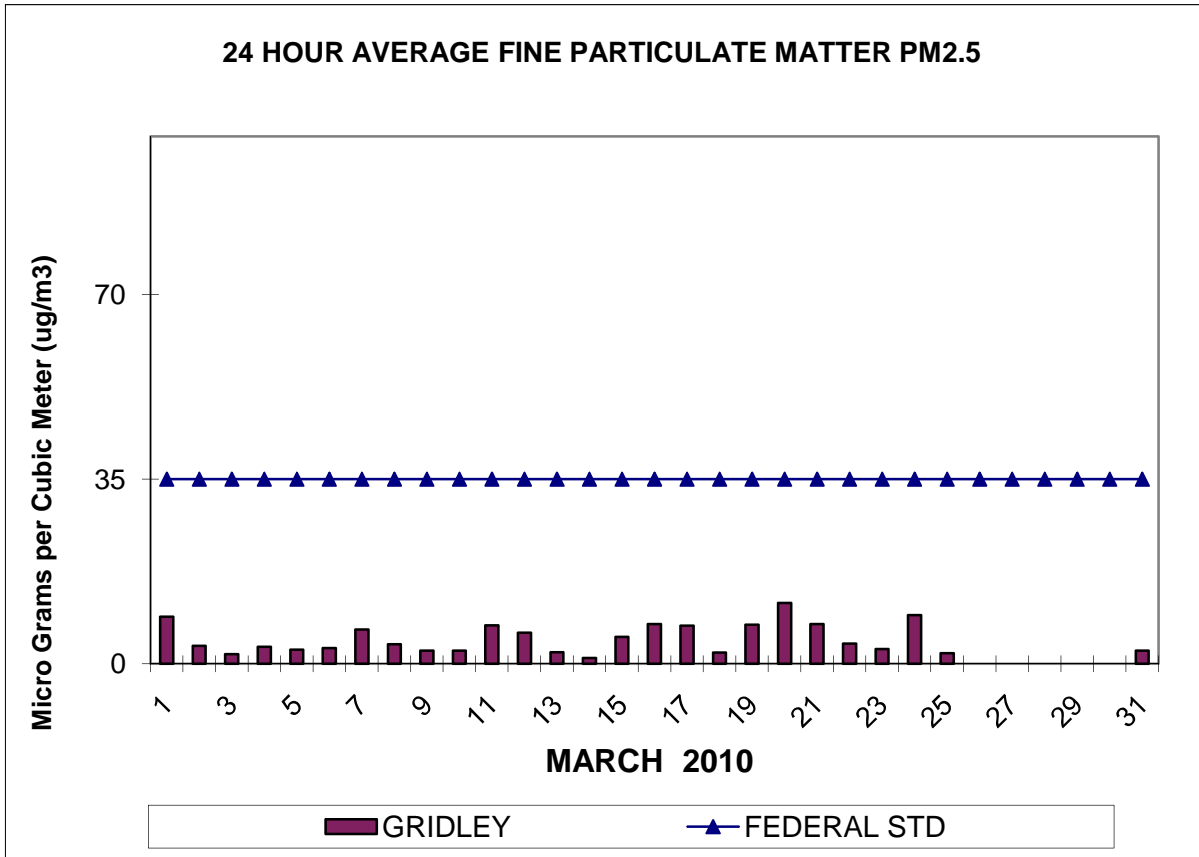
DAYS ABOVE STANDARD: 0

GRIDLEY 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
 JANUARY AND FEBRUARY 2010



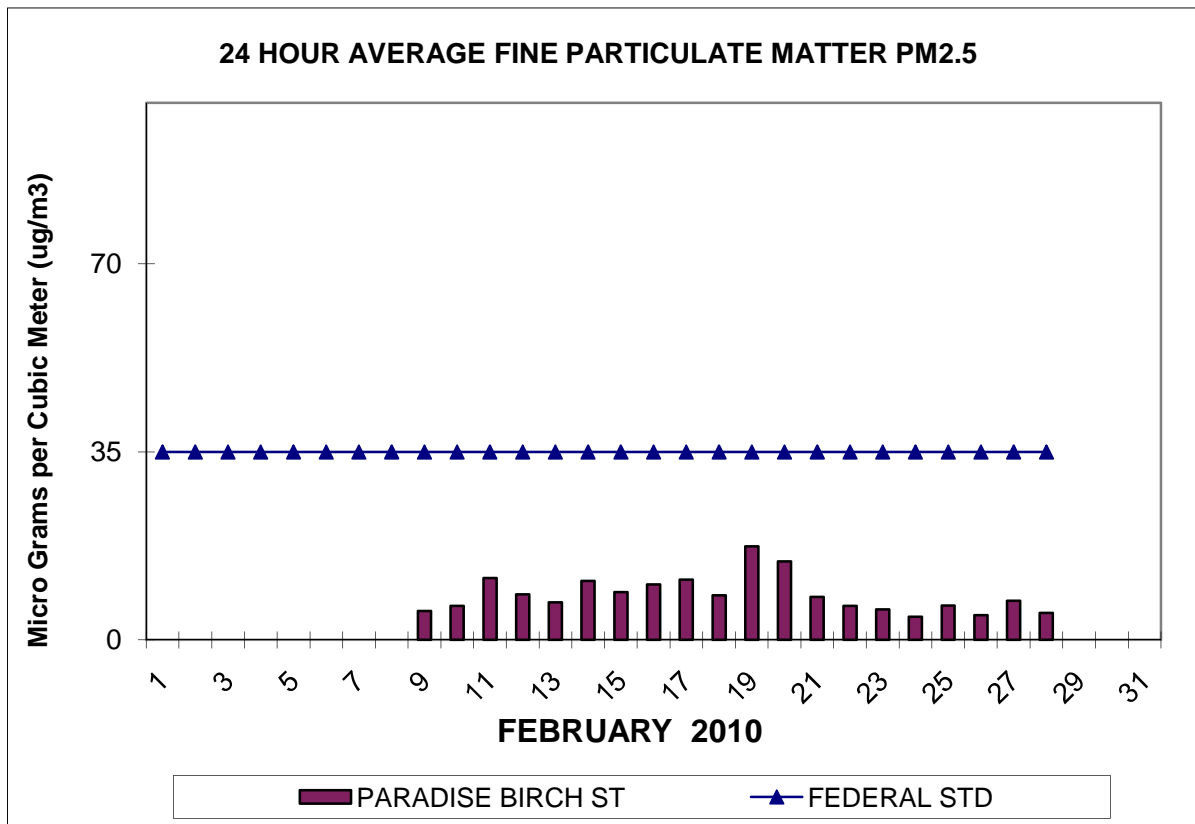
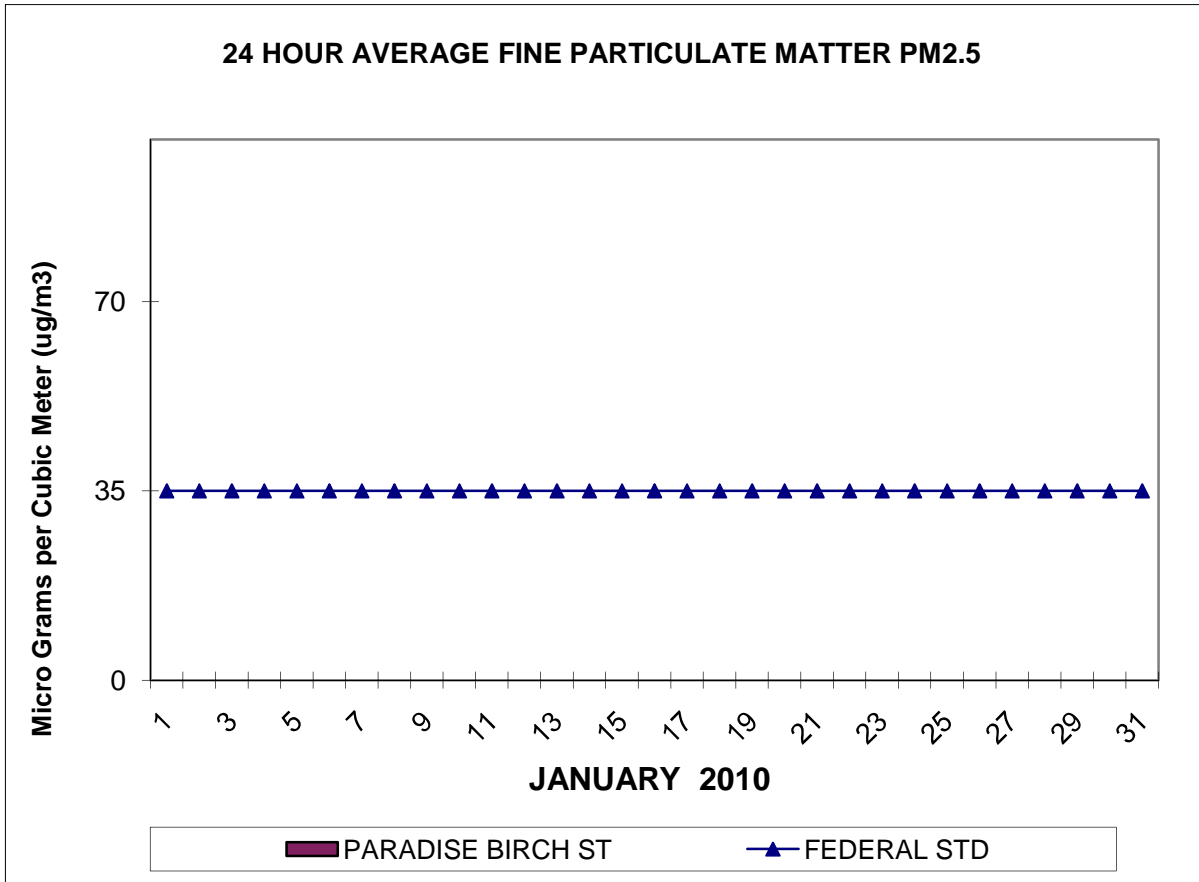
DAYS ABOVE STANDARD: 0

GRIDLEY 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
MARCH AND APRIL 2010



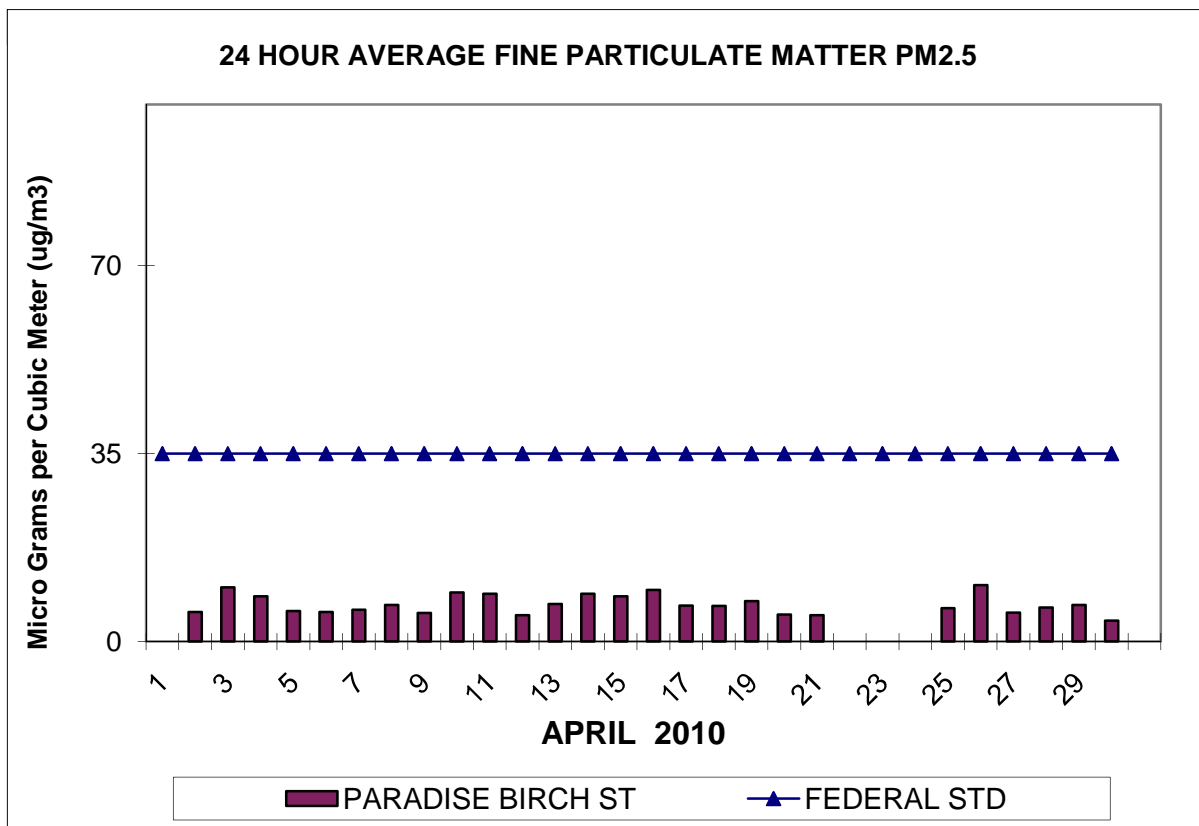
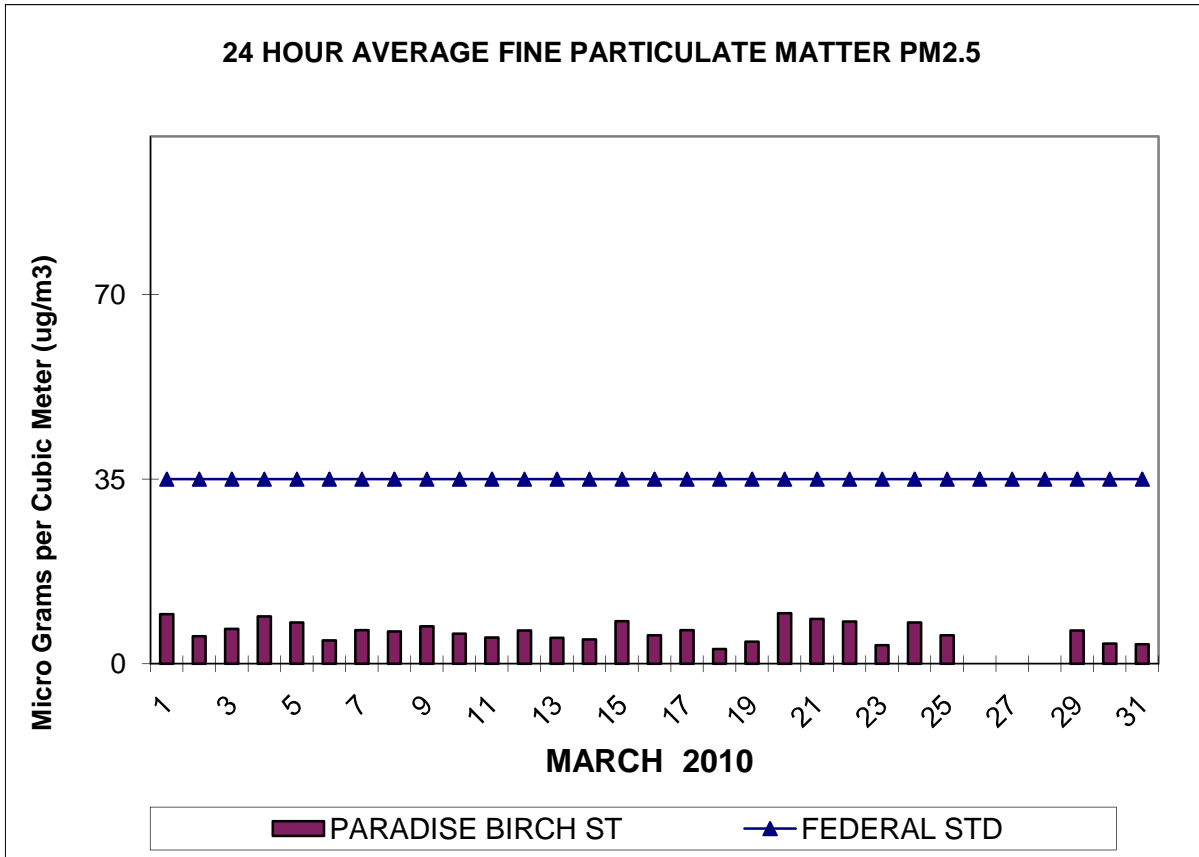
DAYS ABOVE STANDARD: 0

PARADISE 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
 JANUARY AND FEBRUARY 2010



DAYS ABOVE STANDARD: 0
 Note: Monitor down 1/1 - 2/8/10

PARADISE 24-HOUR AVERAGE FINE PARTICULATE MATTER PM2.5
MARCH AND APRIL 2010



DAYS ABOVE STANDARD: 0



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
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ALAN WHITE
Councilmember, Paradise

Date of Release: July 15, 2010
Board Consideration: July 22, 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, Approve 2010 Biennial Review of the District's Conflict of Interest Code**

ISSUE:

2010 Local Biennial Notice to review the District's Conflict of Interest Code.

RECOMMENDATION:

By consent, approve the staff's review and determination that no amendments are required to the District's Conflict of Interest Code and direct the Air Pollution Control Officer to return the 2010 Local Biennial Notice to the Butte County Counsel's Office.

DISCUSSION:

The 2010 Local Biennial Notice requires the District to review its Conflict of Interest Code and determine if amendments are necessary. Staff have conducted this review and determined that no amendments are required. There have been no position title changes or changes in responsibilities that would require an amendment.

Staff recommends your Board approve the review and direct the Air Pollution Control Officer to return the 2010 Local Biennial Notice to the Butte County Counsel's Office.

Attachments: 2010 Local Biennial Notice
District Conflict of Interest Code

Agenda Item 3.7

2010 LOCAL BIENNIAL NOTICE

Name of Agency: Air Quality Management District

Mailing Address: 2525 Dominic Drive, Suite J, Chico, CA 95928

Contact Person: Jim Wagoner Office Phone No: 891-2882

E-Mail: _____ Fax No: 891-2878

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:
(Mark all that apply)

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.
- Other (*describe*) _____

No amendment is required.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2010** to:

**BUTTE COUNTY COUNSEL
25 COUNTY CENTER DRIVE, SUITE 210
OROVILLE, CA 95965**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

California Fair Political Practices Commission

www.fppc.ca.gov/866-ASK-FPPC 6/2010

G:\CONFLICT OF INTEREST CODES - Agencies\2010 Conflict of Interest Code - Agencies\airqualityconflict2010.wpd

How to Amend a Conflict-of-Interest Code

The following are the FPPC's guidelines of the steps necessary to amend a conflict-of-interest code. Additional information may be required depending on the specific amendment. The FPPC's website, www.fppc.ca.gov, has available all of the necessary forms and documents to prepare an amendment. When the code reviewing body is a City Council or Board of Supervisors, contact the local code reviewing body concerning their code amendment procedures.

Non-Substantive Amendments

1. Provide a letter or memorandum describing the positions that have been deleted or renamed.
2. Include a copy of the entire code showing the changes in strikeout/underscore format.
3. Include a declaration by the chief executive officer.

Substantive Amendments

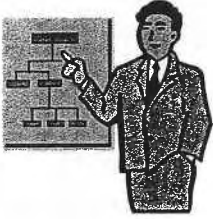
1. Prepare the proposed amendment using strikeout/underscore format.
2. Prepare a Notice of Intention and conduct a public comment period. Multi-county agencies must have a 45-day comment period. Other local agencies must follow the city's or county's requirements. Provide a copy of the notice to:
 - a. Members of the public and to each employee affected by the proposed amendment.
 - b. Multi-county agencies should also forward the notice to the FPPC.
3. Submit to the code reviewing body the proposed code amendment in strikeout/underscore format. Multi-county agencies must provide the following:
 - a. A declaration by the Chief Executive Officer
 - b. A summary of any hearing, including the names and addresses of any participants
 - c. Copies of all written comments
 - d. Written justification for all changes
 - e. The most current organizational chart of the agency
 - f. Job descriptions of all positions being added or whose disclosure category is being changed
 - g. Minutes of the last two agency board meetings, if applicable.

Example strikeout/underscore format

<u>III. PUBLIC WORKS OFFICE</u> <u>MAINTENANCE DIVISION</u>	
1. Maintenance Superintendent.....	2
<u>2. Maintenance Supervisor.....</u>	<u>2</u>
2. Asst. Maintenance Superintendent.....	2
3. Senior Equipment Technician.....	3
3. Equipment Services Technician.....	3
<ul style="list-style-type: none">• The Public Works Office became the Maintenance Division.• The Asst. Maintenance Superintendent was reclassified to Maintenance Supervisor.• The Equipment Services Technician position has been deleted.	

How to Review a Conflict-of-Interest Code¹

Who is a Designated Employee?



Designate these Positions:

High level positions that have authority to vote on a matter, appoint a person, obligate or commit his or her agency to a course of action, or enter into any contractual agreement on behalf of his or her agency.

Mid-Level positions that have authority to negotiate decisions on behalf of the agency, without significant substantive review; or

Employees that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. (*Government Code Section 82019.*)

Who Should Not be Designated?



Do Not Designate these Positions:

- Board of Supervisors
- Chief Administrative Officers
- District Attorneys
- County Counsels
- County Treasurers
- Planning Commissioners
- City Council Members
- Mayors
- City Managers
- City Attorneys
- City Treasurers
- Other city, county, and local agency public officials who manage public investments
- Solely clerical, ministerial, or manual positions
- Unsalaries members of boards or commissions that are solely advisory

Check Duty Statements Review Disclosure Categories



Review:

First, eliminate positions outlined above that are not designated employees.

Second, evaluate the remaining employees, committees, officers, or consultants. Top level management personnel are normally broad policy makers and should be designated. Beyond that, read duty statements and talk to supervisors. Each position should be analyzed to determine if it makes decisions. Be sure all positions that have authority to authorize contracts are designated.

Next, review the disclosure categories. Employees should only disclose economic interests that relate to their job. Do not assign the same disclosure to every position as jobs are different. The disclosure category assignments must adequately differentiate between positions.

Contact other counties for examples and guidance. The FPPC also posts model disclosure categories on its website.

¹ This information sheet should not be used to determine whether an agency is required to adopt a conflict-of-interest code. Contact the FPPC for assistance in making that determination.

CONFLICT OF INTEREST CODE
Butte County Air Quality Management District

The Political Reform Act (Government Code Section 8100 et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of 2 Cal. Code of Regs. 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees establishing disclosure categories, shall constitute the conflict of interest code for the Butte County Air Quality Management District.

Designated employees shall file statements of economic interests with the Butte County Clerk Recorder as the filing officer and filing official. The filing officer shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008. Upon receipt of the statements of the members of the Governing Board, Hearing Board and designated employees, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Appendix Listing of designated employees and disclosure categories

**CONFLICT OF INTEREST CODE FOR
Butte County Air Quality Management District**

APPENDIX

Designated Employees

Designated Categories

Members of the Governing Board	All
Members of the Hearing Board	All
Air Pollution Control Officer	All
Assistant Air Pollution Control Officer	All
Senior Air Quality Planner	All
Consultants Performing Duties of Designated Employees	All

Disclosure Categories

1. All interests in real property located within the Butte County, California about which the designated employee provides planning or technical assistance or has enforcement responsibilities.
2. Investment(s) in business entities and income from sources that are subject to state and/or District standards and requirements concerning air quality.
3. Any business position in any business entity which is subject to state and/or District standards and requirements concerning air quality.
4. Investment(s) in business entities and income from sources of the type which receives financial or technical assistance from the District's Governing Board.
5. Any business position in any business entity of the type which receives financial or technical assistance from the District's Governing Board.
6. Investment in business entities and income from sources of the type which has contracted with the District to provide services, supplies, materials, machinery or equipment.
7. Any business position in any business entity of the type which has contracted with the Board of Supervisors to provide services, supplies, materials, machinery or equipment.
8. Investments, sources of income and business positions in business entities which are contractors, or subcontractors, engaged in the performance of work or services of the type utilized by the District.
9. Investments and business positions and income from entities in which the District's Governing Board is empowered to invest its funds.



MAUREEN KIRK, CHAIR
Supervisor, District 3

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ALAN WHITE
Councilmember, Paradise

W. James Wagoner
Air Pollution Control Officer

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

Date of Release: July 15, 2010
Board Consideration: July 22, 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, Re-Authorize a Line of Credit to be used in the Event of Cash Flow Problems.**

ISSUE:

Due to the uncertainty of a balanced State Budget approval and resulting potential cash flow issues, as a contingency, the District requests re-authorization of a credit line to help ease possible fiscal impacts to the District.

RECOMMENDATION:

Approve the attached resolution authorizing the Air Pollution Control Officer to extend the term of a credit line for one year with a local or non-profit organization and authorize the Chair to sign the required loan documents.

DISCUSSION:

Due to the uncertainty of a balanced State Budget approval, as a contingency, District staff recommends your Board authorize application(s) be submitted to extension the District's current \$100,000 line of credit. These funds would only be used in the event they were needed and only with Board approval. To date, the District has not used the current credit line.

Attachments: Draft Resolution 2010-17

Agenda Item 3.8

**DRAFT RESOLUTION 2010-17
BEFORE THE BOARD OF DIRECTORS OF THE
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA
LINE OF CREDIT AUTHORIZATION**

Resolution 2010-17.....)
Authorizing the submittal of credit line application(s).....)
Authorizing staff selection of credit line.....)
Authorizing Chair to sign loan documents.....)

WHEREAS, the failure of the State of California to adopt a FY 2010-2011 budget may result in the delay of the Department of Motor Vehicle (DMV) surcharge funds being remitted to local air quality management districts;

AND WHEREAS, the DMV surcharge funds is an important source of funding for District programs;

AND WHEREAS, additional funding should be secured to ensure that District operations can continue in the event the DMV funds are not provided to the District;

AND WHEREAS, whereas the District is authorized by California Health and Safety Code Sections 40700 and 40701, and Government Code section 53821, to enter into financial agreements and to incur the indebtedness set forth herein;

THEREFORE, BE IT RESOLVED, the Board of Directors of the Butte County Air Quality Management District authorizes the Air Pollution Control Officer (APCO) to submit credit line applications to financial institutions for credit lines not to exceed \$100,000; and,

THEREFORE, BE IT FURTHER RESOLVED, the Board authorizes the APCO to select a credit line based on the most favorable interest rate and fees to the District; and,

THEREFORE, BE IT FURTHER RESOLVED, the Board authorizes the Chair to execute the necessary financial documents.

On Motion of _____, Seconded by _____, 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:
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 July 22, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board



W. James Wagoner
Air Pollution Control Officer

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

MAUREEN KIRK, CHAIR
Supervisor, District 3

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Mayor, Gridley

ALAN WHITE
Councilmember, Paradise

Date of Release: July 15, 2010
Board Consideration: July 22, 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, 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.**

ISSUE:

Survey, disposal and release of accountability of surplus property, authorize the purchase of a fixed asset replacement vehicle and adjust the FY 10-11 budget.

RECOMMENDATION:

Approve the survey, disposal and release of accountability of specified surplus property and direct the APCO to dispose of survey surplus property. Surplus property shall be disposed of at reasonable price and deposited into the District's general fund account or donated to a local school or non-profit charity.

Authorize the APCO to purchase, by way of a financed contract, a fixed asset to replace the above mentioned surplus vehicle. This replacement vehicle should be a new or low mileage hybrid engine type, not to exceed \$25,000 plus tax and license.

DISCUSSION:

California Health and Safety Code Section 40701 (e) authorized 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..."

Agenda Item 3.9

The APCO has identified FA# 950122, 2001 Toyota Prius, as no longer useable 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 reasonable price or donate to a local school or non-profit charity.

Administration also requests your Board authorize the APCO to negotiate a finance agreement in order to purchase a District replacement vehicle. This replacement vehicle should be a new or low mileage hybrid engine type, not to exceed \$25,000 plus tax and license. Administration is currently working to secure a five year loan to finance this vehicle purchase. The first years cost is estimated, with down payment, payments, interest and applicable tax and license fees, to be \$7,000

Administration request that your Board adjust the FY 2010-11 to accommodate the fixed asset purchase by increasing account number 563 (Fixed Assets) by \$7,000 and decreasing account 536 by \$6,000 and account number 540 (Public Education) by \$1,000.

Attachments: Resolution 2010-18

Agenda Item 3.9

**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 _____, Seconded by _____, the foregoing resolution is hereby PASSED AND ADOPTED by the Air Quality Management District Board of Directors on this 22 day of July, 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 July 22, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board

Items Removed from the Consent Agenda for Board Consideration and Action

Agenda Item 4



W. James Wagoner
Air Pollution Control Officer

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MAUREEN KIRK, CHAIR
Supervisor, District 3

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Date of Release: July 15, 2010
Board Consideration: July 22, 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: **Status Report on Proposed Amendments to Regulation III and Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, and Rule 507, *Burn Permit Fees***

ISSUE:

Proposed recodification and amendments to Regulation III and Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, to meet the requirements of California Health and Safety Code, Section 41804, as identified in the California Air Resources Board (CARB) audit, and to achieve particulate matter reductions mandated by Senate Bill (SB) 656; and amendments to Rule 507, *Burn Permit Fees*, to update references linked to Rule 300 (Regulation III).

RECOMMENDATIONS:

Receive report and provide direction to staff as appropriate.

DISCUSSION:

The proposed amendments to Rule 300, *Open Burning Requirements, Prohibitions and Exemptions*, were presented to your Board for consideration most recently at the June 24, 2010, Board meeting. After opening the public hearing and considering comments received, your Board requested that Staff modify the recommendations for residential burn requirements for the Magalia/Upper Ridge Area to allow for more residential burning opportunities. The two substantive potential changes to this portion of Rule 300 that are being considered by staff are:

- Removing the proposed prohibition on burning in January and February and instead regulating burning during these months to be consistent with the months of March through June; and,
- Modifying the burn hours so that they are consistent with the rest of the county (8:45 a.m. to one hour before sunset) when fire agency issued burn permits are not required.

Your Board also had requested that staff review residential lot size threshold to determine if a smaller lot-size is more appropriate. Staff have studied assessor maps of the Magalia/Upper Ridge area and have concluded that a reduction in lot size would reduce the potential for significant air quality benefits associated with the "smoke-free" periods associated with the proposed amendments. According to Assessor information, there are a total of 515 parcels in the Magalia/Upper Ridge area with a lot size of between ½ acre and one acre. By contrast, there are 4,748 residential lots of less than ½ acre. Review of parcel maps indicates that there are numerous lots larger than ½ acre located in and adjacent to some of the more densely-populated areas.

Agenda Item 5

A change in the lot size from less than 1 acre to ½ acre or less would reduce the air quality benefits intended by the designated burn periods proposed through the geographic division along Perry Road/Wycliff Way for residential open burning.

Fire Hazard Reduction Burning has been defined as burning on lots equal to or greater than one acre when done for the purpose of compliance with local fire hazard reduction ordinances. Consideration has been given to those properties that have more vegetative material than can be reasonably disposed of by alternative methods. Staff have verified that green waste pickup is available in the Magalia/Upper Ridge area. During the burn season months, if necessary, a resident may dispose of excess vegetative waste in green waste containers as provided by their local refuse disposal service.

After receiving any direction from your Board, staff will schedule an early evening public workshop in Magalia and provide public notice of the final proposed amendments and workshop. Staff welcome the opportunity to provide additional public outreach regarding the proposed amendments, specifically for those proposed for the Magalia/Upper Ridge Area; it is important that residents understand what is proposed and that the proposed amendments **will restrict but not prohibit residential burning** in the Magalia/Upper Ridge or in any other area outside of the Chico Sphere of Influence. Staff will consider comments from the public in the final development of the amendments to Rule 300, which will be presented to your Board, along with Rule 507, *Burn Permit Fees*, at the September Board meeting. As was proposed in the June Board report, staff recommends that the proposed amendments become effective on November 1, 2010.

List of Attachments: • Proposed Amendments Comparison Chart

Proposed recodification and final amendments to Regulation III and Rule 300, Open Burning Requirements, Prohibitions and Exemptions

Current Rules, Residential Open Burning		Proposed Rule, General Requirements for all Residential Open Burning	
Type of Requirement	Existing Rule	Proposed Requirements	Reason for Amendment
Lot Size	Not Defined	Open outdoor fires on lots less than one acre.	To clearly identify requirements specific to residential open burning.
Burn Hours	None, except as required by local fire ordinances	<p>Residential burn hours are between 8:45 a.m. and one hour before sunset. No material shall be added to the fire after 3:00 p.m. Alternate burn hours may be set for State Responsibility Areas under the jurisdiction of the California Department of Forestry and Fire Protection, the U.S. Forest Service or local municipality.</p> <ul style="list-style-type: none"> • When a fire agency burn permit is required, persons conducting residential burning shall comply with the burn hours established by the Fire Protection Agency having jurisdiction over the burn site; • All persons conducting residential burning shall contact the local fire protection agency for seasonal and specific burn hour requirements prior to burning. 	<ul style="list-style-type: none"> ➤ Recommended program improvement identified by CARB during the District's program review in order to comply with the requirements of California Health and Safety Code, Section 41804; ➤ Necessary to reduce PM-10 from residential open burning in order to comply with SB 656; ➤ Establishes standards for residential open burning that are consistent with the requirements for agricultural open burning.
Drying Times:	None	15 days required for material less than	Same as above

		6 inches in diameter and 30 days required for material greater than or equal 6 inches in diameter.	
Use of Burn Barrels	Prohibited unless exempt.	Same	Required by Section 93113 of Title 17 of the California Code of Regulations
Burning Near Occupied Dwellings	None	Open fires shall be located more than 25 feet from any occupied dwelling located on an adjacent parcel.	Reduce smoke impacts to adjacent property owners from residential open burning
Maximum Pile Size	None	The maximum pile size shall not exceed four (4) feet in diameter.	<ul style="list-style-type: none"> ➤ Reduce smoke impacts to adjacent property owners from residential open burning. ➤ Consistency with local fire agency requirements
Clearance Requirements	None	All areas within ten (10) feet of the outer edge of the burn pile shall be maintained to be free and clear of all flammable material and vegetation.	<ul style="list-style-type: none"> ➤ Reduce accidental ignition of prohibited materials. ➤ Consistency with local fire agency requirements.
Responsible Adult in Attendance	None	A responsible adult shall be in attendance with a shovel at all times until the fire is dead out.	<ul style="list-style-type: none"> ➤ Reduce accidental ignition of prohibited materials. ➤ Consistency with local fire agency requirements.
Water Suppression	None	A water hose or other water source that can readily apply adequate amounts of water to all parts of the burn site must be available.	<ul style="list-style-type: none"> ➤ Reduce accidental ignition of prohibited materials. ➤ Consistency with local fire agency requirements.
Unsafe Conditions	None	No burning shall be conducted unless site specific weather conditions (particularly wind) are such that the burning can be considered safe.	<ul style="list-style-type: none"> ➤ Reduce burning during unsafe conditions. ➤ Consistency with local fire agency requirements

Poison Oak	None	The burning of Poison Oak is prohibited.	➤ Reduce emissions of toxic air contaminants
Residential Open Burning in the Magalia/ “Upper Ridge” Area			
Type of Requirement	Existing Rule	Proposed Requirements	Reason for Amendment
Burn Hours	None	Same as other areas of the County	➤ Establishes uniform burn hours for all residential open burning except where the activity is governed by fire agency burn permit requirements
Designated Burn Periods using Geographic Division		January 1 through the end of June, residential burning shall only be authorized for those areas north of Wycliff Way/Perry Road from the 1 st through the 15 th of each burn season month, and south of Wycliff Way/Perry Road from the 16 th through the last day of each burn season month.	➤ Provides designated periods for authorized burning based on geographic location. ➤ Allows residents periodic relief from smoke impacts from residential open burning.
Residential Burning in the Unincorporated Areas of the County that are located within the Chico Sphere of Influence			
Type of Requirement	Existing Rule	Proposed Requirements	Reason for Amendment
Prohibition on Residential Open Burning	None	Residential burning is prohibited in the unincorporated areas of Butte County which are within the Chico Sphere of Influence on lots less than 1 acre in size.	➤ Establishes uniform requirements for the unincorporated areas that are similar to the requirements within the City of Chico where residential open burning is prohibited ➤ Helps achieve emission reductions necessary to comply with the federal ambient air

			quality standard for PM 2.5.
Current Rules, Fire Hazard Reduction Burning		Proposed Rule, Requirements for all Fire Hazard Reduction Burning	
Type of Requirement	Existing Rule	Proposed Requirements	Reason for Amendment
Burn Hours	None	<p>Burn hours are between 8:45 a.m. and one hour before sunset. No material shall be added to the fire after 3:00 p.m. Alternate burn hours may be set for State Responsibility Areas under the jurisdiction of the California Department of Forestry and Fire Protection, the U.S. Forest Service or local municipality.</p> <ul style="list-style-type: none"> • When a fire agency burn permit is required, persons conducting fire hazard reduction burning shall comply with the burn hours established by the Fire Protection Agency having jurisdiction over the burn site; • All persons conducting fire hazard reduction burning shall contact the local fire protection agency for seasonal and specific burn hour requirements prior to burning. 	<ul style="list-style-type: none"> ➤ Recommended program improvement identified by CARB during the District's program review in order to comply with the requirements of California Health and Safety Code, Section 41804; ➤ Necessary to reduce PM-10 from residential open burning in order to comply with SB 656; ➤ Establishes standards for fire hazard reduction burning that are consistent with the requirements for agricultural open burning.
	None		➤
Drying Times:	None	15 days required for material less than 6 inches in diameter and 30 days required for material greater than or equal 6 inches in diameter.	Same as above



W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
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Date of Release: July 15, 2010
Board Consideration: July 22, 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: **Consider Approving an Amnesty Period for Businesses That Do Not Have Required Air Quality Permits**

ISSUE:

A Period of amnesty for sources required to obtain District permits which presently do not possess such permits.

RECOMMENDATION:

Approve a ninety (90) day amnesty period commencing August 1, 2010, allowing affected sources to apply for District permits without the initiation of enforcement action for failing to obtain a permit.

DISCUSSION:

Butte County AQMD Rule 400 - General Requirements, was previously adopted in concert with California Health and Safety Code (HSC) Section 42300 and established, by regulation, a permit system that requires a District permit (with specified exceptions) before any person builds, erects, alters, replaces, operates, or uses any article, machine or equipment which may emit air contaminants.

The District's permit program requires an application for an Authority to Construct permit which is evaluated by District engineers for acceptable control technology and emission levels. Upon demonstration that the proposed equipment will be in compliance with all applicable rules and regulations, the Authority to Construct is issued. After the equipment has been installed, District staff inspects the equipment to verify that it was constructed in compliance with the terms and conditions specified in the Authority to Construct. After compliance has been verified by staff, the Permit to Operate is issued.

Typical sources operating under District permits include concrete batch plants, gasoline service stations, gasoline bulk delivery operators, dry cleaners, automotive paint spray operations, diesel-fueled compression ignition engines, rice

Agenda Item 6

dryers, almond hullers, and other pollution emitting sources. Sources found constructed or operating without the required AQMD permit(s) are subject to civil and criminal prosecution, including but not limited to fines.

Before your Board at this time is a proposal for an amnesty period from permit requirements to allow for sources that are required to have District permits but do not possess such permits, to apply for the necessary permit without the fear of incurring penalties for failure in not having previously obtained a permit. Staff is proposing a ninety (90) day permit amnesty period, through October 29, 2010, after which the District would return to enforcement actions which pursue penalties for failure to obtain the permits.

Should your Board approve the permit amnesty period the following conditions would apply:

1. The permit amnesty period does not apply to Federal permit requirements for New Source Review or Prevention of Significant Deterioration permits.
2. The permit amnesty period will exempt a source from enforcement for failure to obtain permits, but not from emission limits, control technology requirements, or fees.
3. Fees assessed would be retroactive to the date the equipment was originally installed or modified without written authorization, but would be limited to three (3) years maximum.

Upon Board approval, Staff would actively conduct outreach to let parties subject to permit requirements become aware of this unique window of opportunity to apply for required permits without penalty.

Agenda Item 6



W. James Wagoner
Air Pollution Control Officer

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Date of Release: July 15, 2010
Board Consideration: July 22, 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 the State of the District Report and Goals for FY 2010-2011

ISSUE:

Status of the District programs.

RECOMMENDATION:

Receive report and approve goals.

DISCUSSION:

One of the District goals is to prepare and present to your Board a State of the District Report. This year the report is organized around reporting activities for the just completed FY 2009-2010, and looking forward to the current fiscal year. Attached please find the following State of the District Report, summarizing the status of the more salient District programs.

Attachment

Agenda Item 7

State of the District Report

July 15, 2010

Preface

Under the existing State and federal environmental regulatory structure, the federal government is granted primary authority to establish health-based ambient air quality standards, to establish specific technology and emission requirements for sources of air pollution, regulate selected sources of air pollution (e.g., aircraft), and mandates that states comply with these requirements.

Under the State of California regulatory structure, the State maintains primary authority to regulate mobile sources of air pollution (e.g., establish vehicle emission standards), and possess regulatory oversight authority over local and regional air pollution control authorities. Local and regional agencies maintain primary authority to regulate stationary sources of air pollution (e.g., permitting industry activities and regulating open burning).

The Butte County Air Quality Management District (District) is the local county independent air pollution control agency created pursuant to Section 40100.5 et seq. of the California Health and Safety Code (HSC). The District lies within the Sacramento Valley Air Basin and participates as a member of the Sacramento Valley Basinwide Air Pollution Control Council (BCC). As part of its statutory responsibilities, the District implements a spectrum of air quality management programs. The purpose of this State of the District Report is to summarize the status of the more salient District programs and provide goals for fiscal year 2010-2011.

CONTENTS

I. ADMINISTRATION DIVISION

- ✓ District Finances
- ✓ Human Resources
- ✓ Facilities
- ✓ Program Compliance

II. PLANNING DIVISION

- ✓ The Carl Moyer Program
- ✓ The DMV Grant Program
- ✓ Special Clean Air Grant Program
- ✓ Federal Stimulus Funding
- ✓ District Web Page
- ✓ **Check Before You Light** Program
- ✓ Smoking Vehicle Program
- ✓ Public Education Program
- ✓ Air Quality Data
- ✓ CEQA/NEPA Reviews
- ✓ Sacramento Valley Basinwide Air Pollution Control Council (BCC)
- ✓ California Air Pollution Control Officers Association (CAPCOA)
- ✓ Federal PM 2.5 State Implementation Plan (SIP) Development
- ✓ Federal 8-hour Ozone State Implementation Plan (SIP) Development
- ✓ SB 656 Implementation Schedule
- ✓ Rule and Regulation Development

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III. COMPLIANCE & ENGINEERING DIVISION

- ✓ Stationary Source Permit Program
- ✓ Stationary and Portable Equipment Registration Programs
- ✓ Emission Inventory Program
- ✓ Air Toxics “Hot Spots” Program
- ✓ State Airborne Toxic Control Measure (ATCM) Program
- ✓ District Enforcement Program
- ✓ Hearing Board and Variance Program
- ✓ 2010-2011 Smoke Management Program
- ✓ Residential Open Burning Program
- ✓ Vapor Recovery Program
- ✓ Emission Reduction Credit Banking Program
- ✓ Implementation of Geographic Information System Technologies

Goals and Performance Expectations for Fiscal Year 2010-2011

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I. ADMINISTRATION DIVISION

✓ District Finances

District administration coordinated a successful fiscal audit for FY 2008-2009 with the firm Robert Gustafson CPA. The audit was presented to the Board at the January meeting. Robert Gustafson provided an unqualified opinion, with no findings or recommendations.

The District program maintained a balanced budget in FY 2009-2010 and in the previous fiscal year. A balanced budget is forecast for the current fiscal year, as approved by the Board at the June 24th meeting. The District continues to maintain service levels, albeit with certain program areas prioritized.

The FY 2010 -2011 budget reflects the reality of our current economic times, with no fee increases approved to permitted sources. The approved budget also does not include cost of living adjustments (COLAs) for staff salaries. The budget assumes the state will continue to provide the annual subvention and Department of Motor Vehicle (DMV) surcharges authorized by statute, but at the same level as last fiscal year. Up until last year the DMV surcharge increased 2-3% each year.

District Administration continues to seek program improvements to ensure efficient, cost effective operations. Work continues on implementing a digital file system, which offers many advantages in records management. Documents are scanned electronically onto a computer hard drive and are accessible from network workstations. Cost savings are anticipated in more efficient information retrieval and data storage. Staff converted to electronic timesheets through our ADP payroll contract. Staff are making many forms available to the public through the

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District website.

√ **Human Resources**

District staffing is budgeted at 11 full-time employees. This is down one Compliance Specialist position from two years ago. This position was vacant and was removed last year as a cost cutting measure in the final budget approval. The District continues to take advantage of part-time extra help, and will consider internships. Staff training continues, taking advantage of classes offered by the California Air Resources Board (CARB). Our field staff are certified in evaluating visible emissions in accordance with U.S. EPA requirements and are certified in hazardous materials response.

At the June 24th meeting the Board approved a realignment of some staff responsibilities, including a new organization chart.

The District negotiated a new three year Memorandum of Understanding (MOU) with the employees last year. The new MOU will expire September 30, 2012.

√ **Facilities**

The District offices have been at the Dominic Drive location since early 1996. The current office lease will expire January 31, 2011. Staff are actively looking at other office space options that will better serve the District at a lower cost.

√ **Program Compliance**

District operating procedures are maintained in the Administrative Code, Parts A and B. Part A includes operating protocols for the Board and accounting procedures. The Board approves amendments to Part A. Part B includes staff operating procedures, from routine office policies to field staff inspection procedures and permitting guidance. Amendments to Part B are approved by the APCO. Maintenance of the District Administrative Code is an ongoing activity as we improve our internal processes.

As mentioned above, outside auditor Robert Gustafson CPA conducted a fiscal audit of the District's finances for FY 2008-2009.

II. PLANNING DIVISION

√ **The Carl Moyer Program**

The Carl Moyer Program is a grant program that funds the incremental cost of cleaner heavy-duty diesel vehicles and other diesel equipment. \$361,587 in State Carl Moyer funding was available for Year 11 applications. The District provided an additional \$60,808 in match funding. The District awarded 28 grants totaling \$381,663, with the remainder of the Year 11 funds carried over to Year 12 projects. \$332,685 in State Carl Moyer funding and \$47,131 in District match funds are available for Year 12 applications. The District accepted applications from February 1, 2010 through March 1, 2010. A total of 11 Year 12 grant awards have been made to date.

Looking forward, staff has budgeted \$200,000 for Year 13 Moyer funds with no match requirement.

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The District also participated in the CAPCOA/CARB Rural Carl Moyer Program. This program redistributed Year 10 funds that went unspent from other rural air districts. The District was awarded \$45,844 in project funds and \$10,000 for District administration costs, for 4 local projects.

√ **The DMV Grant Program**

In 2009 your Board approved using DMV funding for FY 2009-2010 as a Carl Moyer funding match for Year 12 funds. A total of \$47,131 will be used for the Moyer match.

√ **Special Clean Air Grant Program**

Earlier this calendar year the Board authorized \$20,000 in vouchers to provide incentives for Butte County residents to replace uncertified wood burning devices (woodstoves and open hearth fireplaces) with new certified wood burning organizations. Staff will continue to look for additional funding for this purpose.

√ **Federal Stimulus Funding**

The American Recovery and Reinvestment Act includes measures designed to modernize our nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need.

The Department of Energy (DOE) issued awards and grants to local government under the Energy Efficiency and Conservation Block Grant (EECBG). The DOE is also distributing funds to states through the Weatherization Assistance Program (WAP) administered by the Department of Community Services and Development (CSD). The purpose of WAP is to increase the energy efficiency of homes owned or occupied by low-income Californians, reduce the amount these families spend on energy, and improve their health and safety. Preference is given to low-income people who are particularly at risk, such as the elderly, disabled, families with children, and those who use a lot of energy. CSD will receive \$185 million in DOE WAP funding under the Recovery Act.

Since the District is not eligible to apply for these grants directly, District staff made contacts with the City of Chico and the County Housing Authority and Community Action Agency to pursue grant proposals which will contain the air quality benefits of energy efficiency programs including the benefits of changing out non-certified woodstoves and fireplaces. To date staff have not been successful in establishing the partnerships necessary to secure additional grant funding for woodstove replacements for FY 2010-2011.

The District also contacted the California Energy Commission (CEC) to explore ways of directly implementing a woodstove replacement program working with the CEC. The model for this approach is the partnership between the Oregon Departments of Energy and the Environment. Staff are still awaiting a response from the CEC.

√ **District Web Page**

The District's website (www.bcaqmd.org) provides information to the public and includes: permit information, Governing Board agendas, Clean Air Kids Club information, current air quality information, agricultural and residential burning information, burn days status, staff contact information, printable forms and copies of District newsletters, Basinwide Air Pollution

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Control Council information and links to other air quality and transportation websites. Staff posts information relevant to special projects of interest to the public, such as the **Check Before You Light** program, the Portable Equipment Registration program and the Agricultural Engine Registration program.

√ **Check Before You Light Program**

At the October 22, 2009 meeting the Board approved the **Check Before You Light** Program for the period November 1, 2009 through February 28, 2010. Based on established numeric criteria, on forecasted poor air quality days, the public was asked to voluntarily refrain from using woodstoves and fireplaces throughout the day. Forecasts were determined based on air quality monitoring data from the Chico, Gridley and Paradise monitoring sites operated by the California Air Resources Board. Woodstoves and fireplaces are a significant source of fine particulate matter pollution (PM_{2.5}) during winter months. The **Check Before You Light** program emphasized checking air quality status anytime before using wood burning devices, not just at night. Based on preliminary data, during the period of November 1st through February 28th, there were 5 advisory days for the Chico area, with 11 days above the federal standard. There was 1 day above the standard in Gridley and no days in Paradise above the federal standard. There were no advisories issued for the Gridley or Paradise areas. A review of the program was presented at the March 25, 2010 Board meeting.

At the September 25, 2009 meeting the Board considered proposed Rule 208 *Mandatory Wood Burning Curtailment Periods*. Rule 208 would have prohibited the use of non-certified wood burning devices on poor air quality days. The Board did not pass proposed Rule 208.

√ **Smoking Vehicle Program**

Smoking vehicles are a hazard to health, contribute to air quality problems and constitute a nuisance. In addition, smoking vehicles reduce visibility and waste fuel. In 2001 the District initiated a voluntary program to accept complaints on smoking vehicles and provide notification to the vehicle owners. The registered owners of smoking vehicles, identified by the District are sent a letter requesting they initiate vehicle repairs to prevent the vehicle from smoking.

√ **Public Education Program**

Staff provides air quality information to the media on a daily basis. During periods of poor air quality the District staff will respond to media requests for additional information.

This was the ninth year that the District has implemented the Clean Air Kids Calendar Contest, with Butte County children in Kindergarten through 8th grades eligible to participate. Participating students submit artwork with pollution prevention themes. The winners have their artwork shown on the Clean Air Kids Calendar. The grand prizewinner is awarded a bicycle, courtesy of Greenlines Cycles in Oroville. This year there were approximately 1,000 entries.

In late 2007 the District initiated a series of public workshops and outreach related to potential measures to mitigate wood smoke from wood burning devices such as wood stoves and fireplaces. This work continued from the previous fiscal year. Staff provided technical information as requested by the local newspaper working on a series examining woodsmoke from the perspective of public health and the economics of home heating in our area. The District also began a series of public workshops and outreach related to potential amendments to

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the District's open burning regulations. See further discussion under "SB 656 Implementation Schedule".

√ **Air Quality Data**

District staff prepare bi-monthly and annual air quality data summaries including detailed graphics. These summaries are available to interested members of the public and are frequently used for public presentations. Also see the comments above.

√ **CEQA/NEPA Reviews**

The District continues to work closely with Butte County and cities in evaluating potential air quality impacts under the California Environmental Quality Act and National Environmental Protection Act (CEQA/NEPA). The District prepares an air quality review and analysis for developments submitted by Butte County and cities. The District has been working with the cities and county providing comments and resource information for their general plan updates. District staff have also forwarded resource information developed by the California Air Pollution Control Officers Association on evaluating climate change through the CEQA and general plan process.

√ **Sacramento Valley Basinwide Air Pollution Control Council (BCC)**

District staff closely coordinate program activities with the air districts in the Sacramento Valley Basinwide Air Pollution Control Council. Earlier this year the BCC approved the 2009 Sacramento Valley Air Quality Attainment Plan, the plan for coordinating attainment for the state ozone standard. Staff will be bringing this program to the Board later this year for approval. Staff also coordinate review each year of the Basin Smoke Management Program. At the June 4th meeting the BCC agreed that no changes were necessary in the program for the coming year.

√ **California Air Pollution Control Officers Association (CAPCOA)**

CAPCOA is a professional organization of the California Air Pollution Control Officers. As more State and federal mandates are imposed on local air districts, CAPCOA offers the District opportunities to coordinate program elements Statewide on new requirements. District staff participate at varying levels with the CAPCOA Planning Managers, Engineering Managers, Enforcement Managers, Vapor Recovery, Toxics and Fiscal Managers.

The District Air Pollution Control Officer has been appointed to the steering committee of the California Air Response Planning Alliance (CARPA). CARPA's mission is to coordinate training opportunities to State, local and federal agencies in providing incident response information to protect public health and the environment from the impacts of accidental or deliberate releases of hazardous air pollutants. The most practical application for our area is in responding to air quality issues due to wildfires, including the ability to characterize the smoke impacts from a public health perspective, and communicate the risks is an important role for the local air districts.

√ **Federal PM 2.5 State Implementation Plan (SIP) Development**

In December 2009 U.S. EPA approved the final non-attainment area designations for the new PM 2.5 standard. Butte County was designated as a non-attainment area for the daily average PM 2.5 standard of 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The Air Resources Board has begun

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consultations with non-attainment area districts on activities related to the new SIPs that will be required. Important early actions include identifying exceedances of the standard related to exceptional events, such as wildfires. These exceedances do not count against an area as far as the area attaining the standard. Also, review of the emissions inventory is important for future regulations that will be required. Staff plan on presenting the proposed SIP for Board approval in the summer of 2012. The deadline to attain the standard is 2014, with a likely extension to 2019.

√ **Federal 8-hour Ozone State Implementation Plan (SIP) Development**

U.S. EPA established a new 8-hour Ozone standard in March 2008, at 0.075 parts per million (ppm). The previous standard was 0.08 ppm, established in 1997. The Air Resources Board recommended that Butte County be designated non-attainment for the new standard in March 2009. Before the area designations could be finalized, U.S.EPA announced the agency is reconsidering the new 2008 standard. The agency is taking comments on a new standard in the range of 0.060 to 0.070 ppm, consistent with the recommendations of their scientific review panel. EPA should decide on the new standard later this year. Staff expects the SIP will be due by 2013.

√ **SB 656 Implementation Schedule**

In 2005 the District Board adopted an implementation schedule to consider measures to mitigate particulate matter pollution, as required by SB 656. The first measure adopted was the voluntary “Don’t Light Tonight” program. Beginning in the 2008-2009 winter season, the **Check Before You Light** program was implemented, with an emphasis on public outreach in the Chico area.

In 2007 the District began reviewing potential measures to reduce particulate pollution from wood burning devices, such as wood stoves and fireplaces. This review continued into 2008, with revisions to Rule 207 *Residential Wood Combustion* adopted at the December meeting. The District Board considered a new Rule 208 *Mandatory Wood Burning Curtailment Periods* in September 2009, but did not adopt the measure. The Board decided to continue with the voluntary **Check Before You Light** program and public education efforts.

At the May 27, 2010 meeting the Board approved amendments to Rule 205 *Fugitive Dust Emissions*. The primary purpose of the amendments was to provide specific compliance guidance to the regulated industry.

Staff continue to work on proposed amendments to Regulation III, *Open Burning*. These amendments are being considered to comply with state law, consideration of measures in the SB 656 Implementation Schedule, and the 2005 CARB Program Audit. The proposed amendments primarily affect non-agricultural open burning, such as residential burning. Staff presented the proposed amendments at the June 24th Board meeting. The Board directed staff conduct additional outreach and evaluate other aspects of the proposed amendments.

√ **Rule and Regulation Development**

The California Health and Safety Code requires the District’s Governing Board to adopt Rules and Regulations for the implementation and enforcement of federal and State statutes and regulations. The District Board may also adopt rules based on local needs. Most of the rules proposed are required by the State Air Quality Attainment Plan (Plan). The Plan is updated every three years by the Sacramento Valley Basinwide Air Pollution Control Council and

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approved by the District Governing Board. The BCC approved the 2009 Plan earlier this year and staff will be bringing the next update to the Board for approval later this year. The Plan includes a listing of “all feasible measures” that the District is required to consider. The District is also required to update existing regulations, such as New Source Review and Conformity. These updates are required for the SIP.

The following new and amended District rules were adopted by the Board in FY 2009-2010:

Rule 441 *Registration Requirements for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations*

Rule 513 *Registration Requirements for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations*

Rule 1001 *Airborne Toxic Control Measure (ATCM) for Compression Ignition (CI) Engines Used in Agricultural Operations*

Reason for adoption: Rules 441, 513 and 1001 were amended to allow for a low use exemption.

Rule 205 *Fugitive Dust Emissions*

Reason for adoption: Rule 205 was amended to comply with SB 656.

III. COMPLIANCE & ENGINEERING DIVISION

√ Stationary Source Permit Program

The District issues permits (authority to construct and permits to operate) to stationary sources of air pollution in Butte County. The stationary source permit is the primary means to ensure compliance with local, State and federal air quality requirements. Typical sources under permit include dry cleaners, retail service stations, auto body repair shops, lumber mills, cabinet shops, sand and gravel processing plants, asphalt concrete production, diesel-fueled generators, agricultural processing operations (almond hullers and rice dryers), and soil/groundwater remediation projects. In calendar year 2009 the District issued or renewed 752 permits to operate and issued 86 authority to construct permits.

The Title V Program requires a federal major source to have a permit, which includes all of the federal requirements applicable to the facility. The District has three Title V sources under its jurisdiction: 1) Pacific Oroville Power, Inc., a 22 megawatt biomass-fired electric generation facility, 2) SFPP, L.P., a bulk gasoline distribution terminal, and 3) Butte County Department of Public Works for the Neal Road Sanitary Landfill. Title V Operating Permits are valid for 5 years from the date of issuance and are renewable. One Title V Operating Permit for SFPP, L.P. has recently been renewed with applications pending review for the Neal Road Sanitary Landfill. The renewal process requires a detailed review of each facility with respect to any equipment changes and changes to the applicable regulatory requirements.

In 2004 SB 700 amended State law to remove the permit exemption for agricultural sources under certain circumstances. To date, staff have not identified any potential sources requiring permits.

√ Stationary Agricultural Engine and Portable Equipment Registration Programs

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In 2005 the local portable equipment registration program was approved by the Board. This program was developed as a local alternative to the existing state-wide program. The program helps implement the new Portable Equipment Airborne Toxic Control Measure (ATECM), allowing the regulated industry additional time to upgrade particulate controls on their portable equipment. To date, the District has processed 125 certificates of registration.

In 2007 District staff proposed and the Board adopted new Rule 1001, *Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations* as an alternative to the State ATECM. At that time the District also proposed new Rule 441, *Registration Requirements for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations* which was also adopted by the Board. The registration rule required that owners of all existing engines apply for a Certificate of Registration by March 1, 2008 and the owners of any new engines apply for registration no later than ninety (90) days from the date of installation. Subsequent to the adoption of the above rules, the CARB issued policy guidance that allows portable engines to be registered and regulated as stationary engines. To date, the District has processed 332 certificates of registration.

At the June 2009 meeting the District Board approved amendments to Rule 1001 allowing for a limited “low use” exemption, delaying compliance with the emission standards. The allowable hours of operation were based on a site-specific health risk assessment of each engine. The Board also adopted amendments to Rule 441 and Rule 513 *Registration Fees for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations*. These amendments implemented a new reduced fee for tracking registrations, for low use engines and engines in compliance with the final emission standards of Rule 1001. The Board approved an amnesty period and outreach to the regulated community. As a result of this effort, the District now has a total of 332 agricultural engines registered as of June 30, 2010.

√ **Emission Inventory Program**

The District is required to maintain records and report periodically to the California Air Resources Board regarding emissions from stationary sources and area sources. Reporting is performed for the criteria pollutants and air toxics. Staff utilize the California Emission Inventory Development and Reporting System (CEIDARS) and Community Health Air Pollution Information System (CHAPIS). Data is available for access by the public at the CARB website (www.arb.ca.gov).

The emissions inventory is an important planning tool used in attainment demonstrations. Facility emissions data is generated during the annual permit renewal process so inventory maintenance is assigned to the permitting staff. Staff reviews and submits regular updates to CARB on the emissions inventory.

Air Toxics emissions inventories are evaluated by District staff under the AB 2588 Air Toxics “Hot Spots” program for potential health risks to the public.

√ **Air Toxics “Hot Spots” Program**

The AB 2588 Air Toxics “Hot Spots” program requires the District to develop and update inventories of stationary sources of air toxics, assesses the potential risks from exposures and provides information to the public regarding exposures. Staff continue to work on implementing

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new inventory software. Significant efforts are forecast in the future to ensure that stationary and portable diesel-fueled engines comply with the AB 2588 reporting requirements.

√ State Airborne Toxic Control Measure (ATCM) Program

The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) created California's program to reduce public exposure to air toxics. Under AB 1807, the CARB is required to use certain criteria to prioritize the identification and control of air toxics. A two-step process was established for risk identification and risk management to address the potential adverse health effects from public exposure to toxic air contaminants. The end result of the process is an Airborne Toxic Control Measure (ATCM) which the local air districts are required to implement and enforce.

To date, CARB has identified and taken regulatory action to control airborne toxic emissions from several source categories, including perchloroethylene from dry cleaning operations, dioxins from medical waste incinerators and residential open burning, and hexavalent chromium from chrome plating operations and cooling towers, and formaldehyde from composite wood products. CARB has also approved ATCMs affecting portable and stationary diesel fueled engines. The District implements these regulations as part of a permit to operate issued to the facility subject to the ATCM, through Certificates of Registration for portable equipment and engines used in agricultural operations, or through compliance assistance and/or enforcement of the State regulation

On December 27, 2007 the Office of Administrative Law approved the CARB's amendments to the perchloroethylene ATCM. This regulation prohibited the installation of any new Perchloroethylene drycleaning machines and phased out the use of perchloroethylene solvents in dry cleaning operations. Existing businesses were given until July 1, 2010 or 12 years after the date of installation to replace their equipment with a non-perc machine. Currently all facilities that were required to replace their equipment by the July 1, 2010 deadline have already made the required replacement or have removed the equipment from service.

Two ATCMs for naturally occurring asbestos became effective in 2002. The first is the Asbestos ATCM for Surfacing Applications and the second is the Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations. New emission control measures, including dust suppressants, apply to activities such as road construction and road maintenance, construction, grading, quarrying and surface mining operations in areas with naturally occurring asbestos/serpentine rock found in ultramafic rock formations. Construction sites of more than one acre are required to develop dust control plans and submit them to the local air district for approval. The regulation affects certain areas in the eastern and southeastern parts of Butte County with known ultramafic rock units. Staff have provided the maps to Butte County Planning, Development Services and Public Works to aid in the identification of these areas along with implementation guidance.

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√ **District Enforcement Program**

The District utilizes three main tools to enforce District regulations: the Notice of Noncompliance (NON), the Notice to Comply (NTC) and the Notice to Apply for a Permit (NTA). These notices are a formal record of the District's finding that a violation of a State or federal law or District regulations affecting air quality has occurred. In most cases, a violation can be settled by taking corrective action and paying a penalty. A Notice of Noncompliance can also involve monetary penalties, civil suits, or criminal prosecution for failure to respond, repeated violations, or serious pollution cases. Notices are issued in response to complaint investigations, stationary source inspections and special District investigations.

In 2009 the District issued 108 Notices of Noncompliance. These violations include open burning (i.e. burning on a no-burn day or burning prohibited materials), fugitive dust, vapor recovery and permit condition violations. The District has issued offers to settle through the Board-approved Civil Penalty Program. District staff continue to monitor and follow-up on the open cases.

Staff coordinate with other enforcement agencies and the Butte County District Attorney (DA) on cases as appropriate.

√ **Hearing Board and Variance Program**

The California Health and Safety Code requires each air district to maintain a Hearing Board which serves as a quasi-judicial body, acting on petitions and appeals for variances from District Rules and Regulations. Membership on the Hearing Board is specified in law and must include: one attorney, one professional engineer, one representative from the medical profession, and two public members. All members of the Hearing Board are appointed by the District Governing Board for terms of three years. The current Hearing Board members are:

Carl Leverenz, Chair (attorney representative)
Dr. Michael Ward, P.E., Vice Chair (professional engineer representative)
Dr. Janet Wilson (medical professional representative)
Tammie Watkins, P.E. (public representative, and alternate professional engineer representative)
Josh Sheppard (public representative)
Lloyd Foster (alternate public representative)

In 2009 there were 2 Hearing Board petitions for variance processed and approved.

√ **2009-2010 Smoke Management Program**

The Sacramento Valley Smoke Management Program (SMP) governs all agricultural open burning in the Sacramento Valley. The SMP is reviewed on an annual basis by the Sacramento Valley Basinwide Air Pollution Control Council, and forwarded to the California Air Resources Board for final approval. As mentioned above, the BCC did not recommend any changes for the upcoming burn season.

As required by State law, District rules and the SMP, burn permits are issued to growers to burn agricultural wastes. In calendar year 2009, the District issued 833 burn permits. In addition to having a valid burn permit, growers may burn only on permissive agricultural burn days, as

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determined by the SMP and CARB. During calendar year 2009 there were 336 burn days, and 23,616 acres of agricultural wastes were burned in Butte County.

The biggest element to the SMP is management of the intensive fall burn program, when peak demand occurs to burn rice straw after harvest. The intensive fall burn program focuses burn authorization decisions to reduce smoke impacts in populated areas from field crop burning. During the fall burn season the Central Computer Operator (CCO), under contract with the BCC, coordinates burn day status and acreage allocations through an internet-based system used by each of the nine (9) air districts in the Basin. The CCO works closely with CARB personnel and contract meteorologists to implement the Smoke Management Program. District personnel use the acreage allocations from the CCO and meteorological forecasts to allocate fields to be burned. A conservative approach to allocations is employed by the CARB, CCO, and District staff.

Fall of 2009 began the ninth year of District implementation of the Conditional Rice Straw Burning Permit Program (Program), which restricts the burning of rice straw to fields where there is a significant amount of confirmed disease (HSC 41865). Butte County burned 8,345 acres of rice straw for the period September 1, 2009 through May 31, 2010.

√ Residential Open Burning Program

The District publicizes the daily burn day status for residential open burning on the District website (www.bcaqmd.org), on burn day status line (896-2537) and to the media. Staff also spend considerable time communicating with the public regarding residential open burning requirements, including the “burn barrel ban” that became effective in January 2004. The District continues to closely coordinate the open burning program with local fire agencies. The local fire agencies rely on the District and the residential daily burn day status line to inform the public of the burn ban during fire season. The District began working on potential changes to the residential open burning regulations in 2008 and the work continues into the current year, with proposed amendments to be considered by the Board later this year.

√ Vapor Recovery Program

Certified vapor recovery systems are required on all gasoline dispensing equipment at retail service stations. The vapor recovery systems are under permit with the District and subject to regular inspections. District staff also assist station operators with on-site training of station personnel as requested, as part of our compliance assistance program.

New State Enhanced Vapor Recovery (EVR) regulations establish additional vapor recovery requirements for new and existing gasoline dispensing facilities. All gasoline dispensing facilities needed to comply with the EVR Phase I and II requirements by April 1, 2009. Several stations needed additional time to comply and the District entered into compliance agreements to assist. As of September 1, 2009 all facilities were in compliance.

√ Emission Reduction Credit Banking Program

Federal and State requirements mandate emission increases at new and modified facilities to be offset under certain circumstances. District Rule 431, *Emission Reduction Credits and Banking*, establishes the procedures for recognizing emission reductions which are then eligible for use as “offsets” (called emission reduction credits or ERCs).

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Key program areas include; 1) policy development, 2) issuance of biomass certificates of emission reduction credit, 3) issuance of stationary source certificates of emission reduction credit, 4) maintenance of the banking register, and 5) processing unclaimed credits for deposit into the District's community bank.

To track ERC transactions, the District has developed a banking register. The tracking of ERC certificates can be quite complex. Certificates can be split, sold or leased, and there must be a clear paper trail that links the disposition of the credits to the initial certificate issued. In addition, portions of the credits deposited are placed in a community bank for a variety of purposes, and/or are designated for use to promote essential public services.

√ **Implementation of Geographic Information System Technologies**

In 2002 the District contracted to begin work on an integrated Geographic Information System (GIS) software package linked to databases containing comprehensive information on facility permits and compliance information. This package will effectively link all District technical programming activities (planning, permitting, open burning and compliance) using GIS as a platform for accessing the data. This offers opportunities for enhanced efficiency by allowing quick access of facility information, permit application status, etc. The GIS program can be coordinated with neighboring air districts as appropriate, for example, in tracking ERCs. Progress on the GIS program was slow last year due to budgetary constraints and other priorities. This work is being coordinated with Butte County and other interested agencies.

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**District Goals and Performance Expectations
for Fiscal Year 2010-2011**

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Administrative Program

No.	Goals	No.	Performance Expectations and Metrics
1	Keep the District Governing Board timely apprised of the status of significant District programs.	1.1	Prepare and present annually to the District Board a State of the District status report for the July Board meeting.
		1.2	Prepare bi-weekly APCO Notes for Members of the Board summarizing the status of salient District issues.
2	Maintain an active and effective staff training program supporting each major District program.	2.1	Review annually and update a customized professional development training program for each staff member at the time of annual review.
		2.2	Maintain and train backup staff for each major District program area assignment.
		2.3	Provide annual sexual harassment bulletins to all employees per Administrative Code, Part B, Section 9.12.3.
		2.4	Ensure designated employees receive biennial ethics training as required by AB1234.
3	Maintain an effective process to track assignments and ensure priorities are continuously reviewed and refined as necessary.	3.1	Conduct weekly staff priority meetings reviewing status and providing guidance on priority District issues.
		3.2	Continue to utilize a staff assignment tracking system.
		3.3	Ensure staff accountability on all tasks assigned
4	Administer accounts payable and receivable in a timely, efficient and cost effective manner.	4.1	Issue invoices including late notices by the 15th of each month.
		4.2	Process accounts payable as required to meet payment due dates, considering cash flows.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations
Administrative Program

No.	Goals	No.	Performance Expectations and Metrics
5	Prepare an efficient and cost-effective annual budget.	5.1	Annually, prepare and issue draft proposed budget by April 15th.
		5.2	Annually, by June 30th, complete final Board action for Budget adoption.
6	Implement an active and effective District safety program.	6.1	Hold monthly training sessions with staff.
		6.2	Review revisions to District Injury, Illness and Prevention Plan (IIPP) with staff by October 31, 2010.
		6.3	Monthly, ensure staff complete online safety training through the Target Safety program.
7	Maintain an active and effective District Administrative program, seeking continuous improvement in efficiency and cost effectiveness.	7.1	Perform annual review of Administrative Code Part B by December 31 st , incorporating revisions and updates as appropriate.
8	Maintain an attractive, competitive compensation and benefits program for District employees.	8.1	Implement the current Employee Memorandum of Understanding (MOU).
9	Maintain a staffing organization that efficiently implements District Programs.	9.1	Develop recommendations as appropriate for Board consideration regarding organizational changes.
		9.2	Review/evaluate implemented organizational changes every 6 months for effectiveness and improvements.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations
Administrative Program

No.	Goals	No.	Performance Expectations and Metrics
10	Ensure revenue sources in each program area are in a reasonable proportion to actual program costs.	10.1	Continue to track program area costs versus program revenues to ensure adequate cost recovery.
		10.2	Develop recommendations for Board consideration regarding other revenue sources to fund programs with insufficient cost recovery.
11	Ensure the District's fiscal, human resources and technical programs comply with all applicable requirements.	11.1	Annual fiscal audit for FY 2009-2010 to be conducted and presented to the Board by June 30th of the following fiscal year.
		11.2	Implement the recommendations from 2005 CARB audit as identified in the audit Action Plan.
		11.3	Ensure payroll processing is performed accurately and on schedule.
		11.4	Ensure fiscal and human resource program policies comply with current legal requirements.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations
Grant Administration

No.	Goals	No.	Performance Expectations and Metrics
1	Monitor and actively solicit State and federal and other agencies grant opportunities for District programs and interested County agencies, associations, and industry.	1.1	Identify new grant opportunities annually.
		1.2	Submit grant applications for Carl Moyer and Rural Carl Moyer Programs, within 30 days of receipt of the State notification.
2	Maintain active and effective grant programs.	2.1	If funding is available, review and update criteria as appropriate for DMV and Special Clean Air Grant programs, by April 1 st of each year.
		2.2	Review and update criteria as appropriate for Carl Moyer Grant program based on State guidelines, within 60 days of receipt of the State guidelines.
		2.3	Determine by December 31 st of each year if sufficient funds are available to fund an allocation towards the Special Clean Air Grant.
3	Ensure potential grant recipients are aware of grant programs.	3.1	Develop, review annually and update grant notification lists.
		3.2	Issue grant application notifications 30 days prior to each grant application deadline in accordance with the applicable guidelines and requirements.
4	Provide staff recommendations on grant awards.	4.1	Unless delegated to staff, provide to the AQMD Board, or assigned Board Committee, written recommendations with each grant request in accordance with the respective grant ranking criteria.
5	Administer all grant awards in accordance with written contracts.	5.1	Complete and execute contract for each grant prior to awarding funds.
		5.2	Monitor grant contracts for compliance and funding eligibility.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations
Grant Administration

No.	Goals	No.	Performance Expectations and Metrics
6	Grant recipients shall be paid in a timely manner.	6.1	Distribute to grant recipients within 60 days of receipt of an invoice, grant funds due and in compliance with the grant contract.
		6.2	Return invoices not complying with the contract with an explanation of the problem and solution within 30 days of receipt of the noncomplying invoice.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

AQ Planning

No.	Goals	No.	Performance Expectations and Metrics
1	Inform local planning authorities regularly of air quality requirements for land use development activities.	1.1	Ensure the current CEQA air quality handbook is available as a resource to the County, cities and interested parties.
		1.2	Continue participation in the Butte County and local municipalities General Plan update process, providing the Board-approved suggested air quality elements.
2	Provide specific comments on land use development projects as requested by local planning agencies.	2.1	Provide timely CEQA and NEPA comments to respective cities, county, and agencies on environmental review documents and general plan updates.
3	Maintain a reference resource of public information on air quality.	3.1	Maintain a current library of reference information for the public upon request.
		3.2	Participate in providing Staff presentations on subjects as requested by local organizations, including, but not limited to schools, industry groups, cities, and trade associations for all requests made at least 1 week in advance
4	Continue active implementation of the "Clean Air Kids" program.	4.1	Update Clean Air Kids Club Program information through District website by September 15 th of each year.
		4.2	By December 31 st of each year, participate in no less than 2 public forums for advertising the Clean Air Kids program.
5	Actively respond to media inquiries on District programs.	5.1	Provide same day response to media requests for information.
6	Maintain active District Web reference.	6.1	Monthly, review the status of the District web page with current air quality information and resources.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

AQ Planning

No.	Goals	No.	Performance Expectations and Metrics
7	Maintain current ambient air quality data information and keep the Board apprised of potential adverse air quality health issues.	7.1	Prepare quarterly and annual ambient air quality data summaries and submit to the Board.
		7.2	By March 31 st of each year, prepare an annual comparative air quality data summary report for the Board.
8	Implement active and effective Air Quality Attainment Plan.	8.1	Adopt the 2009 Sacramento Valley Attainment Plan by December 31 st .
		8.2	Adopt rules and control measures based on the Attainment Plan commitments and annual rule adoption schedule.
9	Begin planning for a proposed State Implementation Plan (SIP) for the 8-hour federal ozone standard.	9.1	Coordinate efforts to attain ambient air quality standards with other air districts, CARB and EPA.
		9.2	Ensure baseline and planning emission inventories are sufficiently accurate.
		9.3	If required by EPA, begin planning activities for a new ozone SIP.
10	Begin development of a proposed State Implementation Plan (SIP) for the federal 24-hour PM2.5 standard.	10.1	Coordinate efforts to attain ambient air quality standards with other air districts, CARB and EPA.
		10.2	Ensure baseline and planning emission inventories are sufficiently accurate.
		10.3	Begin development of a PM2.5 SIP.
11	Implement the review schedule adopted in compliance with SB 656.	11.1	Complete 100% of the reviews of SB 656 control measures pursuant to the approved schedule.
		11.2	Present recommendations for additional particulate control measures for Board consideration.
		11.3	Develop and present recommended rule changes for particulate control measures for Board consideration, including non-agricultural open burning measures.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations
AQ Planning

No.	Goals	No.	Performance Expectations and Metrics
12	Implement the Sacramento Valley Basin Coordinating Council Attainment Plan program and other activities, coordinating consistent regulatory development and adoption.	12.1	Participate in Sacramento Valley Basinwide Air Pollution Control Council.
		12.2	Actively participate in the California Air Pollution Control Officers Association activities, including committees as appropriate.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Customer Service

No.	Goals	No.	Performance Expectations and Metrics
1	Maintain an active and effective customer service training program.	1.1	Annually, provide each staff with customer service training.
		1.2	Discuss customer service issues as appropriate during weekly staff priority meetings.
2	Maintain a system to solicit public input on program effectiveness.	2.1	Continue to assist the public at the front counter and receive feedback on program effectiveness.
		2.2	Maintain contact information and ability to send emails on the District website.
		2.3	Respond to all comments within 2 business days of receipt.
3	Facilitate staff communication and program coordination for improved customer service	3.1	Hold weekly priority meetings.
		3.2	Hold regular, scheduled program area meetings.
		3.3	Convene annual staff development day.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Permitting/Registration

No.	Goals	No.	Performance Expectations and Metrics
1	Review District program on an annual basis for compliance with new State and Federal requirements	1.1	Conduct permit system review by December 1st of each year and propose regulatory or procedural amendments as required and/ or appropriate.
2	Ensure permit applications are processed timely and in compliance with Federal, State and local requirements.	2.1	Determine application completeness within 30 days of receipt for all applications.
		2.2	Issue 90% of regular non-NSR permits within 10 days of receiving a complete application.
		2.3	Issue all expedited permits within 24 hours of receiving a complete application.
		2.4	Ensure all new sources of toxic air contaminants near schools are evaluated for health risks and applicable public notification procedures are followed prior to issuing authority to construct permits.
3	Implement the accepted recommendations from 2005 CARB Audit Action Plan related to permitting and registration.	3.1	Update Section 6 of the District's Administrative Code to by December 31, 2010 to incorporate acceptable recommended changes to permit application and issuance processes.
		3.2	By December 31, 2010, amend rules in Regulation IV, <i>Permitting</i> to define emission limits for sources of minor significance and evaluate Best Available Control Technology applicability.
4	Implement measures to increase efficiency and cost effectiveness	4.1	Develop more automated permit issuance procedure by re-structuring permit conditions, developing a permit "certificate" page, and using database or merge systems to print permits.
5	Implement a tracking system to track key program parameters.	5.1	In 2010, develop overview of system needs and review existing data source for integration into tracking system.
6	Implement SB-700 provisions for the permitting of agricultural sources.	6.1	Continue to evaluate new and existing agricultural sources to determine if emissions meet or exceed permit thresholds.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Permitting/Registration

No.	Goals	No.	Performance Expectations and Metrics
7	Implement the District portable equipment registration program.	7.1	Ensure registration renewals are processed on the 1 st of the month the certificate expires.
		7.2	Track low-use and emergency registrations to ensure compliance with hours limitations
8	Implement the District agricultural engine registration and ATCM program.	8.1	Issue new registrations within 90 days of receipt.
		8.2	Review, evaluate, and streamline renewal process for 2012 renewal cycle.
9	Maintain an Emissions Reduction Credit (ERCs) Banking tracking program to allow quick reference to status of ERCs.	9.1	Prepare quarterly summaries of ERC Banking transactions.
		9.2	In 2010, develop link and post ERC forms and current registry on District Website

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Toxics

No.	Goals	No.	Performance Expectations and Metrics
1	Implement the AB 2588 Air Toxics "Hot Spots" Information and Assessment Act, including the emission inventory, health risk assessment, and public notification and risk reduction provisions, in accord with the timelines established by State law.	1.1	Maintain information available for the public regarding sources of toxic air contaminants in the District (see 4.2 below).
		1.2	Publish annual AB 2588 report and present at the September Board meeting.
		1.3	Implement applicable public notification procedures prior to issuing authority to construct permits, pursuant to HSC 42301.6.
		1.4	Annual update toxic emission inventory for sources with greater than 10 tpy criteria pollutant emissions.
		1.5	Evaluate health risk for new or modified sources of toxic air emissions at the time of permit issuance.
2	Review and coordinate implementation of new CARB naturally occurring asbestos regulations.	2.1	Process asbestos plans within 30 days of receipt.
		2.2	Provide affected land use planning agencies and public works agencies maps showing the location of naturally occurring asbestos.
3	Implement State and federal toxic standards.	3.1	Review in coordination with CAPCOA and other air districts selected State ATCMs and Federal MACT/NESHAPs standards.
4	Implement AB2588 recommendations from 2005 CARB audit as identified in the audit Action Plan.	4.1	Send annual report with facility list to CARB by October 1 st each year.
		4.2	Post annual report with facility list on District website by October 1 st each year.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Open Burning

No.	Goals	No.	Performance Expectations and Metrics
1	Maintain active solicitation of agricultural community input concerning efficient and cost effective implementation of the State mandated agricultural burning program.	1.1	Conduct quarterly Agricultural Liaison Committee meetings, summarizing and discussing the status of the State mandates and burn programs.
2	Review District program on an annual basis seeking continuous improvement in efficiency and cost effectiveness.	2.1	Conduct annual burn program review by December 31, 2010, summarizing the salient information, including, but not limited to acres burned, burn days, problems encountered and corrective actions.
3	Implement recommendations from 2005 CARB audit as identified in the audit Action Plan to amend open burning regulations to include performance standards for land clearing and fire hazard reduction burning.	3.1	If approved by the Board, re-codify and amend District Rule 300 Open Burning Requirements, Prohibitions, and Exemptions and include performance standards required to reduce the amount of smoke generated from residential and fire hazard reduction burning.
		3.2	If approved by the Board, submit performance standards identified in amended Rule 300 to CARB for approval as required by HSC 41804(c).
4	Coordinate residential open burning requirements with Butte County Fire and the municipalities	4.1	Include performance standards in Rule 300 that mirror standards and requirements imposed by Butte County Fire and the City of Chico.
5	Implement the Sacramento Valley Smoke Management Plan (SMP) based on sound science.	5.1	Actively participate in the annual SMP review/update, including soliciting input from the local agricultural community.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Open Burning

No.	Goals	No.	Performance Expectations and Metrics
6	Maintain active communication of the agricultural burning regulations with the regulated community.	6.1	Conduct annual rice straw burning registration program by August 13, 2010.
		6.2	Review and update public information on the agricultural burn program, by August 31, 2010.
		6.3	Update agricultural burn program information on the District web page as needed.
		6.4	Update daily District burn day status.
7	Actively communicate residential burning regulations to the regulated community.	7.1	Review and update public informational brochures on the residential burn program requirements by November 1, 2010.
		7.2	Generate public informational brochures on residential open burning requirements in Spanish and distribute to the public by November 1, 2010.
		7.3	Update the residential burn information on the District web page as needed.
		7.4	Daily update the residential burn day status.
		7.5	Regular attendance at Butte County Fire Safe Council meetings.
8	Assist implementing alternatives to open burning of residential vegetative wastes.	8.1	Identify and encourage viable alternatives to open burning.
		8.2	Identify grant opportunities to implement the alternatives, including but not limited to, the existing Chipper Program and green waste collection programs. Propose assistance from the Special Clean Air Grant Program, if funding is available.
		8.3	Work with the various stakeholders, including but not limited to the Fire Safe Council, to implement the alternatives and grant opportunities.
9.	Develop GIS software to improve the rice field allocation process and reduce staffing resources needed to implement the agricultural open burning program	9.1	Work with independent contractor to upgrade EnviroAir to include GIS functionality by October 1, 2010

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Compliance

No.	Goals	No.	Performance Expectations and Metrics
1	Ensure frequent inspections of permitted stationary sources.	1.1	Complete annual inspections at 25% of the permitted stationary sources.
		1.2	Develop database for tracking inspection frequency at stationary sources,
2	Implement the State Portable Equipment Registration Program	2.1	Perform PERP registration home district inspections for each unit at least once every three years.
		2.2	By March 31 st each year, provide annual report to CARB per PERP Regulation, Section 2458(i)
		2.3	Inspect all home district new and renewal registrations within 45 days of notification by the owner
3	Implement Agricultural Engine Registration program	3.1	Inspect all engines that applied for and received a low use compliance exemption by December 31, 2010.
		3.2	Inspect all other engines that are located within ½ mile from the nearest off-property receptor by May 31, 2012.
		3.3	Inspect at least 50% of Exempt engines by June 30, 2013 except for drought engines kept in storage.
		3.4	Implement a tracking system so that the status and location of each registered engine be readily determined. GIS technology will be used if sufficiently developed.
4	Provide compliance assistance to businesses and the regulated community related to new and existing air quality regulations	4.1	Develop and distribute informational brochures, Fact Sheets, and other materials that help businesses and the public comply with air quality regulations.

FY 2010-11 Butte County Air Quality Management District Goals and Performance Expectations

Enforcement

No.	Goals	No.	Performance Expectations and Metrics
1	Respond in a timely manner to citizen complaints.	1.1	Investigate complaints within 24 hours of receipt.
		1.2	Follow-up with complainant within 24 hours of the investigation.
2	Take appropriate enforcement in response to violations.	2.1	Issue appropriate enforcement notices in the field.
3	Maintain an active, effective and fair enforcement and civil settlement program providing sufficient incentives for compliance.	3.1	Implement recommendations from 2005 CARB audit as identified in the audit Action Plan.
		3.2	By December 31, 2010, implement and maintain a tracking system for key enforcement program parameters. GIS technology will be used if sufficiently developed.
4	Ensure enforcement actions are processed in a timely manner.	4.1	Issue settlement offers within 60 days of the notice date.
		4.2	Evaluate cases for prosecution which cannot be settled through the civil penalty program within 90 days of the notice date.
		4.3	Implement a notice tracking system so that the status of each case can be readily determined. GIS technology will be used if sufficiently developed.
5	Liaison with other enforcement agencies and the local District Attorney as appropriate.	5.1	Particulate in quarterly CAPCOA Enforcement Managers meetings
		5.2	Evaluate each enforcement action for potential for multi-media impacts and coordinate enforcement actions as appropriate with the responsible agencies and the District Attorney.



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

Date of Release: July 15, 2010
Board Consideration: July 22, 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: Discussion on Potential Changes to the Board Operating Protocols Including Voting Procedure and Agendas

ISSUES:

1. The current voting procedure requires all acts or positions of the Board to require the affirmative vote of not less than six (6) members, regardless of the quorum present. This requirement can result in the failure of proposed positions when a quorum of less than the full Board (10 members) is present.
2. The District does not have a clear protocol for Board members to introduce items to the agenda. Currently a Board member may request the Air Pollution Control Officer to add an item to the agenda for information or action. Alternatively, a Board member may introduce an item under Public Comment, but no action may be taken unless the item is an emergency as defined in provisions of the Brown Act.

RECOMMENDATION:

Discuss and provide direction to the Staff as appropriate.

DISCUSSION:

The operating protocols of the Governing Board of the Butte County Air Quality Management District are included in Part A of the District's Administrative Code.

Section 3.6 *Action by the Board of Directors* states "All acts or positions of the Board of Directors by resolution shall require the affirmative vote of not less than six (6) members. Meetings attended by only six (6) members shall require unanimous affirmative votes from each of the six (6) members to effect an act or position of the Board." District counsel advises that the Board is not required by any statute or regulation to have a voting rule with a "majority of the whole" voting requirement. For example, the Board could choose to allow a position to pass with a "majority of the quorum". In the case given above, a position could pass with four (4) affirmative votes out of the six (6) member quorum present. The Board could choose to further require a certain number of affirmative votes by city and county representatives, respectively.

Agenda Item 8

Section 4.3d *Order of Business* states “**Special items may be introduced by a Board Member and discussed with the consent of a majority of the Board Members present, however, unless the item is an emergency as set out in Section 2.3 herein, no action may be taken.**” This provision is carried out by a Board member bringing up an item under Public Comment. Staff have also put items on the agenda for discussion and action at the request of Board members, as a courtesy. The Board may wish to consider a protocol where, in all cases, items are provided to staff to be placed first for discussion on the agenda. This would allow both staff and Board members to be prepared for a more informed discussion. If a majority of the Board wishes to schedule the item for action, the item would be included on a future agenda.

After discussion, if your Board wishes to amend the existing protocols staff can prepare draft amendments for consideration at the next meeting.

Agenda Item 8



W. James Wagoner
Air Pollution Control Officer

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Date of Release: July 15, 2010
Board Consideration: July 22, 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:

- The District has set aside the period of August 2 through August 13, 2010 for grower appointments for the upcoming fall rice straw burning season. The purpose of the grower appointments is to process field crop registrations, renew air quality burn permits for agricultural burning and renew conditional rice straw burn permits. The District anticipates that over 100 rice growers will register fields and renew permits for this burn season. With the State-mandated restrictions on rice straw burning, including the conditional rice straw burn permit program, this process can take considerable time and resources. Growers may elect to register by appointment or through the mail.
- Staff efforts continue on reviewing the District's Regulation IV, *Permits* in response to planning needs in the exercise to demonstrate compliance with ambient air quality standards. Two specific rules that will be requiring amendment prior to submittal for the State Implementation Plan are Rule 430, New Source Review and proposed new Rule 433, Rice Straw Burning Emission Reduction Credits. Rule 430 must be amended to include federal requirements for major sources as well as include requirements for PM2.5 as a non-attainment pollutant. In conjunction with Rule 430 amendments, clarifying amendments may need to be made with other permitting-related rules in Regulation IV. Staff plan on scheduling adoption hearings by the end of the calendar year.

Agenda Item 9

State Scene:

- CAPCOA is working with U.S. EPA on the proposed reallocation of federal 105 grant funds. These grant funds are authorized under Section 105 of the Clean Air Act, subject to annual allocations from Congress. The current allocations have essentially been frozen, going only to larger air districts. EPA is proposing to develop a new allocation formula and allow current non-grantees to apply. Applications would need to be submitted to EPA by December. If approved, the grant would be awarded in May, 2011. We understand that EPA will only be inviting a limited number of non-grantee districts to apply. Staff will continue to follow the process report back to your Board in the near future.
- Current key air quality related legislation followed by CAPCOA is summarized on the attached listing.
- CARB staff is conducting public workshops throughout the state on setting SB 375 regional passenger vehicle greenhouse gas emission targets. Specifically, the workshops will discuss both the metropolitan planning organization scenarios and proposed targets.

Federal Scene:

- On May 13, 2010, the U.S. Environmental Protection Agency (EPA) issued a final rule that establishes thresholds for greenhouse gas (GHG) emissions that define when permits under the New Source Review Prevention of Significant Deterioration (PSD) and title V Operating Permit programs are required for new and existing industrial facilities. The rule has a phased in approach with only sources currently subject to the PSD permitting program starting on January 2, 2011 and sources with facilities that emit at least 100,000 tpy carbon dioxide equivalents (CO_{2e}) will be subject to Title V permitting requirements beginning in July 2011. EPA will evaluate the need to permit smaller sources by April 30, 2016. (PSD) programs.
- U.S. EPA released an external draft review of the adequacy of the particulate matter standards. With respect to the PM 2.5 standards, EPA staff conclude that further review is needed for a new annual standard in the range of 11 to 13 micrograms per cubic meter (ug/m³), with a 24-hour PM 2.5 standard of 30 to 35 ug/m³. The current annual PM 2.5 standard is 15 ug/m³ and the 24-hour standard is 35 ug/m³. The District attains the current annual standard, but would likely be classified as not attaining a new standard in the range of 11 to 13 ug/m³.

Attachment

Air Quality Planning- Related Legislation

Legislative Bill List – July 1, 2010

BILL NO.	AUTHOR	SUBJECT	CAPCOA POSITION*	PRIORITY	STATUS	LAST VERSION
<u>AB 1704</u>	Jeffries	Exempts < 8 mile pipeline projects from CEQA	Watch	Low	Failed Nat. Res. 4/19 Dead- TBR from table	4/8/10
AB 1781	Villines	Permits Fresno to adopt NEV Plan	Watch	Low	Sen. Appr.	3/24/10
<u>AB 1794</u>	Gilmore	Climate Change spot bill	Watch	Low	Asm. TBR	2/10/10
<u>AB 1805</u>	Calderon, C	Exempts 125 projects from CEQA lawsuits	Watch	Medium	Asm.N.R. & Jud. TBR	2/10/10
<u>AB 1833</u>	Logue	Requires Cal-EPA, OSH & ARB to do an econ. Impact analysis before adopting/amending any rules/regs	Watch	Low	Asm. N.R. & B. & P. (Failed B&P 4/6) TBR	2/12/10
AB 1846	V.M. Perez	Allows “focused” EIRs for GHG-compliance projects/equipment	Watch	Low	Sen. Appr.	6/21/10
AB 1871	Jones	Lessen insurance barriers to sharing private vehicles	Watch	Med.	Sen. B., F., & I.	6/10/10
<u>AB 1949</u>	Logue	Requires 5-year review and report on state regs.	Watch	Low	Asm. Rules - TBR	4/5/10
<u>AB 2231</u>	V.M. Perez	Renewable Energy Action Team	Watch	Low	Asm. N.R./U. C. - TBR	2/18/10
<u>AB 2299</u>	Blakeslee	Requires ARB to analyze "related impacts" for any proposed rule. Authorizes an external peer review of the analysis that has an economic impact of at least \$10 million.	Watch	Low	Asm. Approp. (Held under submission) - TBR	4/26/10
<u>AB 2311</u>	Mendoza	Requires ARB to review LCFS	Watch	Low	Asm. Appr. (TBR)	4/19/10
AB 2313	Buchanan	Authorizes jurisdictions to use a district GHG Threshold for CEQA purposes	Watch	High	Sen. E.Q.	6/21/10
<u>AB 2534</u>	Fuentes	Allows AB 32 Cap and Trade revenues used for impacted communities	Watch	Low	Asm. N.R. TBR	2/19/10
AB 2565	Ammiano	Authorizes cost-recovery for copies of CEQA docs	Watch	Low	Sen. E.Q.	6/17/10

BILL NO.	AUTHOR	SUBJECT	CAPCOA POSITION*	PRIORITY	STATUS	LAST VERSION
<u>AB 2643</u>	Logue	AB 32 Spot Bill	Watch	Low	Asm. Rules TBR	2/19/10
<u>AB 2681</u>	Garrick	AB 32 Spot Bill	Watch	Low	Asm. Rules TBR	2/19/10
<u>AB 2713</u>	Knight	CEQA Spot Bill	Watch	Low	Asm. Rules TBR	2/19/10
<u>ABX8 37</u>	Calderon	Exempts certain projects from CEQA lawsuits	Watch	Low	Asm. Rules TBR	2/10/10
<u>SB 518</u>	Lowenthal	Incentivizes parking policies to reduce minimum parking requirements and subsidies (Now a graywater use bill)	Watch	Medium	Asm. Rules TBR	5/17/10
<u>SB 916</u>	Harman	Air Quality Spot Bill	Watch	Low	Sen. Rules TBR	2/1/10
<u>SB 927</u>	Dutton	HOV Lane Spot Bill	Watch	Low	Sen. TBR	2/1/10
SB 959	Ducheny	Authorizes a centralized local permitting process (w/OPA/OPR's help)	Watch	Medium	Asm. Appr.	6/22/10
<u>SB 960</u>	Dutton	Requires ARB do Econ Analysis of rules/regs	Watch	Low	Sen. EQ (failed 4/5) TBR	3/15/10
SB 1006	Pavley	Expands Urban Greening Program (AB 32 Strategic Growth Council)	Watch	Medium	Asm Approp.	6/21/10
<u>SB 1010</u>	Correa	Exempts 125 projects from CEQA lawsuits	Watch	Low	Sen.EQ (failed 4/5) TBR	2/10/10
SB 1033	Wright	Limits sale/use of Cap and Trade credits to regulated entities	Watch	Low	Asm. N.R. (held w/o recommendation)	4/26/10
<u>SB 1114</u>	Florez	Expands ERC's to include public/private funding & marine/train projects	Watch	Low	Sen. T & H and EQ . TBR	2/17/10
<u>SB 1120</u>	Dutton	Prohibits ARB from implementing a cap on GHGs and trading unless it is part of the Western Climate Initiative (WCI).	Watch	Low	Sen. E.Q. (failed passage) TBR	2/17/10
<u>SB 1153</u>	Hancock	Authorizes CEC to designate sustainable energy zones	Watch	Low	Sen. Appr. (Held) TBR	4/27/10
<u>SB 1194</u>	Hollingsworth	Prohibits districts from adopting a rule or regulation prohibiting installation of a wood burning fireplace, heater, or stove	<u>OPPOSE</u>	High	Sen. EQ (failed 4/19) [Returned to SOS – TBR)	2/18/10
<u>SB 1226</u>	Dutton	Spot bill on CEQA pipeline projects	Watch	Low	Sen. Rules TBR	2/18/10
<u>SB 1238</u>	Calderon	Diesel Regs Spot Bill	Watch	Low	Sen. EQ TBR	2/19/10
<u>SB 1241</u>	Wolk	GHG reductions and Ag	Watch	Low	Sen. Appr. (Held) TBR	4/22/10

BILL NO.	AUTHOR	SUBJECT	CAPCOA POSITION*	PRIORITY	STATUS	LAST VERSION
<u>SB 1261</u>	Ashburn	Intent to streamline CEQA	Watch	Low	Sen. Rules TBR	2/19/10
<u>SB 1263</u>	Wyland	Repeals AB 32	Watch	High	Sen. EQ TBR	2/19/10
<u>SB 1299</u>	Lowenthal	VMT Fee Pilot Program	Watch	Medium	Sen.Approp. TBR	2/19/10
<u>SB 1305</u>	Pavley	Spot bill on Cap and Trade funds	Watch	Low	Sen.EQ TBR	2/19/10
SB 1445	DeSaulnier	+ \$1 DMV for regional land use planning (implement SB 375)	Watch	Low	Asm. Trans (failed passage TBR)	5/13/10
<u>SBX8 37</u>	Cedillo	Appropriates \$10M for AQIF for Moyer	Watch	Low	Sen. T & H /EQ TBR	2/5/10
<u>SBX8 57</u>	Cox	Delays ARB Heavy-duty vehicle rules	Watch	Low	Sen. EQ and T & H (failed - TBR)	2/12/10
<u>SBX8 42</u>	Correa	Exempts 125 projects from CEQA lawsuits	Watch	Low	Sen. EQ and Jud. (held in comm.) TBR	2/10/10
<u>SBX8 48</u>	Dutton	Requires State Auditor to do a cost-benefit analysis on rules/regs	Watch	Low	Sen. Rules TBR	2/12/10
<u>SBX8 49</u>	Dutton	Prohibits ARB from implementing a cap on GHGs and trading unless it is part of the Western Climate Initiative (WCI).	Watch	Low	Sen. Rules TRB	2/12/10
<u>SBX8 50</u>	Dutton	Requires LAO to do cost-benefit analysis on CARB regs	Watch	Low	Sen. Rules TBR	2/12/10
<u>SBX8 56</u>	Hollingsworth	Exempts Prop 1A/1B projects from CEQA	Watch	Low	Sen. EQ (held) TBR	2/12/10

GLOSSARY

Approp.: Committee on Appropriations
 AQIF: Air Quality Improvement Fund
 ARB: California Air Resources Board
 Asm.: California State Assembly
 B., F., & I: Committee on Banking, Finance, and Insurance
 B & P: Committee on Business and Professions
 CEQA: California Environmental Quality Act
 DMV: CA Dept. of Motor Vehicles
 E.Q.: Committee on Environmental Quality
 ERC: Emission Reduction Credit
 GHG: Greenhouse Gas
 G. O : Committee on Governmental Organization
 HOT/HOV: High Occupancy Toll Lanes / High Occupancy Vehicle Lanes
 Jud.: Committee on Judiciary
 LCFS: Low Carbon Fuel Standard
 N. R.: Committee on Natural Resources
 NEV: Neighborhood Electric Vehicle

OSH: Dept. of Occupational Safety & Health
 SJVUAPCD: San Joaquin Valley Unified Air Pollution Control District
 T & H: Committee on Transportation and Housing
 TBR: To Be Removed
 VMT: Vehicle Miles Travelled

NOTE: All bills *underlined/italicized* w/TBR will be removed from future lists
 All **Bolded Bills** had some action taken in the last month.



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

Date of Release: July 15, 2010
Board Consideration: July 22, 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 Appointing a Committee to Review the Performance of the Air Pollution Control Officer

ISSUE:

Air Pollution Control Officer performance evaluation.

RECOMMENDATION:

Chair to appoint a Performance Evaluation Committee consisting of the Chair and two (2) other Board members.

DISCUSSION:

Your Board evaluates the performance of the APCO on a regular basis. A committee appointed by the Chair meets with the APCO and provides recommendations on an evaluation at a future Board meeting. Staff recommends the Chair initiate this process by appointing a committee.

Agenda Item 10

Closed Session
Agenda Items 11.1 and 11.2
Backup materials
to be provided separately

Agenda Item 11

Report from Closed Session

Agenda Item 12

Other Business

Agenda Item 13

Public Comment Period

Agenda Item 14

ADJOURNMENT:

**The next Board of Directors Meeting is scheduled
for August 26, 2010 at 10:15 am.**

**Chico City Hall
421 Main Street
Chico, CA 95928**

Agenda Item 15