



**MAUREEN KIRK, CHAIR**  
*Supervisor, District 3*

**JAMES JOHANSSON, VICE CHAIR**  
*Vice Mayor, Oroville*

**BILL CONNELLY**  
*Supervisor, District #1*

**JANE DOLAN**  
*Supervisor, District #2*

**STEVE LAMBERT**  
*Supervisor, District #4*

**KIM YAMAGUCHI**  
*Supervisor, District #5*

**ANGELA THOMPSON**  
*Councilmember, Biggs*

**SCOTT GRUENDL**  
*Councilmember, Chico*

**JERRY ANN FICHTER**  
*Mayor, Gridley*

**ALAN WHITE**  
*Councilmember, Paradise*

**W. James Wagoner**  
*Air Pollution Control Officer*

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## **Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting Of May 28, 2009**

### **Members Present**

Maureen Kirk, Chair  
Jane Dolan  
Steve Lambert  
Kim Yamaguchi  
Jerry Ann Fichter  
Angela Thompson

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

### **Staff Present**

W. James Wagoner  
Robert McLaughlin  
Robyn Sousa  
David Lusk  
Stephen Ertle  
Greg Einhorn  
Patricia Cummings

Air Pollution Control Officer  
Assistant APCO  
Admin. Services Officer  
Senior Air Quality Engineer  
Sr AQ Compliance Specialist  
District Counsel  
Clerk of the Board

### **Members Absent**

James Johansson, Vice Chair  
Bill Connelly  
Scott Gruendl  
Alan White

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

### **Others Present**

None

### **1. Call to Order.**

Chair Kirk called the meeting to order at 10:18 a.m. at the Chico City Council Chambers, 421 Main Street, Chico, California.

### **2. Additions and Deletions to the Consent Agenda.**

None

### **3. Consent Agenda.**

- 3.1** By consent, approve minutes of the April 23, 2009 meeting of the Board of Directors.
- 3.2** By consent, accept and file, activity report on BCAQMD activities.
- 3.3** By consent, accept and file, financial status report for Fiscal Year 2008-2009.

## **Agenda Item 3.1**

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- 3.4 By consent, accept and file, status report on calendar of events.
- 3.5 By consent, accept and file, status report on air quality related legislation.
- 3.6 By consent, accept and file, status report on State Airborne Toxic Control Measures.
- 3.7 By consent, accept and file, status report on the California Air Pollution Control Officers Association activities.
- 3.8 By consent, accept and file, status report for March and April 2009 Ambient Air Quality Monitoring Data.
- 3.9 By consent, accept and file, status report on federal stimulus funding.
- 3.10 By consent, accept and file, status report on Phase II Enhanced Vapor Recovery upgrades.
- 3.12 By consent, accept and file, communications to the District's Governing Board.

**Action Requested: Approve Consent Agenda Items 3.1 through 3.12.**

**Motion: Approve Consent Agenda Items 3.1 through 3.12.**

- AYES: Supervisor Kirk, Supervisor Dolan (Motion), Supervisor Lambert (Second), Supervisor Yamaguchi, Mayor Fichter, Councilmember Thompson
- NOES: None
- ABSTAIN: None
- ABSENT: Vice Mayor Johansson, Supervisor Connelly, Councilmember Gruendl, Councilmember White

**Regular Agenda**

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

None

**5. PUBLIC HEARING #1: Accept public comments on proposed Fiscal Year 2009-2010 Budget, prior to holding the scheduled June 25, 2009 Public Hearing to consider adopting the proposed Budget.**

The District's Administrative Services Officer, Robyn Sousa presented the proposed Fiscal Year 2009-2010 Budget.

**PUBLIC HEARING:** Opened at 10:20 a.m. There were no public comments.

**PUBLIC HEARING:** Closed at 10:21 a.m.

**Action Requested:**

- 1. Open Public Hearing to receive comments.
- 2. Take no action on the proposed 2009-2010 Budget at this time.

No further Board action was taken.

**6. PUBLIC HEARING: Adoption of proposed amended Rule 431, Emission Reduction Credits and Banking, to implement Board direction from the April 23<sup>rd</sup> meeting.**

David Lusk, Senior Air Quality Engineer, presented information on the proposed amended Rule 431.

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**PUBLIC HEARING:** Opened at 10:23 a.m. There were no public comments.

**PUBLIC HEARING:** Closed at 10:24 a.m.

**Action Requested:** Following a Public Hearing, adopt amendments to Rule 431 as proposed.

**Motion:** Adopt amendments to Rule 431 as proposed.

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Vice Mayor Johansson, Supervisor Connelly, Councilmember Gruendl, Councilmember White

7. **PUBLIC HEARING: Adoption of proposed amended Rule 1001, Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations, Rule 441, Registration Requirements for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations, and Rule 513, Registration Fees for Stationary Compression Ignition (CI) Engines Used in Agricultural Operations.**

Robert McLaughlin, Assistant Air Pollution Control Officer, requested that this item be continued to the next Board meeting in light of last minute comments from CARB.

**Action Requested:** Following a Public Hearing, adopt amendments to Rules 1001, 441 and 513 as proposed.

**The Board instructed staff to continue this item to the next Board meeting.**

No further Board action was taken.

8. **Consider approving a 90-day amnesty period for registration of compression ignition engines used in agricultural operations.**

Robert McLaughlin, Assistant Air Pollution Control Officer, requested that this item be continued to the next Board meeting in light of last minute comments from CARB.

**Action Requested:** Approve 90-day amnesty period to allow the registration of compression ignition engines used in agricultural operations.

**The Board instructed staff to continue this item to the next Board meeting.**

No further Board action was taken.

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**9. Status report on potential amendments to Rule 205, Fugitive Dust Emissions per SB 656.**

Stephen Ertle, Senior Air Quality Compliance Specialist, presented information on potential amendments to Rule 205.

Supervisor Dolan express concern regarding the complaint driven dust control response practice, citing that it has already exposed citizens and children to inhaling fugitive dust by the time a complaint is reported. She recommended that perhaps lowering the amount of dust permitted in the rule could help prevent this issue.

**Action Requested: Receive report and provide direction to staff as appropriate.**

The Board instructed staff to continue as recommended in staff report.

No further Board action was taken.

**10. Other Business**

Jim Wagoner, Air Pollution Control Officer, stated that there will be a full agenda for the June Board meeting including the final District Budget approval hearing and staff will be bringing back a report and evaluation on the City of Chico's woodstove measure recommendations along with other aspects of the program that the Board asked the District to look at.

**11. Public Comment Period.**

None

**12. ADJOURNMENT: 10:40 a.m.**

  
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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 May 28, 2009.

ATTEST:   
Patricia J. Cummings, Clerk of the Governing Board