

**BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD**

**BCAQMD Main Conference Room
629 Entler Avenue, Suite 15
Chico, California 95928**

January 10, 2012 at 3:00 p.m.

AGENDA

- | | |
|--|-------------------------------|
| 1. Call to Order | Chair |
| 2. Roll Call | Clerk of the
Hearing Board |
| 3. Election of Chair and Vice-Chair | Chair |
| 4. Oaths of Testimony | Chair |
| 5. Public Hearing to Consider Petitions by the Air Pollution Control
Officer to Revoke Permits to Operate for Three Entities: | Chair |
| a. BCJ Sand & Rock (PTO #BCJ-05-01) | |
| b. RJ's Painting (PTO #RJP-04-01) | |
| c. Sawyer's Cabinets (PTO #SAC-07-01) | |
| d. SGM (PTO # SGM-81-01) | |
| 6. Meeting Schedule | District Staff |
| 7. Board Member Term Review | District Staff |
| 8. Public Comment/Open Discussion | Members |
| 9. Adjourn | Chair |

The Hearing Board is committed to making its proceedings accessible to all citizens. Individuals with special needs should call the Clerk of the Board at (530) 332-9400, Monday through Friday, 7:30 a.m. to 4:30 p.m. except Tuesdays, when the office opens at 8:30 a.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.

BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD
STAFF REPORT
Petition No. 11-01

Hearing Date:
January 10, 2012 at 3:00 p.m. at the
Butte County Air Quality Management District Office
629 Entler Avenue, Suite 15, Chico, CA 95928

I. INTRODUCTION

The Air Pollution Control Officer (APCO) of the Butte County Air Quality Management District (District) has filed a petition with the Clerk of the Hearing Board requesting that the Hearing Board revoke Permit to Operate No. BCJ-05-01 issued to BCJ Sand &Rock for operating a Sand Drying facility at 4970 Slickens Road, Oroville, CA 95965. The permit was re-issued on July 1, 2011 following a standard District permit renewal evaluation in accordance with District Policies and Procedures as required by California Health and Safety Code (HSC) Section 42301(e). At that time, BCJ Sand &Rock was assessed annual Permit to Operate renewal fees in accordance with District Rule 500.

Pursuant to District Regulation VI and HSC Section 42307, your Board has authority and jurisdiction to hear this petition and revoke the permit as requested by the APCO.

The District has sent certified mail to the Permit Holder, Kim Callagy, Office Manager, with no response or payment of fees due. The Hearing has been duly public noticed and is scheduled for 3:00 p.m. on January 10, 2012 at the District Office, 629 Entler Avenue, Suite 15, Chico, CA 95928.

II. BACKGROUND

BCJ Sand &Rock filed an application and was granted an Authority to Construct Permit (#BCJ-05-01-AC) on August 23, 2005 to operate a sand drying facility. Permit to Operate (#BCJ-05-01) was issued in April 1, 2006. The facility renewed the permit and paid the appropriate fees until this past year. The facility's Permit to Operate was again re-issued on July 1, 2011; however, the facility failed to pay the invoice (#9013) for renewal fees. Finance charges were assessed on September 2, 2011 and again on October 4, 2011 on the outstanding invoice. Staff attempted to contact the permit holder by telephone. A certified letter was sent to the facility contact dated November 2, 2011. Pursuant to District Rule 511, *Delinquency Penalties/Late Fees*, Section 8, the APCO petitions the Hearing Board to determine if Permit to Operate #BCJ-05-01 issued to BCJ Sand &Rock should be revoked for failure to pay annual permit renewal fees. The Hearing Board may take action pursuant to HSC, Section 42309(e).

III. EVIDENCE

The APCO requests that the Hearing Board accept the following Exhibits into evidence for consideration and support the action requested:

- Exhibit 1. Copy of Statement and Invoice #9013, FC 1147, and FC 1195
- Exhibit 2. District Rule 500 Stationary Source Permit Fees
- Exhibit 3. District Rule 511, Delinquency Penalties/Late Fees.
- Exhibit 4. Copy of Correspondence from Aleah Ing, dated November 2, 2011
- Exhibit 5. Public Notice providing the date, time, and location of the hearing.

IV. PETITIONER REQUEST

The APCO hereby requests that the Hearing Board revoke Permit to Operate No. BCJ-05-01 issued to BCJ Sand & Rock for violating District Rules 400, 500, and 511 and HSC 42303. The APCO further requests that the action taken by the Hearing Board becomes effective immediately upon the rendering of a decision by the Board.

V. FINDINGS OF FACT

In accordance with California HSC 42309(e), District Rules and Regulations, and other provisions of law, the Hearing Board shall make the following findings prior to revoking a permit that the holder of the permit is violating any applicable order, rule, or regulation of the district or any applicable provision of HSC, Division 26.

Staff contact for this Revocation petition is David J. Lusk.

W. James Wagoner,
Air Pollution Control Officer

By: David J. Lusk Date: 12/27/11

BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD
STAFF REPORT
Petition No. 11-02

Hearing Date:
January 10, 2012 at 3:00 p.m. at the
Butte County Air Quality Management District Office
629 Entler Avenue, Suite 15, Chico, CA 95928

I. INTRODUCTION

The Air Pollution Control Officer (APCO) of the Butte County Air Quality Management District (District) has filed a petition with the Clerk of the Hearing Board requesting that the Hearing Board revoke Permit to Operate No. RJP-04-01 issued to RJ's Painting for operating a autobody coatings facility at 15430 Highway 99 North, Building D, Chico, CA 95973. The permit was re-issued on June 1, 2011 following a standard District permit renewal evaluation in accordance with District Policies and Procedures as required by California Health and Safety Code (HSC) Section 42301(e). At that time, RJ's Painting was assessed annual Permit to Operate renewal fees in accordance with District Rule 500.

Pursuant to District Regulation VI and HSC Section 42307, your Board has authority and jurisdiction to hear this petition and revoke the permit as requested by the APCO.

The District has sent certified mail to the Permit Holder, Ron LaPlant, Owner, with no response or payment of fees due. The Hearing has been duly public noticed and is scheduled for 3:00 p.m. on January 10, 2012 at the District Office, 629 Entler Avenue, Suite 15, Chico, CA 95928.

II. BACKGROUND

RJ's Painting filed an application and was granted a Permit to Operate (#RJP-04-01) on February 4, 2004 for an existing spray coating operation. The facility renewed the permit and paid the appropriate fees until this past year. The facility's Permit to Operate was again re-issued on June 1, 2011; however, the facility failed to pay the invoice (#8933) for renewal fees. Finance charges were assessed on August 1, 2011 and again on September 2, 2011 on the outstanding invoice. Staff attempted to contact the permit holder by telephone. A certified letter was sent to the facility contact dated November 2, 2011. Pursuant to District Rule 511, *Delinquency Penalties/Late Fees*, Section 8, the APCO petitions the Hearing Board to determine if Permit to Operate #RJP-04-01 issued to RJ's Painting should be revoked for failure to pay annual permit renewal fees. The Hearing Board may take action pursuant to HSC, Section 42309(e).

III. EVIDENCE

The APCO requests that the Hearing Board accept the following Exhibits into evidence for consideration and support the action requested:

- Exhibit 1. Copy of Statement and Invoice #8933, FC 1119, and FC 1165
- Exhibit 2. District Rule 500 Stationary Source Permit Fees
- Exhibit 3. District Rule 511, Delinquency Penalties/Late Fees.
- Exhibit 4. Copy of Correspondence from Aleah Ing, dated November 2, 2011
- Exhibit 5. Public Notice providing the date, time, and location of the hearing.

IV. PETITIONER REQUEST

The APCO hereby requests that the Hearing Board revoke Permit to Operate No. RJP-04-01 issued to RJ's Painting for violating District Rules 400, 500, and 511 and HSC 42303. The APCO further requests that the action taken by the Hearing Board becomes effective immediately upon the rendering of a decision by the Board.

V. FINDINGS OF FACT

In accordance with California HSC 42309(e), District Rules and Regulations, and other provisions of law, the Hearing Board shall make the following findings prior to revoking a permit that the holder of the permit is violating any applicable order, rule, or regulation of the district or any applicable provision of HSC, Division 26.

Staff contact for this Revocation petition is David J. Lusk.

W. James Wagoner,
Air Pollution Control Officer

By: David J. Lusk Date: 12/27/11

BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD
STAFF REPORT
Petition No. 11-03

Hearing Date:
January 10, 2012 at 3:00 p.m. at the
Butte County Air Quality Management District Office
629 Entler Avenue, Suite 15, Chico, CA 95928

I. INTRODUCTION

The Air Pollution Control Officer (APCO) of the Butte County Air Quality Management District (District) has filed a petition with the Clerk of the Hearing Board requesting that the Hearing Board revoke Permit to Operate No. SAC-07-01 issued to Sawyer's Cabinets for operating a wood products manufacturing facility (cabinet shop) at 15-A Valley Court, Chico, CA 95973. The permit was re-issued on December 31, 2010 following a standard District permit renewal evaluation in accordance with District Policies and Procedures as required by California Health and Safety Code (HSC) Section 42301(e). At that time, Sawyer's Cabinets was assessed annual Permit to Operate renewal fees in accordance with District Rule 500.

Pursuant to District Regulation VI and HSC Section 42307, your Board has authority and jurisdiction to hear this petition and revoke the permit as requested by the APCO.

The District has sent certified mail to the Permit Holder, Curtis & Stephen Sawyer, Owners, with no response or payment of fees due. The Hearing has been duly public noticed and is scheduled for 3:00 p.m. on January 10, 2012 at the District Office, 629 Entler Avenue, Suite 15, Chico, CA 95928.

II. BACKGROUND

Sawyer's Cabinets filed an application and was granted a Permit to Operate (#SAC-07-01) on November 13, 2007 for an existing cabinet shop. The facility renewed the permit and paid the appropriate fees until this past year. The facility's Permit to Operate was again re-issued on December 31, 2010; however, the facility failed to pay the invoice (#8414) for renewal fees. Finance charges were assessed on February 8, 2011 and again on March 24, 2011 on the outstanding invoice. The facility was also assessed a Delinquent Records fee for failure to submit requested facility information and annual production data forms. A partial payment of \$50 was paid on August 11, 2011. Staff attempted to contact the permit holder by telephone. A certified letter was sent to the facility contact dated December 9, 2011. Pursuant to District Rule 511, *Delinquency Penalties/Late Fees*, Section 8, the APCO petitions the Hearing Board to determine if Permit to Operate #SAC-07-01 issued to Sawyer's Cabinets should be revoked for failure to pay annual permit renewal fees. The Hearing Board may take action pursuant to HSC, Section 42309(e).

This permit is again up for renewal in January 2012. District Inspector Ursula Parker inspected the facility on November 21, 2011 and observed the facility in operation without a valid Permit to Operate. NON#1076 was issued to Steve Sawyer.

III. EVIDENCE

The APCO requests that the Hearing Board accept the following Exhibits into evidence for consideration and support the action requested:

- Exhibit 1. Copy of Statement and Invoice #8414, Invoice #8619, FC 907, and FC 923
- Exhibit 2. District Rule 500 Stationary Source Permit Fees
- Exhibit 3. District Rule 511, Delinquency Penalties/Late Fees.
- Exhibit 4. Copy of Correspondence from W. James Wagoner, dated December 9, 2011
- Exhibit 5. Copy of NON#1076
- Exhibit 6. Public Notice providing the date, time, and location of the hearing.

IV. PETITIONER REQUEST

The APCO hereby requests that the Hearing Board revoke Permit to Operate No. SAC-07-01 issued to Sawyer's Cabinets for violating District Rules 400, 500, and 511 and HSC 42303. The APCO further requests that the action taken by the Hearing Board becomes effective immediately upon the rendering of a decision by the Board.

V. FINDINGS OF FACT

In accordance with California HSC 42309(e), District Rules and Regulations, and other provisions of law, the Hearing Board shall make the following findings prior to revoking a permit that the holder of the permit is violating any applicable order, rule, or regulation of the district or any applicable provision of HSC, Division 26.

Staff contact for this Revocation petition is David J. Lusk.

W. James Wagoner,
Air Pollution Control Officer

By: David J. Lusk Date: 12/27/11

BUTTE COUNTY
AIR QUALITY MANAGEMENT DISTRICT
HEARING BOARD
STAFF REPORT
Petition No. 11-04

Hearing Date:
January 10, 2012 at 3:00 p.m. at the
Butte County Air Quality Management District Office
629 Entler Avenue, Suite 15, Chico, CA 95928

I. INTRODUCTION

The Air Pollution Control Officer (APCO) of the Butte County Air Quality Management District (District) has filed a petition with the Clerk of the Hearing Board requesting that the Hearing Board revoke Permit to Operate No. SGM-81-01 issued to SGM for operating a retail gasoline dispensing facility at 8226 Skyway, Paradise, CA 95969. The permit was re-issued on April 1, 2011 following a standard District permit renewal evaluation in accordance with District Policies and Procedures as required by California Health and Safety Code (HSC) Section 42301(e). At that time, SGM was assessed annual Permit to Operate renewal fees in accordance with District Rule 500.

Pursuant to District Regulation VI and HSC Section 42307, your Board has authority and jurisdiction to hear this petition and revoke the permit as requested by the APCO.

The District has sent certified mail to the Permit Holder, Gaurav Sharma, Owner. The accountant for the facility notified the District that the fees would be paid by December 27, 2011. However, at the time of this staff report, no fees have been received. The Hearing has been duly public noticed and is scheduled for 3:00 p.m. on January 10, 2012 at the District Office, 629 Entler Avenue, Suite 15, Chico, CA 95928.

II. BACKGROUND

SGM filed an application and was granted a Transfer of Ownership of Permit To Operate (#SGM-81-01) on April 30, 2008 to continue operation of a retail gasoline dispensing facility. The facility renewed the permit and paid the appropriate fees until this past year. The facility's Permit to Operate was again re-issued on April 1, 2011; however, the facility failed to pay the invoice (#8709) for renewal fees. Finance charges were assessed on June 22, 2011 and again on July 22, 2011 on the outstanding invoice. Staff attempted to contact the permit holder by telephone. A certified letter was sent to the facility contact dated September 20, 2011. Pursuant to District Rule 511, *Delinquency Penalties/Late Fees*, Section 8, the APCO petitions the Hearing Board to determine if Permit to Operate #SGM-81-01 issued to SGM should be revoked for failure to pay annual permit renewal fees. The Hearing Board may take action pursuant to HSC, Section 42309(e).

III. EVIDENCE

The APCO requests that the Hearing Board accept the following Exhibits into evidence for consideration and support the action requested:

- Exhibit 1. Copy of Statement and Invoice #8709, FC 1015, and FC 1083
- Exhibit 2. District Rule 500 Stationary Source Permit Fees
- Exhibit 3. District Rule 511, Delinquency Penalties/Late Fees
- Exhibit 4. Copy of Correspondence from Aleah Ing, dated September 20, 2011
- Exhibit 5. Public Notice providing the date, time, and location of the hearing

IV. PETITIONER REQUEST

The APCO hereby requests that the Hearing Board revoke Permit to Operate No. SGM-81-01 issued to SGM for violating District Rules 400, 500, and 511 and HSC 42303. The APCO further requests that the action taken by the Hearing Board becomes effective immediately upon the rendering of a decision by the Board.

V. FINDINGS OF FACT

In accordance with California HSC 42309(e), District Rules and Regulations, and other provisions of law, the Hearing Board shall make the following findings prior to revoking a permit that the holder of the permit is violating any applicable order, rule, or regulation of the district or any applicable provision of HSC, Division 26.

Staff contact for this Revocation petition is David J. Lusk.

W. James Wagoner,
Air Pollution Control Officer

By: David J Lusk Date: 12/27/11