

BOARD OF DIRECTORS
AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Wednesday, January 25, 2006

The Air Pollution Control District Board of the County of San Luis Obispo, met in regular session at 9:00 a.m..

PRESENT: Directors K.H. 'Katcho' Achadjian, Shirley Bianchi, David Ekbom, John Ewan, Jerry Lenthall, Tom O'Malley, James Patterson, Bill Peirce, Tom O'Malley, Mary Ann Reiss, Chairperson Harry L. Ovitt

ABSENT: Directors Joe Costello, James Heggarty

SUM **AGN**

1 A-1 This is the time set for election of the Chairperson and Vice Chairperson for 2006.

Thereafter, on motion of Director Achadjian, seconded by Director Bianchi, with Directors Costello and Heggarty being absent, motion carries and the Board appoints Director O'Malley as Chairperson for 2006 and Director Patterson as Vice Chairperson for 2006.

OUTGOING CHAIRPERSON OVITT TURNS THE GAVEL OVER TO INCOMING CHAIRPERSON O'MALLEY.

2 A-2 This is the time set for election of South Central Coast Air Basin Control Council (BBC) representatives.

Mr. Larry Allen: APCO, presents the staff report.

Director Ovitt: nominates Director Ekbom as the primary member.

Director Patterson: states he would like to continue to serve (he has been the alternate) and understands that Mr. Heggarty has been filling the regular member position.

With the concurrence of the Board, Chairperson O'Malley appoints Director Patterson to serve as the member and Director Heggarty to serve as the alternate member for the South Central Coast Air Basin Control Council.

3 B-1 This is the time set for presentation to Harry Ovitt for his leadership as Board Chair during 2005.

Chairperson O'Malley: presents a plaque to Director Ovitt for his service as Chairperson for 2005. **No action taken.**

4 C-1 This is the time set for members of the public wishing to address the Board on items set thru
C-5

Chairperson O'Malley: opens the floor to the public comment without response.

Thereafter, on motion of Director Bianchi, seconded by Director Achadjian and on the following roll call vote:

**AYES: Directors Bianchi, Achadjian, Ekbom, Ewan, Lenthall, Ovitt,
 Patterson, Peirce, Reiss, Chairperson O'Malley**

NOES: None

ABSENT: Directors Costello, Heggarty

Consent Agenda Items C-1 through C-5 are approved as recommended by the Air Pollution Control Officer.

Consent Agenda Items C-1 through C-5 are on file in the Office of the County Clerk-

Recorder and are available for public inspection.

- C-1 Notice of Intent to adopt and implement Rules and Regulations during calendar year 2006, as required by State law. Twenty-one control measures, rules and regulations are listed for potential adoption or revision; not all will necessarily be considered for adoption during the year; **Received and Filed.**
- C-2 District Financial Report: With 50% of the Fiscal Year elapsed the District has expended 48% of its Appropriations and realized 53% of Anticipated Revenue. A small shortfall in Salary and Benefits Appropriations have been identified, which the District plans to address at the scheduled March District Board meeting, **Received and Filed.**
- C-3 Board Meeting Schedule for 2006, **Approved.**
- C-4 Recommendation to allocate \$145,960 in mitigation fees to fund a Marine Vessel Emission Reduction Program to replace old, high emission diesel engines on commercial fishing vessels whose home port is in Morro Bay or Port San Luis, **Approved.**
- C-5 Update on Public Outreach Activities performed since the last APCD Board meeting on November 16, 2005, **Received and Filed.**

5 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Chairperson O'Malley: opens the floor to public comment.

Mr. Eric Greening: speaks to being a prior member of the MOVER Screening Committee and wants the process for applicants to be public and ample notice of the meeting be given. **No action taken.**

6 AP This is the time set for Air Pollution Control Officer's (APCO) Report.

Mr. Larry Allen: APCO, addresses the Strategic Plan Update and meeting with stakeholders and that there will be a draft out by May; comments on the Climate Protection Program status and indicates he would like to combine this with the Strategic Plan Update; states that Mr. Howard Becker as resigned from the APCD Hearing Board and that they want to move Mr. Steven Johnson, who is the alternate, into this seat which will leave an opening for an Alternate member. **No action taken.**

7 D-1 This is the time set for hearing to consider amendments to District Rule 302, Schedule of Fees, Rule 401, Visible Emissions and Rule 403, Particulate Matter Emission Standards (changes are needed to comply with State Law and to ensure stable funding).

Mr. Gary Willey: APCD, presents the staff report outlining the changes that will occur and highlights the staff recommendation.

Board Members: question who would be impacted by Rule 302; and whether input was provided by the industry, with staff responding.

No one appearing and thereafter, on motion of Director Ovitt, seconded by Director Achadjian and on the following roll call vote:

AYES:	Directors	Ovitt, Achadjian, Bianchi, Ekblom, Ewan, Lenthall, Patterson, Peirce, Reiss, Chairperson O'Malley
NOES:	None	
ABSENT:	Directors	Costello, Heggarty

RESOLUTION NO. 2006-1, resolution of the Air Pollution Control Board amending the Rules and Regulations of the San Luis Obispo County Air Pollution Control District by revising Rule 302, Schedule of Fees, Rule 401, Visible Emissions and Rule 403, Particulate Matter Emission Standards, adopted.

8 E-1 This is the time set for consideration of the 2006 Legislative Platform defining legislative initiatives that will be supported or opposed by the District in the interest of furthering

the APCD mission to ensure clean air and public health protection.

Mr. Larry Allen: APCO, presents the staff report, indicating it is basically the same as last year with the addition of #14 and explains the same.

No one appearing and thereafter, on motion of Director Achadjian, seconded by Director Lenthall, with Directors Costello and Heggarty being absent, the Board approves the 2006 Legislative Platform for the San Luis Obispo County Air Pollution Control District as outlined in the staff report dated January 25, 2006.

- 9 E-2 This is the time set for ratification of agreement between the District and Unocal establishing an Air Quality Mitigation Program for the Guadalupe Oil Field Remediation Project as required in the Supplemental Environmental Impact Report.

Ms. Aeron Arlin Genet: APCD, presents the staff report, addresses the Unocal agreement for the Guadalupe Oil Field; states some of the changes to MOU include a mitigated rate, emission estimates and program funding; indicates the old MOU will be dissolved; highlights the staff recommendation.

Director Achadjian: questions the change in ownership from Unocal to Chevron and if that affects the validity of the agreement.

Mr. Gonzalo Garcia: Chevron, states that while the MOU retains the Unocal name this will become a Chevron obligation basically as a guarantor for Unocal; Chevron has purchased Unocal in its entirety.

(DIRECTOR JOE COSTELLO IS NOW PRESENT.)

Director Patterson: questions the Supplemental EIR status and concerns coming out of Santa Barbara County; questions whether the Santa Barbara APCD is communicating with other jurisdictions, so that any problem that gets our approval also gets their approval, with staff responding.

Matter is fully discussed and thereafter, on motion of Director Achadjian, seconded by Director Ovitt, with Director Heggarty being absent, motion carries and the Board ratifies the MOU, that is attached to the staff report dated January 25, 2006, establishing the second Guadalupe Oil Field Air Quality Mitigation Program (Guad2 Program) and authorizes the SLOAPCD to identify emission reduction projects for future Board approval.

- 10 E-3 This is the time set for approval of proposed geographic boundaries for the ConocoPhillips Mitigation Fund Program.

Ms. Aeron Arlin Genet: APCD, presents the staff report; addresses wind patterns and complaints received regarding the refinery; discusses the formula used to award grant funding; outlines the staff recommendation.

Director Achadjian: thanks staff for their work on this.

No one appearing and thereafter, on motion of Director Achadjian, seconded by Director Bianchi, with Director Heggarty being absent, motion carries and the Board approves the grant fund distribution area and the preferential award methodology as outlined in the staff report dated January 25, 2006 and directs the APCD staff to precede with the development of ConocoPhillips Mitigation Incentive Programs designed to reduce emissions in the South County region as approved by the Board at the November 15, 2005 meeting.

- 11 E-4 This is the time set for consideration of the proposed South County Lawn Mower Buy-Back Program.

Ms. Aeron Arlin Genet: APCD, presents the staff report outlining the program; addresses the smog forming pollutants from lawn mowers; what they are doing to encourage trading gas mowers for electric ones; addresses the proposed agreement with Neuton Lawn Mower Company; comments on the media campaign they will hold in May during Clean Air Month; indicates they are targeting exchanging 300 mowers; highlights

the staff recommendation.

Board Members: question whether large mowers are as bad as the smaller ones; whether landscape companies will be able to apply for this program and feel they should be targeted as they do more yards; questions regarding the disposal of batteries for electric mowers, with staff responding.

No one appearing and thereafter, on motion of Director Lenthall, seconded by Director Costello, with Director Heggarty being absent, motion carries and the Board approves the Lawn Mower Exchange Program and authorizes the APCO to enter into agreements with Neuton Lawn Mower Company, Noble Saw and Recycling Environmental Services to administer a first-come, first-serve Lawn Mower Exchange Incentive program designed to promote the use of zero-emission electric lawn mowers in South San Luis Obispo County.

(MR. RAY BIERING, DEPUTY COUNTY COUNSEL IS NOW ABSENT.)

12 CS The Board announces it will be going into Closed Session regarding:

I. Government Code § 54957(b)(1) and 54954.5(e): Public Employee Appointment; public employment; public employee performance evaluation. Title: *District Counsel/County Counsel.*

Chairperson O'Malley: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, Air Pollution Control Officer reports on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Air Pollution Control District Board of the County of San Luis Obispo is now adjourned.

Chairperson, Air Pollution Control District Board

ATTEST:

JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Air Pollution Control District Board

By: _____
Deputy Clerk-Recorder

vms