## PLACER COUNTY AIR POLLUTION CONTROL DISTRICT BOARD OF DIRECTORS

## Thursday, June 14, 2007 3:15 P.M.

## **Meeting Minutes**

The Board of Directors of the Placer County Air Pollution Control District met in session at 3:15 P.M., Thursday, June 14, 2007 at the Placer County Board of Supervisors' Chambers, 175 Fulweiler Avenue, Auburn, California. Representing the District were: Tom Christofk, Air Pollution Control Officer; Todd Nishikawa, Compliance and Enforcement Manager; Yu-Shuo Chang, Planning and Monitoring Manager; and Jane Bailey. Administrative Services Manager.

- 1. Call to Order: Done in preceding preliminary budget hearing
- **2. Flag Salute:** Done in preceding preliminary budget hearing
- 3. Roll Call / Determination of a Quorum

Done in preceding preliminary budget hearing

Present: Mike Holmes, Tom Millward, Jim Holmes, Kent Nakata, Robert

Weygandt, Peter Hill, and Jim Gray

Absent: Kirk Uhler and Sherrie Blackmun

**4. Approval of Minutes:** April 12, 2007 Regular Board Meeting

Motion: Kent Nakata, second: Jim Gray; approved unanimously

- **5. Public Comment:** No public comment
- 6. Synopsis of Agenda (information only, no action needed)
- 7. Approval of Agenda:

**Motion:** Jim Gray, second: Kent Nakata; approved unanimously

Consent Calendar Items: (Item 8, & 9)

### 8. Budget Revision: (Consent/Action)

Approve and sign the Budget Revision #07-04 thereby increasing the budgeted expenditure and revenue to reflect the actual purchase of two (2) Remote Automated Weather Stations (RAWS) for the Tahoe area. The total purchase price is \$39,945.93.

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## 9. Hearing Board Appointments: (Consent /Action)

District staff requested that the Board approve the appointment of four new members of the hearing board. Gary Hall is recommended for the engineering vacancy. Paul Seday, Chuck Mather and Sheldon Lazonoff are recommended to be new alternates, public at large.

Timothy Woodall, currently an alternate, is recommended for the public at large vacancy. Diane Przepiorski will continue to be an alternate public at large member and will temporarily substitute on the Board for the medical vacancy.

Motion: Mike Holmes, second: Robert Weygandt; approved unanimously

### **Information Items:**

# 10. Portable Equipment Registration Program (PERP) Memorandum of Understanding (MOU): (Information)

Mr. Todd Nishikawa, Compliance and Enforcement Manager for the District, gave a report on the PERP program. Portable engines can either be permitted by air districts or registered under a State program. It is preferred by this District to have the engines registered under the State program because that allows the engines to operate in any of the 35 air districts in the State without companies having to get a permit from each of the districts where they would operate. At this time Tier 0 engines, which do not meet any State or Federal emission standard, that are not already registered with the State are no longer eligible to be registered with the State. In addition, these engines are required to be phased out or removed from service by December 31, 2009. Most air districts will not permit these engines either. Operators who did not register their Tier 0 engines when they had the opportunity have been stuck in a position of not being able to legally use their equipment and there was no practical solution to get into compliance. On the other hand, those operators who did register with the State within the right timeframe can operate their Tier 0 equipment until December 31, 2009. In January of 2006, the ARB adopted emergency regulations which amended the State's position so that the Tier 0 engines could be allowed to operate until December 31, 2009, if permitted or registered by the local air district.

District staff along with other local air districts in the Sacramento Region have been working together to develop a plan to allow an operator to enter into an agreement allowing the use of the engine in each air district that participates in the regional program. Currently Placer County APCD, Sacramento Metropolitan Air Quality Management District (AQMD) and Yolo-Solano AQMD are participating in the program which is memorialized in a Memorandum of Understanding. Collectively the air districts are referred to as "Sacramento Regional Air Districts". The El Dorado County APCD and Feather River AQMD participated

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in developing the program and may join in at a later time. The agreements with portable engine owners are being referred to as Regional Compliance Agreements or RCAs. Entering into a RCA allows the operator to continue to operate Tier 0 engines in the region until December 31, 2009.

Although this program is a benefit to operators who did not get their engines registered on time, it is not being offered without penalty. The monetary penalty of \$2,850 must be paid for each engine covered by the RCA. The penalty amount was selected by the participating air districts to offset the costs the operator avoided by not registering the engines earlier. In both 2008 and 2009 the penalty to obtain an RCA will increase to reflect the time that has passed without the engine being registered. Where a company has already entered into an agreement with a single air district, the penalties they have already paid will be credited against the RCA penalty.

The RCAs are only for resident engines. Out of State equipment and rental equipment are not allowed in the program. The District plans to do an outreach including direct mailings to companies who may have portable engines. The District web page will be updated with the information and there will be a regional effort to use mass media to get the information to the public. Mr. Nishikawa asked the board if they had any questions about the program.

Director Millward asked about the timing of sending out information to the public since the District has been writing violations on non-registered engines for some time now. Mr. Nishikawa said that inspectors have been in the field trying to locate non registered engines since technically they have been in violation of the regulations since January of 2006. The inspectors have offered those companies found in violation the opportunity to become compliant by entering into a compliance agreement with the District. The parties who have an agreement with the District will be given the opportunity to enter into a RCA. Of course, there will be additional costs involved.

Director Millward asked about engines that are operational but not operating and how the District interprets that distinction when it comes to citing an operator for having a Tier 0 engine that is not registered. Mr. Nishikawa said that if the engine is in the State of California and the operator has not registered it or obtained a permit through the air district, then the engine is in violation of State law and could be cited.

Director Mike Holmes asked how many engines there are in Placer County. Mr. Nishikawa replied that the District has identified approximately 50 of the Tier 0 engines in Placer County. Many have been operating under an interim agreement until the RCA was in place. Staff will be sending an offer to sign an RCA to the

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companies that have the interim agreements with Placer County APCD. If they choose not to do a regional agreement, they can only operate in Placer County.

Director Mike Holmes also had a question about the regional MOU and wanted to know if the District Board had reviewed and approved it. Mr. Christofk stated that he had signed it under his authority as the Air Pollution Control Officer. Director Holmes asked how long it would be before Feather River AQMD and El Dorado APCD entered into the regional MOU. Mr. Nishikawa said he was told it could be another month or so before they sign.

Chairman Jim Holmes asked if these engines (Tier 0) had ever been registered to begin with. Mr. Nishikawa said they had not. The State registration program began in 1997 but many operators were unaware of the new regulations. By January of 2006, the deadline had come for registering the Tier 0 engines. Again, many operators were unaware of the deadline. The regional program allows these operators an opportunity to operate legally at least until December 31, 2009. Chairman Holmes said that there were probably many ranchers that had this type of equipment and wanted to know how the District plans to find them. Mr. Nishikawa said that is a problem and that there will most likely be engines operating that will not be discovered. The District intends to do some local outreach and plans to do more with the regional program.

Chairman Holmes asked for clarification regarding the out of state equipment. Since there are so many construction projects going on in the County, especially in Lake Tahoe, he wanted to know if the Nevada equipment could be operated in California. Mr. Nishikawa said that is not legal to bring in equipment that is not registered in California. Since there is a residency requirement to register older equipment, only new equipment can be registered for operation in California.

**Closed Session:** (moved to after the APCO report)

## 11. Adjourn to Closed Session: Air Pollution Control Officer's compensation.

The Board met in closed session to discuss their decision regarding the APCO compensation. When they returned, Chairman Holmes stated that the Board had decided unanimously to raise the Air Pollution Control Officer's salary by 13.5% to \$9,825 per month, to be confirmed by the personnel department. Chairman Holmes said the decision was made by consensus and that the Board appreciates the great job Mr. Christofk is doing and the great job the entire District staff is doing. Mr. Christofk asked for clarification as to when the increase would be effective. Chairman Holmes confirmed that the increase was to be retroactive to the April 12, 2007, date as discussed at the meeting on that date.

Mr. Christofk thanked the Board for their decision and said that he appreciates

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serving the Board. He said that this District, under the direction of this Board, is leading the way in many areas and that what the District accomplishes makes a difference and provides a "breather benefit" to the citizens of Placer County.

## 12. Air Pollution Control Officer's Report

**a. Neighborhood Electric Vehicles:** Mr. Christofk introduced Greg Gilbert of Autumn Wind Associates in Newcastle and Steve Ainsworth from MHM Engineering who had a presentation to show on the City of Lincoln NEV (neighborhood electric vehicle) Transportation Plan. This project was partially funded (\$10,000) by PCAPCD in 2003.

Mr. Gilbert gave some statistics on the calculated emission reductions from this project. NEV's get the equivalent of 150 miles per gallon and many people use them as their second car. In the beginning it was hoped that there would be 5,000 NEV's in use in Lincoln by now. Currently there are about 1,000 being used within the area. It was proposed in the original grant that 17.5 tons of NOx and ROG would be reduced per year, but that was based on the 5,000 NEV's. However, there have been significant reductions in ozone and it is estimated that at least 600 tons of global warming emissions have been kept out of the air by using the NEV's. Mr. Gilbert said he is very pleased with the project and is surprised that more cities have not adopted plans like the one Lincoln has.

Mr. Ainsworth gave a power-point presentation that explained what NEV's are and the legal restrictions of their use and what the rest of the project entailed. The project was to do a study on the feasibility of using the electric vehicles within an urban environment in order to cut down on air pollution and keep gasoline powered vehicles from being used for frequent short trips. The goals of the study were to determine what it would take to extend the use of NEV's within the city and to provide a planning level document for implementing the plan. Some of the funds were also used for road striping and signage for the NEV's.

The City of Lincoln adopted the NEV Transportation Plan and the Twelve Bridges Golf Cart Transportation Plan in August of 2006. The project has won two awards to date: the 2006 Award for Excellence, *League of California Cities, Helen Putnam Award*, and the 2007 Award for Excellence in Transportation, CTF *TRANNY Award – Planning Program of the Year*.

**b.** Agricultural Diesel Internal Combustion Engine Air Toxic Control Measure (ATCM.) Mr. Christofk gave a short report explaining that the Air Resource Board recently expanded this ATCM regarding stationary engines which are usually backup generators. Most businesses have these generators and they are typically over 50 horsepower. The State is now looking at agricultural stationary engines which are

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most often used to pull water from a well. This ATCM has already been in place for other stationary engines but it hasn't applied to agricultural uses in the past. This is a State rule, not a District rule and it requires that the engines be registered with an air district and have conditions put on their use which mainly effects the hours of operation for the engines. The District's farmers probably won't be impacted by this rule since there are few deep well pumps in Placer County. This rule will be much more applicable in the valley regions.

At this time, it is not known how many of this type of engine are in use in the District. Mr. Christofk said he will be working with the Agricultural Commissioner and the Agricultural Commission to identify the engines. This is mainly a registration program for this class of engine.

Before Mr. Christofk went to the next item, he gave the Board a briefing in open session about the plan to go to trial on Monday June 18, 2007, with Sierra Pacific Industries. There is the possibility of a settlement before the trial date, but nothing has been finalized yet. District Staff have been spending countless hours preparing for this trial and are prepared to go to court. It is anticipated that the trial will last for up to 30 days. The State's case is very strong and he is hopeful that it will settle before going to trial.

**c. Fiscal Report:** Ms. Bailey pointed out that since the 2.17 million in Clean Air Grants were encumbered, the expenditures are less than one percent (.27%) from being what was budgeted for in FY 2006-07. In the same time frame, the District has taken in 17.12% more in revenues which more than covers the slight increase in expenditures.

At this time the Board adjourned to closed session, item 11 of the agenda and returned ten minutes later. The minutes are documented in item 11 on page 4 of this document.

**13. Adjournment:** Chairman Holmes adjourned the meeting.

NEXT REGULARLY SCHEDULED MEETING - Thursday, August 9, 2007 at 2:30 PM