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# **SOUTH CENTRAL COAST BASINWIDE AIR POLLUTION CONTROL COUNCIL**

Ventura County APCD 669 County Square Drive, 2<sup>nd</sup> Floor Ventura CA 93003 805-645-1400

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## **TECHNICAL ADVISORY COMMITTEE**

Michael Villegas, APCO  
Ventura County APCD  
  
Terrence E. Dressler, APCO  
Santa Barbara County APCD  
  
Larry R. Allen, APCO  
San Luis Obispo County APCD

## **COUNCIL MEMBERS**

Mike Morgan, Chair  
Council Member, City of Camarillo  
  
Eric Onnen, Vice Chair  
Council Member, City of Goleta  
  
Karen Bright  
Council Member, City of Grover Beach

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## **MEETING MINUTES**

July 29, 2009

### **Present**

Council Members: Mike Morgan, Ventura County  
Eric Onnen, Santa Barbara County  
Karen Bright, San Luis Obispo County

Staff: Mike Villegas, Ventura County  
Suzanne Devine, Ventura County  
Terry Dressler, Santa Barbara County  
Larry Allen, San Luis Obispo County

### **1. Approval of Minutes of February 18, 2009**

Onnen/Bright Minutes Approved

### **2. 1-Hour Ozone Standard Attainment Finding for Ventura County (Villegas)**

Ventura County was designated a severe-15 non-attainment area for the old federal one-hour ozone standard. This meant we had an attainment deadline of 11/15/05. In 2004, EPA revoked the old one-hour standard as part of a rule making for the more stringent 1997 8-hour ozone standard. This rule making was challenged in court, and in 2007 the provisions of EPA rulemaking regarding NSR and the section 185 fees were vacated. Based on this, we requested that EPA formally determine that Ventura County has attained the one-hour standard by the statutory deadline. Our 2003-2005 data was reviewed. On May 27, 2009, EPA issued a direct final rule determining that Ventura County attained the one-hour standard. The rulemaking was effective 7/27/09.

### **3. Upcoming ARB Regulatory Deadlines and Potential District Impacts (Dressler)**

Over the years ARB has adopted several air toxic control measures. They cover a wide variety of sources (gas stations, dry cleaners, diesel engines, etc.) It was determined that people felt that air toxics are important to control the same way statewide as air toxics affect people the same everywhere. Many of these rules are delegated to the local districts for implementation and enforcement. We have some upcoming deadlines:

In-station diagnostics deadline is 9-1-09. This requires a computer driven monitoring system to make sure the vapor recovery systems in gas stations are working all the time.

Tier 0 pre-1996 portable diesel internal combustion engines over 50 hp have to be out of service by 12-31-09. These types of engines are used by tree trimming companies chipping branches, concrete companies to pump concrete, welders, well drilling companies, etc. The big concern is the small businesses that only have one engine may not have the funds to comply at this time. This could put the smaller companies out of business.

Perchloroethylene dry cleaners have a deadline of 7-1-10. Small mom and pop shops have to make retrofits and put on more control equipment or switch completely over to a new system. The new equipment ranges from \$25k to over \$100k. New equipment is normally financed, credit is tighter now, the economy is bad, and people are cutting out dry cleaning from their budgets.

Tier 0 agricultural diesel internal combustion engines deadline is 12-31-10. There is grant money available until December 2009 to help with replacing these engines. Outreach has to be 'don't wait until it is too late'. We need to reach the farmers to do the right thing to avoid a big deadline fiasco down the road.

These deadlines are statewide. We are looking for CARB to provide the districts with direction. This is CARB's rule and CARB needs to give direction on how to make this happen for consistency statewide with all the Districts.

CAPCOA Board met with ARB and suggested they revisit their portable diesel regulation. ARB is telling people to contact their local district for a grant – there are no grants available and there is nothing that can be done at the local level because this is ARB's rule. ARB is reluctant to go back in and open their regulation up. ARB wants all the Districts to agree to a specific course of action for compliance agreements where the Districts work with each individual.

This has turned into a nightmare for the Districts. Come December, these small business owners will no longer have any collateral to get loans to upgrade their diesel engines because the ones they own now, will no longer be legal. These engines are being dumped into rural areas and sold for great deals. The rural operators have no idea that in six months, they will no longer be able to use them.

Gas stations have gone up for sale in Ventura County and the new owner comes in and has no idea of all the permits and upgrades he needs to be operational.

We are trying to get ARB to take this seriously and understand it is an urgent problem. We need to take a long term approach to planning out what we are going to do with these deadlines that are coming up.

SLO Board has written a letter to ARB asking them to amend the regulation. The Board has also requested that the Basinwide Control Council draft a letter to ARB asking the same thing. A motion was made for the BCC to send ARB a letter also. (Onnen/Bright)

Mike Morgan asked if the CAPCOA meetings were open to the public. They are not public meetings, but the minutes can be provided to you.

#### **4. Update On Implementation of Phase II EVR (Dressler)**

Phase II Enhanced Vapor Recovery (EVR) is a requirement for gas stations. Since the late 1970s gas stations have been required to have vapor recovery systems on their gas pumps. There are two types: 1) Recovery of vapors from the tanks when the gasoline is put into the tanks and displaces the vapors that are in the tanks (Phase I). 2) When people fill up their car they are displacing vapors in the cars' tanks and that goes back into the underground tanks (Phase II).

It was discovered over the years that despite their best efforts, the systems did not work as well as they were supposed to. They were designed to work at 98% efficiency. When tested, they found out there were not even close to that.

Only half the stations had met the Phase II April 1, 2009 deadline. Now, there is 80 percent in compliance. Station owners had four years to install the new equipment. There was rumors floating around that half the stations in CA would be closing, fines would be \$10,000 per day for noncompliance, ARB did nothing. People in legislature came to CAPCOA asking what could be done. Air districts all agreed on how this situation would be handled. It was decided that it has to be fair to the station owners who have already incurred the cost and did not delay meeting the deadline. The fines would be no more than \$1,000, station owners would have to get into an enforceable compliance agreement or abatement order-enforceable date certain by which they would install the equipment—and we allowed them until December 2009 to get it all squared away. Anyone who has incurred fines to date, would be rebated anything beyond the \$1,000.

AB 96 is in the legislature right now. It would provide grants and loans to gas stations that are having trouble getting money to meet the Phase II requirements.

## **5. Federal Climate Legislation and EPA's Proposed Endangerment Finding for GHGs (Allen)**

On April 7, 2007, In Massachusetts vs. EPA, the Supreme Court found that greenhouse gases are air pollutants that are covered under the federal Clean Air Act. The Court held that EPA must determine if greenhouse gas emissions from new vehicles were contributing to air pollution that could endanger public health or welfare. April 17, 2009, EPA issues a proposed finding that current and projected atmospheric concentrations of the six major greenhouse gases currently regulated under AB 32 here in CA [carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride] threaten public health and welfare based on the major findings and conclusions from the most recent scientific assessments. The findings are expected to be finalized in the next 90 days. This authorizes the EPA to regulate greenhouse gases under the federal Clean Air Act (CAA) just like they do criteria pollutants. This put a lot of pressure on Congress to pass legislation relating to this. Industry does not want to see EPA do rulemaking on greenhouse gases. It is unlikely greenhouse gases will get regulated under the CAA if the Waxman/Marky bill passes. It passed the house by seven votes in June and is currently in the Senate. Main portions of the bill address the following:

- \*Title I - Clean Energy: combined energy efficiency and renewable energy standards for power plants. Requires a mix of energy efficiency/renewable energy of 6% in 2012 and up to 20% by 2020, as well as other provisions.

- \*Title II - Energy Efficiency: industrial efficiency standards, provisions for transportation efficiency.

- \*Title III - Greenhouse Gas Reduction Program: Sets GHG emission reduction targets of 3% below 2005 levels by 2012; 17% below 2005 in 2020; 42% below 2005 levels in 2030; and 83% below 2005 levels in 2050. The California program (AB32) is to reach 1990 levels by 2020 and to be 80% below that by 2050. Reductions will be achieved primarily through a cap and trade emissions program. This is a market based approach that would establish an absolute cap on emissions and would allow trading of emissions/allowances. Agriculture and forestry are not regulated to begin with, but they have been given a separate offset program that would be run by US Dept. of Agriculture.

- \*Title IV – Transitioning To A Clean Energy Economy: includes assistance for industries and workers that are affected by greenhouse gas caps.

## **6. Ventura County Pesticide Emission Reduction Project (Villegas)**

The number one dollar crop in Ventura County is strawberries. This crop is susceptible to many pests including fungus. Soil fumigants are used in the growing of strawberries. Many of the fumigants are toxic and can also be ROCs.

The Department of Pesticide Regulation (DPR) has promulgated regulations limiting fumigant emissions in CA. Ventura County now operates under a ROC cap for fumigants. This cap will decline over time through 2011.

VCAPCD will be administering a grant for a fumigant emission reduction demonstration program working with UC Davis, the California Strawberry Commission, the Ventura County Farm Bureau, and nine local growers. The project aims to transfer technology developed at UC Davis, which uses virtually impermeable films (VIF) to reduce fumigant emissions. The VIF taps may reduce fumigant application rates by 40%, compared to the standard high density polyethylene tarps. The tarps will be tested for permeability before and after use to check for degradation. The VIF test areas will be fumigated with 60% of the commercial rate, then strawberry production yields will be compared to standard tarp and commercial fumigation rates. The results of the demonstration will be made available via outreach by the CA Strawberry Commission and the VC Farm Bureau. Guardian Agro Plastics has donated 50 acres of VIF tarps for the project.

## **7. CAPCOA's Model General Plan Policies for GHG's Document (Allen)**

CAPCOA just finished the Model General Plan Policies for Green House Gasses; it can be downloaded from [capcoa.org](http://capcoa.org). CAPCOA contracted with a consulting firm in Sacramento to help develop the document. It deals with how to address greenhouse gases in developing and updating local General Plans. The document provides background information on greenhouse gas statutes and regulations statewide and nationally; what is happening at the local level and information about local government's role in reducing greenhouse gases; and appropriate policies to incorporate in the different elements of a general plan. The policies are written in general plan language so they can be directly incorporated into plans. The document was written and intended for use by planning practitioners, not the general public.

## **8. Other Business/Next Meeting Date**

September 24, 2009

## **9. Adjourn**

Meeting was adjourned at 11:55 p.m.