

January 12, 2012

Board of Directors
Eastern Kern APCD
2700 "M" Street, Suite 302
Bakersfield, CA 93301

SUBJECT: Proposed Response to Grand Jury Report Entitled "Eastern Kern Air Pollution Control District"

Honorable Board:

District staff consisting of myself and Louise Roman, Administrative Coordinator, met with Francisca Garcia, Michael Brown, and Leonardo Chavez of the Special Districts Committee of the Kern County 2011-2012 Grand Jury on October 24, 2011 at our Bakersfield Office. The Grand Jury issued the report on the Eastern Kern Air Pollution Control District (EKAPCD Report) on December 6, 2011. Penal Code Section 933(c) requires your Governing Board to respond to the findings and recommendations of the Grand Jury on matters within its jurisdiction.

At the meeting the Grand Jury members were given an information package on the EKAPCD, copies of the last adopted budget, and copies of the last two fiscal audits. A thorough discussion of our EKAPCD's organizational structure, staffing and duties occurred during the meeting. Toward the end of this informational discussion a request was made to further explain why the eastern portion of Kern was made a separate air pollution control district from the western portion of Kern County. I explained that the state legislature passed and the governor signed into law in 1990 a bill that required one air district for the entire San Joaquin Valley. This mandated single air district would either be a unification of the existing eight county air pollution control districts in the San Joaquin Valley Air Basin or a state mandated air quality management district with a board structure dictated by statute.

I explained to the Grand Jury members that because the existing Kern County Air Pollution Control District covering the entire county was going to cease to exist, the Kern County Board of Supervisors made a decision to split the eastern part of the county that was in the Mojave Desert Air Basin into a separate air district. The initial decision to take that step was made in 1991, and the final action by the Board of Supervisors to make it effective was in 1992. The eastern portion maintained the Kern County Air Pollution Control District designation from 1992 until 2010 when the name was changed to Eastern Kern Air Pollution Control District. At the October meeting the Grand Jury members were also informed that staff was not aware of any interest by the Governing Board or from the EKAPCD communities to combine with western portion of Kern County into a single county air pollution control district.

The Grand Jury's EKAPCD Report includes some minor errors in the background information and findings that are addressed at the end of the proposed EKAPCD Governing Board response.

In their Comments section of the Grand Jury Report the "Committee contends that it is logical and advantageous to combine the Eastern Kern County Air Pollution Control District and Western Kern County into a single pollution control district." There is one recommendation in the EKAPCD Report and that recommendation is designated R1.

R1: The Air Pollution Control Officer and respective Boards should continue to explore the feasibility of consolidating the western and eastern portions of Kern County into one Air Pollution Control District.

Staff believes the recommendation to recombine the two parts of Kern County into one county air pollution control district is not feasible to pursue under current state law, and would be strongly opposed by both EPA and ARB.

Furthermore, the eastern portion of Kern County is part of the Mojave Desert Air Basin that has better air quality than the San Joaquin Valley portion of Kern County, and the emissions from all sources in the eastern portion are significantly less than those in the San Joaquin Valley portion. The residents, communities and stationary sources in the EKAPCD would not benefit from pursuing this recommendation and in fact it would be detrimental to their interests. A proposed response to the Grand Jury's findings, comments and recommendation is attached.

IT IS RECOMMENDED your Board approve and authorize the Chairman to sign the response letter to the findings, comments and recommendations of the 2011-2012 Grand Jury in its report entitled, "Eastern Kern Air Pollution Control District" to the Presiding Judge of the Superior Court.

Sincerely,

David L. Jones
Air Pollution Control Officer

DLJ
Attachment