

SUMMARY OF PROCEEDINGS

BOARD OF DIRECTORS EASTERN KERN AIR POLLUTION CONTROL DISTRICT

Regular Meeting
Thursday, January 8, 2015
2:00 P.M.

Location: Golden Hill Community Services District
21415 Reeves St, Tehachapi, CA

DISTRICT RECONVENED

DIRECTORS: Grimes (Chairman), Warren (Vice-Chairman), Scrivner, Gleason and Breeden

ROLL CALL: All Directors Present

FLAG SALUTE: Director Gleason

AIR POLLUTION CONTROL OFFICER: Glen E. Stephens, P.E.
SECRETARY OF THE BOARD: Debra Bias
BUSINESS MANAGER: Louise Roman
LEGAL COUNSEL: Gurujodha Khalsa

BOARD ACTION SHOWN AFTER EACH ITEM IN CAPS. The vote is placed in **bold** below each Board Action. For example, **Grimes - Holloway** denotes Director Grimes made the motion and Director Holloway seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: All items listed with a "-CA" were considered routine and approved by one motion. ITEM #5 WAS REMOVED FROM THE CONSENT AGENDA.

Scrivner - Gleason: All Ayes

- 1) -Welcome New Directors: City of Ridgecrest – Peggy Breeden, Mayor
City of California City – Rick Warren, Council Member

Selection of Chairman – SELECTED DIRECTOR GRIMES.

Scrivner - Gleason: All Ayes

Selection of Vice-Chairman - SELECTED DIRECTOR WARREN.

Gleason – Scrivner: All Ayes

PUBLIC PRESENTATIONS

- 2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask questions for clarification; make referrals to staff for information or request staff to report to the Board at a later meeting. In addition, the Board may take action to direct staff to place a matter of business on a future agenda – NO ONE HEARD.

BOARD MEMBER PRESENTATIONS OR ANNOUNCEMENTS

- 3) On their own initiative, Board members may make brief announcements or brief reports on their own activities. They may ask questions for clarification make referrals to staff or take action to have staff place a matter of business on a future agenda [Gov. Code Sec. 54954.2(a)]. NO ONE HEARD.

HEARINGS

- 4) Adoption of Amendments to Rules 301 (Permit Fees), 302 (Permit Fee Schedules), 303 (Miscellaneous Fees), and 402 (Fugitive Dust) and Adoption of Draft Rule 402.2 (Agricultural Operations) - OPENED HEARING; RECEIVED PUBLIC COMMENT, DAWN MARTIN, DONNA THOMAS, EARL WILSON, SARAH MURK, MIKE MCGEE, TRISAN DEU PREE, CHUCK GRIFFIN, LAURIA PARSONS, JIM SIMMONS, AND PAT FARRIS HEARD; CLOSED HEARING; RECEIVED AND FILED DOCUMENTS; REFERRAL TO STAFF TO EXTEND PUBLIC COMMENT PERIOD 30 DAYS, REQUIRING BEST EFFORTS TO USE ALL CHANNELS OF NOTICE AND ADDITIONAL MECHANISMS TO GET PUBLIC COMMENTS; AFTER PROCESS IS COMPLETE, BRING ITEM BACK WITH APPROPRIATE REVISIONS OR REPORT IF MORE TIME IS NEEDED; CONTINUED TO MARCH 12, 2015.

Scrivner - Gleason: All Ayes

DISTRICT REQUESTS

- 5) Amendment to Procedural Rules for Proceedings of the Eastern Kern Air Pollution Control District Board of Directors changing Regular Board Meetings start time to 2:00 P.M. – SARAH MURK HEARD; APPROVED AMENDMENTS TO PROCEDURAL RULES FOR THE PROCEEDINGS OF THE EASTERN KERN AIR POLLUTION CONTROL DISTRICT BOARD OF DIRECTORS AS SUBMITTED.

Scrivner - Gleason: All Ayes

- 6-CA) Agreement with Sierra Sands Unified School District for School Bus Replacement - APPROVED AND AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 01-001-2015 WITH SIERRA SANDS UNIFIED SCHOOL DISTRICT FOR THE PURCHASE OF A NEW SCHOOL BUS.

Scrivner - Gleason: All Ayes

- 7-CA) Agreement with Tehachapi Unified School District for School Bus Replacement - APPROVED AND AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 01-002-2015 WITH TEHACHAPI UNIFIED SCHOOL DISTRICT FOR THE PURCHASE OF A NEW SCHOOL BUS.
Scrivner - Gleason: All Ayes
- 8-CA) Proposed Amendment No. 1 to Agreement 04-003-2004 with County of Kern as represented by Kern County General Services Division (Fleet Services) - APPROVED AND AUTHORIZED CHAIRMAN TO SIGN AMENDMENT 01-003-2015A WITH KERN COUNTY GENERAL SERVICES DIVISION (FLEET SERVICES).
Scrivner - Gleason: All Ayes
- 9-CA) Proposed Agreement with American Ecotech LLC to provide Communications Package and Web Hosting - APPROVED AND AUTHORIZED CHAIRMAN TO SIGN AGREEMENT NO. 01-004-2015 WITH AMERICAN ECOTECH LLC.
Scrivner - Gleason: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- 10-CA) Summary of Proceedings for Meeting of November 13, 2014 - APPROVED AND FILED.
Scrivner - Gleason: All Ayes

DOCUMENTS FOR FILING

- 11-CA) DISTRICT Notice of Violation's update - RECEIVED AND FILED.
Scrivner - Gleason: All Ayes
- 12-CA) Shinault Baker & Company's Audit Report of EKAPCD's Financial Controls and Financial Statements for Fiscal Year Ending June 30, 2014 - RECEIVED AND FILED.
Scrivner - Gleason: All Ayes
- 13-CA) List of Regulatory Control Measures to be Considered for Amendment or Adoption During 2015 - RECEIVED AND FILED.
Scrivner - Gleason: All Ayes

DISTRICT UPDATES

- 14) APCO Report (Verbal)
NONE RECEIVED.

ADJOURNED TO CLOSED SESSION
Grimes

CLOSED SESSION

(If public reporting is required by Government Code Section 54957.1 relating to the followings matter, the public reporting of any action taken in closed session will be made when the Board reconvenes.)

- 15) EMPLOYEE PERFORMANCE EVALUATION - AIR POLLUTION CONTROL OFFICER – (Government Code section 54957(b)(1).) –
NO REPORTABLE ACTION TAKEN

RECONVENED FROM CLOSED SESSION

ADJOURNED TO THURSDAY, MARCH 12, 2015, 2:00 PM, REGULAR BOARD SESSION AT ROSAMOND COMMUNITY SERVICES DISTRICT, 3179 35TH ST WEST, ROSAMOND, CA.

Grimes

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(District Seal)

/s/

/s/

Debra Bias
Secretary of the Board

/s/

Ed Grimes
Chairman

**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Lorelei H. Oviatt, AICP, Director

2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301-2323

Phone: (661) 862-8600

FAX: (661) 862-8601 TTY Relay 1-800-735-2929

E-Mail: planning@co.kern.ca.us

Web Address: www.co.kern.ca.us/planning



DEVELOPMENT SERVICES AGENCY

Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department



January 8, 2015

Eastern Kern Air Pollution Control District
Board Members
2700 M Street, Suite 302
Bakersfield, CA 93301

RE: Comments: Proposed Revision of Fee Rules 301, 302, 303; Proposed Revision to Rule 402-Fugitive Dust, Proposed Rule 402.2 – Agricultural Operations

Honorable Board Members,

Kern County Planning and Community Development appreciates the efforts of District staff to address the significant and accelerating issues of fugitive dust generation in Eastern Kern with these proposed rules. The last four years of severe drought have created an area wide situation that requires your District institute more aggressive and far reaching regulations.

While development projects that are under the control of Kern County as Lead Agency can and will impose strict dust control measures and provide for monitoring and enforcement mechanisms in consultation with the District, many thousands of acres remain under your exclusive authority. The lack of property owner management of these vacant parcels for stabilizing dust has lead to roads becoming impassable from sand drifts and adjacent property owners affected by fugitive dust. Such lack of property owner response results in health impacts from PM 10 and PM 2.5 and reduction in property values for affected neighbors. The proposed rules provide a road map for property owners to implement reasonable measures to control and stabilize their properties while providing the District further enforcement powers to mandate compliance.

Kern County Planning and Community Development supports the new proposed rules 402 and 402.2 as a welcome step in our partnership for managing land use impacts from this drought.

Staff has reviewed the Proposed Revision of Fees and new requirement to require an Authority to Construct and Permit to Operate for commercial scale solar generation projects. Our extensive experience with these facilities notes that they are on very aggressive construction schedules after approval of the required CEQA review and Planning permitting which can take 12-14 months. Power Purchase Agreement commitments, Tax Credit deadlines and financial obligations push these projects into accelerated construction demands.

With the significant fee being proposed for these projects, Staff requests that these projects be given top priority by Air District staff to ensure that there are no delays in construction. The Kern County Planning and Community Development Department looks forward to working with your staff to ensure direct lines of communication with the applicant and County staff to assist in a smooth process.

Kern County Planning and Community Development supports this rule making and requests your Board, after careful consideration of all comments, approve them as necessary and vital for managing our Eastern Kern drought situation with fugitive dust.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorelei H. Oviatt".

Lorelei H. Oviatt, AICP, Director

cc: Craig Murphy – Planning Division Chief
Greg Fenton – Kern County Engineering, Surveying, and Permit Services Department

RIDGECREST AREA ASSOCIATION of REALTORS®, INC.

995 N. Norma Street, Suite E
Ridgecrest, CA 93555

Phone 760 499-1098 Fax 760 499-1014
e-mail: Donnah@ridgecrestaor.com
website: www.ridgecrestaor.com

January 7, 2015

East Kern County Air Pollution Control District
Attn: Glen Stephens
2700 M Street, Suite 302
Bakersfield, CA 93301

RECEIVED
Board mtg
JAN 8 - 2015
EASTERN KERN AIR
POLLUTION CONTROL DIST.

Dear Kern County Air Pollution Control District Board,

It has been brought to our attention that in your meeting scheduled for tomorrow afternoon, that there is a possibility of adopting revisions to rule 402 and 402.2.

The mission of the Ridgecrest Area Association of REALTORS is to serve our members and the public, promote the preservation of real property rights, and the growth of the real estate industry in the Indian Wells Valley, our Board of Directors is requesting that any vote to adopt these revisions be postponed.

This will allow time to review the proposed revisions and to ensure that the impact of them will not be detrimental to those affected and to help determine that the private property rights of all are being considered and protected.

We thank you in advance and look forward to working through this with your board.

Sincerely,



Rita Read, Association President
Ridgecrest Area Association of Realtors

Cc: Supervisor Mick Gleason
Ridgecrest Mayor Peggy Breeden

RECEIVED
 Board of Directors
 JAN 8 - 2015
 EASTERN KERN AIR
 POLLUTION CONTROL DIST.

Glen Stephens - KC Proposed Fugitive Dust Ordinance Change

From: "Steve Pennix" <stevepennix@verizon.net>
To: "Glen Stephens" <Glens@co.kern.ca.us>, "Mick Gleason" <GleasonM@co.kern...>
Date: 01/07/2015 12:57 PM
Subject: KC Proposed Fugitive Dust Ordinance Change
CC: <cpgill1@gmail.com>, <dandiana@verizon.net>, <desertmommie@yahoo.com>, "...
Attachments: 00 Agenda 01-08-15.pdf; 04 Rules 301, 302, 303, 402, 402_2 Brd Ltr 12-11-14jc.pdf; NR Fugitive Dust 1-7-15.pdf

Supervisor Gleason,

Per item number 4 on the attached East Kern County Air Pollution Control District (EKAPCD) Board of Directors agenda, I am writing you personally to show my support of the proposed fugitive dust ordinance changes, indicated as Rule 402 in the also-attached letter from Glen Stephens of the East Kern County Air Pollution District.

I will be unable to attend the meeting tomorrow in person, but I wanted to express my appreciation to you, the other Board Members, and the staff of the East Kern County Air Pollution Control District for taking on this very important initiative. I would also like to request if you could formally enter this statement into the public record.

While I understand that there is likely going to be resistance from opposing interests that represent only a handful of the population of the Indian Wells Valley, I am of the opinion that those in opposition are more motivated to protect their financial interests than they are at being good neighbors and taking steps to protect the welfare and well-being of the rest of the residents of the IWV. It's that, or they simply think the desert is already a "dusty place" and they are not adding anything to the PM10 levels, which is an ignorant and arrogant view of what a native and UNDISTURBED desert really is...and that is a clean and generally dust-free environment. Dust storms in the desert only occur in areas that have been disturbed by man's activities, or in naturally occurring dry lakebeds or native sand dune environments. Neither dust from the China Lake naturally-occurring dry lakebeds, nor any local native sand dune habitats (if there are any native sand dunes!) have ever represented any sort of growing PM10 plague to the residents of the IWV.

Based on my and my family's own horrific personal experience (and our neighbors) with fugitive dust and sand from what transpired in my own community of Black Mountain Estates in 2013 affected by poor and negligent land clearing practices on a large scale, I am very glad to see these proposed changes to the fugitive dust ordinance. I believe that this initiative is innovative, forward-leaning thinking, and is yet another recent proactive approach by Kern County to bring a more modern way of managing for our most important local issues of assuring sustainable and reliable clean water and improving air quality for the overall good of the residents of the IWV.

While the proposed changes go a long way in improving our air quality environment, I do have a couple questions for the Air District and Board to consider:

1. The term Good Agricultural Practices (GAP) is being used. I don't know exactly what GAP is, who decides when it is properly being implemented, and who decides if it is not working and needs further revision. Will the EKAPCD be able to help better define how Ag using GAP is going to be determined to be properly exempted from this revised fugitive dust ordinance?
2. The use of PM10 monitors is discussed. What is not clear is the criteria for specifically when the monitors will be used and who decides when they are needed, and who is paying for them. Would these costs be put on the taxpayer or the landowner/offender who is now required to have County PM10 monitoring?

Glen Stephens,

With regards to the also-attached News Review News Article, I did want to inquire with you about a couple of the statements attributed to you that you might be able to clarify for me:

1. The article states that IWV is in attainment with PM10. That is true for the federal standard. But is it also true that IWV is NOT in attainment for PM10 under California's CARB standards of 50uG/3m? If I am incorrect please let me know and if you could, provide the current IWV PM10 known levels.
2. You stated that there is no evidence that there has been any increases in PM10 levels in East Kern County. Is there any studies that have been undertaken recently that document that PM10 levels have not increased? Or is this a case of no one has actually recently measured and done an analysis of PM10 trends over time for the past 10 years or so. That makes a difference as to the statement. You may not have evidence of an increase, but maybe no one has actually conducted a robust study to determine if that is, in fact, the case. Please verify if there is a study out there that supports the notion that PM10 has not increased, and if so, can you refer me to it? Based on simple observations over the past couple years, I would not concur with the statement reported by the NR.

In closing, thank you all once again for your proactive efforts to address a situation that continues to grow and become a significant issue to the IWV and the residents and industries here in the valley that suffer the ill effects of ever-increasing fugitive dust. Speaking on behalf of my family and their health, I fully support this proposed ordinance change.

Regards,
Steve Pennix
Ridgecrest, CA

Glen Stephens - FW: KC Proposed Fugitive Dust Ordinance Change

RECEIVED
Board Mtg
 JAN 9 2015

EASTERN KERN AIR
 POLLUTION CONTROL DIST.

From: "Kathy LaShure" <desert_encelia@verizon.net>
To: "Mick Gleason" <GleasonM@co.kern.ca.us>, "Glen Stephens" <Glens@co.kern.ca.us>
Date: 01/07/2015 6:31 PM
Subject: FW: KC Proposed Fugitive Dust Ordinance Change
CC: "Rich LaShure" <richcrest@verizon.net>, "Steve Pennix" <stevepennix@verizon.net>

Gentlemen,

We would like to go on record as supporting all of Steve Pennix' comments below. If we had known of the meeting in a more timely manner we might have been able to rearrange our work so that we could attend and voice our support in person. As that is not possible, please allow this email to be entered into the public record. You are to be commended for moving forward with fugitive dust ordinance changes to prevent the sort of disaster that affected residents of Black Mountain Estates in 2013, ourselves included. We would not want any other Indian Wells Valley residents to suffer as we have. Please do all you can to move forward with the proposed ordinance changes.

Sincerely,
 Kathy and Rich LaShure

From: Steve Pennix [stevepennix@verizon.net]
Sent: Wednesday, January 7, 2015 12:58 PM
To: Glen Stephens; Mick Gleason; Denny Kline
Cc: cpgill1@gmail.com; dandiana@verizon.net; desertmommie@yahoo.com; 'Gill, Chris P CIV NAVAIR, NAWCWD'; 'Gill, Ginger CIV NAVAIR, NAWCWD'; 'Jim Hackney'; 'jmfinnell'; 'Kathy LaShure'; Mark Smith; mojaveskincare@yahoo.com; 'Randy Crane'; richcrest@verizon.net; 'Robbie R.'; 'SLEZ'; windyj3@verizon.net; 'Mike Theis'; julie schuder; Donna; Sam Iam
Subject: KC Proposed Fugitive Dust Ordinance Change

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occurring dry lakebeds, nor any local native sand dune habitats (if there are any native sand dunes!) have ever represented any sort of growing PM10 plague to the residents of the IWV.

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Regards,
Steve Pennix
Ridgecrest, CA

RECEIVED
Board Mtg
 JAN 8 - 2015

Glen Stephens - KC Proposed Fugitive Dust Ordinance Change

From: Ginger Gill <gingergill@gmail.com>
To: Glen Stephens <Glens@co.kern.ca.us>, Mick Gleason <GleasonM@co.kern.ca.us>
Date: 01/08/2015 8:52 AM
Subject: KC Proposed Fugitive Dust Ordinance Change
CC: Chris Gill <cpgill1@gmail.com>, <dandiana@verizon.net>, <desertmommie@ya...

Supervisor Gleason,

Per item number 4 on the attached East Kern County Air Pollution Control District (EKCAPCD) Board of Directors agenda, I am writing you on behalf of myself and my husband to personally to show our support of the proposed fugitive dust ordinance changes, indicated as Rule 402 in the also-attached letter from Glen Stephens of the East Kern County Air Pollution District.

We will be unable to attend the meeting tomorrow in person, but we wanted to express our appreciation to you, the other Board Members, and the staff of the East Kern County Air Pollution Control District for taking on this very important initiative. We would also like to request if you could formally enter this statement into the public record.

While we don't normally support more government oversight, we feel that this matter is in an exception in that we have personally felt the impact of irresponsible land clearing and we believe that these changes are necessary in order to protect individuals like ourselves. When individuals to clear land in irresponsible manners, the result is an impact on the lives of other individuals that cannot be undone. As you are aware, my family and I live across from 80 acres that were stripped bare. Our entire neighborhood has suffered greatly, with sand pouring onto our land and into our homes. I have personally been made sick from this field and have permanent health impacts from it. Before the land was cleared I had no health issues. Since the land was cleared I went from having a sort of congestion, to chest pain, to being diagnosed with inflammation in my chest (my CRP levels that measures inflammation were 9.6; normal is 0-5), to being told that the small airways in my lungs were functioning at 44% of capacity for someone my height, age, and weight, to having a hiatal hernia, which is a permanent condition. I was also put on an asthma inhaler and a nebulizer to try to clear my lungs, even though I do not have asthma. I can only assume I developed this from the many nights of severe coughing fits, which began after the clearing of this land. These are the real life health impacts that align with the what is described in Rule 402. Because the wind has not been blowing, as of October, my CRP levels have returned to normal, I am not coughing, and I finally, after two years of suffering, have begun to live a normal life again, but I can never regain the time that I have lost and the stress of facing another spring endures.

My belief is that one individual's rights should not be placed above another's. When my husband and I weigh the inconvenience or hardship, rather real or imagined, of these ordinance changes on industries doing business in Kern County, I find them to be small and insignificant in comparison to the impacts (health, stress, property damage, and lost time), that me and my family, and my neighbors, have had to endure over the past couple of years. I would ask that the Board consider families like mine and those of our neighbors, or even like your own, and ask yourself- if you can prevent what has happened to us from happening to someone else, would you do it?

Regards,

Ginger Gill

760-977-6647