

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

Wednesday, March 27, 2013

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

FLAG SALUTE

ROLL CALL

**PRESENT:** Directors Joe Costello, Roberta Fonzi, John Hamon, Adam Hill, Jan Marx, Frank Mecham, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Bruce Gibson, Edward Waage, and Debbie Peterson

**ABSENT:** Directors None.

1 This is the time set to adopt a resolution proclaiming May as Bike Month 2013 and May 14-18, 2013 as "Bike to Work and School Week" and a resolution proclaiming April 21, 2013 as "Earth Day" in San Luis Obispo County

A-1 Adoption and presentation of a resolution proclaiming May as Bike Month 2013, and the week of May 14-18, 2013 as "Bike to Work and School Week" in San Luis Obispo County, **approved.**

**Ms. Fonzi** presented Bike Month special resolution to **Angela Nelson, Rideshare Program Coordinator** and **Dan Rivoire, SLO County Bicycle Coalition Executive Director**

A-2 Adoption and presentation of a resolution proclaiming April 21, 2013 as "Earth Day" in San Luis Obispo County, **approved.**

**Mr. Teixeira** presented Earth Day special resolution to **Sandra Marshall, Earth Day Alliance.**

**Thereafter, on motion of Director Frank Mecham, seconded by Director John Hamon and on the following roll call vote:**

**AYES: Directors: Frank Mecham, John Hamon, Joe Costello, Roberta Fonzi, Adam Hill, Jan Marx, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Bruce Gibson, Edward Waage, Debbie Peterson**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Motion to approve a resolution proclaiming May 2013 as Bike Month and May 14-18, 2013 as "Bike to Work and School Week", and a resolution proclaiming April 21, 2013 as Earth Day, approved.**

2 CA-1 This is the time set for consideration of the Consent Agenda

**Chairperson Teixeira:** opens the floor to public comment, with no response.

B-1 Approval of Minutes of the November 14, 2012 meeting of the APCD Board, **approved.**

- B-2 Approval of Minutes of the January 23, 2013 meeting of the APCD Board, **approved.**
- B-3 District Financial Report: With 67% of the fiscal year elapsed; the District has expended 59% of its budgeted appropriations and realized 67% of anticipated revenue. This is a routine status report to the Board, **received and filed.**
- B-4 Consideration of a report on an independent audit of the District's Financial Statements for the Fiscal Year Ended June 30, 2012; the audit results are favorable, **received and filed.**
- B-5 Public outreach update on activities performed since the last APCD Board meeting on January 23, 2013, **received and filed.**
- B-6 Proposal to change Board meeting scheduled for December 4, 2013 to November 13, 2013, **approval.**
- B-7 Final Environmental Impact Report for the Phillips 66 Refinery Throughput Increase Project, **received and filed.**

**Larry Allen:** notes that a written comment letter from **Mary Giacoletti** was distributed to the Board members.

**Thereafter, on motion of Director Bruce Gibson, seconded by Director Jan Marx and on the following roll call vote:**

**AYES: Directors: Bruce Gibson, Jan Marx, Joe Costello, Roberta Fonzi, John Hamon, Adam Hill, Frank Mecham, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Edward Waage, Debbie Peterson**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Motion to Approve Consent Agenda Items B-1 through B-7 as Recommended by the Air Pollution Control Officer, approved.**

- 3 PC-1 This is the time set for members of the public wishing to address the Air Pollution Control District Board on matters other than scheduled items.

**Chairperson Teixeira** opens the floor to public comment:

**Mr. Tom Dawson** cites information regarding the planet "getting greener."

**Mr. Jeff Edwards** reported on the appeal to the Coastal Commission of Phillips 66 Company EIR regarding coastal dunes access.

**Mr. John Laferriere, Grover Beach Planning Commission Chair** spoke regarding data for Greenhouse Gas Climate Action Plan development.

**Ms. Elsa Dawson** spoke regarding increase in CO2 improving plant growth.

**Mr. Eric Greening** responded to climate change comments; asked how CMAC funds can be used in Eastern portion of county.

**Ms. Laura Mordaunt** discussed Savoy Institute "How to Green Desert and Reverse Climate

Change" video.

4 AR-1 This is the time set for the APCO's Report

1) Update on Air Quality Index reporting program

**Mr. Larry Allen** discussed EPA changes to Air Quality Index values.

2) Update on Rule 1001 implementation

**Mr. Larry Allen** discussed the rule implementation progress/missed deadlines. Reported that staff will work with State Parks on a compliance agreement with new implementation deadlines.

**Mr. Phil Jenkins** noted that Chris Conlin has been appointed as the new State Parks Deputy Director; reported on implementation progress of Rule 1001 and the issues with obtaining permits from outside agencies.

**Chairperson Teixeira** opens the floor to the public comment:

**Dr. Nell Langford, Ms. Rachelle Toti, and Mr. Kevin P. Rice,** speak.

5 DC-1 - This is the time set for District Counsel to Report on any legal items of interest to the Board.

**Mr. Ray Biering** noted the decision regarding the two lawsuits is pending and will cancel closed session item if no decision to report by the end of the meeting.

PUBLIC HEARING

6 C-1 This is the time set to consider a Letter to California Air Resources Board requesting exemption from proposed statewide regulation on self-propelled agricultural equipment.

**Mr. Larry Allen** discussed Air Resources Board agricultural equipment rule and the request to send a letter to ARB proposing an exemption for San Luis Obispo County.

**Chairperson Teixeira** opens the floor to public comment

**Mr. Mike Brown, COLAB and Jackie Crabb, Farm Bureau** speak

**Thereafter, on motion of Director John Hamon, seconded by Director Edward Waage and on the following roll call vote:**

**AYES: Directors: John Hamon, Edward Waage, Joe Costello, Roberta Fonzi, Adam Hill, Jan Marx, Frank Mecham, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Bruce Gibson, Debbie Peterson**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Motion to send letter from Board Chair to California Air Resources Board requesting**

**exemption from proposed statewide regulation on self-propelled agricultural equipment, approved.**

- 7 C-2 This is the time set to discuss the proposal to establish an Executive Committee of the APCD Board.

**Mr. Larry Allen** reviewed and discussed the proposal to establish a Board Executive Committee.

**Chairperson Teixeira** opens the floor to public comment, with no response.

**Thereafter, on motion of Director Bruce Gibson, seconded by Director Frank Mecham and on the following roll call vote:**

**AYES: Directors: Bruce Gibson, Frank Mecham, Joe Costello, Roberta Fonzi, John Hamon, Adam Hill, Jan Marx, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Edward Waage, Debbie Peterson**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Motion to establish an Executive Committee of the APCD Board, approved as recommended.**

- 8 C-3 This is the time set to consider revisions to the Air Pollution Control District Board Rules of Procedure.

**Mr. Ray Biering** reviewed and discussed proposed changes to update the Rules of Procedure.

**Chairperson Teixeira** opens the floor to public comment

**Mr. Kevin P. Rice** speaks

**Mr. Ray Biering** restates amendments made after discussion by board members.

**Thereafter, on motion of Director Jan Marx, seconded by Director Edward Waage and on the following roll call vote:**

**AYES: Directors: Jan Marx, Edward Waage, Joe Costello, Roberta Fonzi, John Hamon, Adam Hill, Frank Mecham, Noah Smukler, Paul A. Teixeira, Debbie Arnold, Bruce Gibson, Debbie Peterson**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Motion to revise the Air Pollution Control District Board Rules of Procedure as amended, approved.**

Meeting Paused.

Meeting Resumed.

MR. MECHAM AND MR. HILL NOW ABSENT

**NOTE - Due to circumstances not discovered during the meeting, the audio portion for the remainder of the meeting is now unavailable.**

- 9 C-4 This is the time set to consider the report on long-term air quality trends in San Luis Obispo County

**Mr. Karl Tupper, APCD Monitoring Division** presented the Air Quality Trends Analysis Report and **Mr. Larry Allen** summarized analysis statistics.

Discussion among Board members and staff, with **Mr. Waage** presenting his analysis of some of the report's statistics.

MS. MARX NOW ABSENT

**Chairperson Teixeira** opens the floor to public comment:

**Mr. Kevin P. Rice** requested report not be accepted.

**Ms. Rachelle Toti** speaks regarding Mr. Waage's statistics, with Mr. Waage responding

**Item C-4 - Air Quality Trends Report, received and filed.**

CLOSED SESSION

- 10 D-1 CS-1 This is the time set for Conference with District Counsel Pursuant to Government Code Section 54956.9 Concerning Pending Litigation: Friends of Oceano Dunes v. San Luis Obispo County Air Pollution Control District, et al.; Kevin P. Rice v. Air Pollution Control District

**Mr. Ray Biering:** nothing to report; item cancelled.

- 11 BM-1 This is the time set for Board Member discussion items

**Mr. Waage:** requested spreadsheets for APCD data reports be posted on website; requested future agenda item regarding data issues; requested the Board be notified of any changes to annual air quality reports.

**Mr. Hamon:** asked for clarification on public comment regarding Greenhouse Gas data, with **Ms. Aeron Arlin Genet** responding.

**Ms. Peterson:** discussed data error corrections

**Mr. Teixeira** commended **Mr. Karl Tupper** for his work on the Air Quality Report; mentioned that he will work with **Mr. Ray Biering** to schedule special board meeting for possible tour of dunes area.

ADJOURN (Next Meeting Date: May 29, 2013)

There being no other business, on motion duly made and unanimously carried, the meeting is adjourned.

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Chairperson

**ATTEST:**

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**KIMBERLEE S. JOHNSON**  
Clerk of the Air Pollution Control District Board

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