

Amador Air District Board of Directors Meeting

Summary Minutes for August 20, 2024 Meeting held at 1:30 pm

Meeting was recorded in the Amador County Board of Supervisors Chambers
810 Court Street, Jackson, California

Determination of a Quorum

Present on Roll Call:

Pat Crew	Amador County District 1, Supervisor
Richard Forster	Amador County District 2, Supervisor
Jeff Brown	Amador County District 3, Supervisor
Frank Axe	Amador County District 4, Supervisor
Brian Oneto	Amador County District 5, Supervisor
Bruce Sherrill	City of Amador City, Councilman
Bob Stimpson	City of Jackson, Councilman
Stacy Rhodes	City of Ione, Councilman

Absent on Roll Call:

Julia Sierk	City of Sutter Creek, Councilman
Keith White	City of Plymouth, Councilman

Staff/Others:

Herminia Perry, Air Pollution Control Officer
David Estey, AAD Inspector

NOTE: These minutes remain in *Draft* form until approved by Minute Order at the next regular meeting of the Board of Directors. Any packets prepared by Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations, which are referred to by Board members in their decisions, which are contained in the staff reports, are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.

At 1:30 p.m. Director Stimpson called the meeting to order. It was determined that there was a quorum for business.

Pledge of Allegiance: Director Stimpson led the Board and staff in the Pledge of Allegiance.

<p>Approval of Agenda: Approval of the agenda for this date; any and all off agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code).</p>	
<p>Motion:</p>	<p>It was moved by <u>Director Forster</u>, seconded by <u>Director Axe</u>, and unanimously carried to approve the agenda for this date. Vote 8-0-2</p> <p>Absent: Directors Sierk and White</p>
<p>Public Matters Not on the Agenda: Discussion items only; no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Air District Board of Directors; however, any matter that requires action may be referred to staff and/or a committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a five (5) minute limit per topic</p>	
<p>Administrative Matters</p>	
<p>1.</p> <p>Motion:</p>	<p>Minutes: Review and approval of the May 21, 2024 Board Minutes: Approved.</p> <p>It was moved by Director Forster, seconded by Director Axe, and carried to approve the minutes for this date. Vote 8-0-2</p> <p>Absent: Directors Sierk and White</p>
<p>2.</p>	<p>Rule 2580 Title V Affirmative Defense Rule Amendments: Action</p> <p>APCO Perry opened by explaining Rule 2580 Title V Affirmative Defense Rule is an EPA promulgated permitting regulation applicable to the operation of major and certain other sources of air pollutants under the Title V of the CAA in 1992 (57 Federal Register 32250). These regulations are codified in 40 CFR parts 70 and 71 which contain the requirements for state operating permit programs and the federal operating permit program respectively. The District’s EPA-approved Title V program under 40 CFR part 70 was adopted on October 5, 1993, and was incorporated in District Rule 500, Section 500.VI, B.12 (Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990).</p> <p>When the EPA finalized its Title V regulations for state operating permit programs (i.e. 40 CFR part 70) in 1992, the emergency affirmative defense provisions were included as part of the Title V regulations. These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. In 2014, the D.C. Circuit concluded that the EPA lacked the authority to create these affirmative defense provisions because they contradicted fundamental requirements of the CAA concerning the authority of courts to decide whether to assess civil penalties in CAA enforcement suits.</p> <p>On July 21, 2023, EPA published a final rule (Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program) because they are inconsistent with the EPA’s current interpretation of the enforcement structure of the CAA.</p>

	<p>As a result of the EPA’s action, it is now required for applicable state, local, and tribal permitting authorities to submit program revisions to the EPA to remove similar Title V affirmative defense provisions from their EPA-approved Title V programs, and to remove similar provisions from individual operating permits. Upon implementation of this proposed amendment, any excess emissions during periods of emergencies may now be subject to enforcement or imposition of remedies under 40 CFR 70 and 40 CFR 71, contained in District Rule 500.</p> <p>On July 2, 2024, APCO Perry submitted a one-year extension request letter to EPA’s Region 9 Director, Matt Lakin. All the amendments to our Rule 500 have been made and are included in your packet for review. APCO Perry is ready to proceed with the rule amendment process with the California Air Resources Board and EPA.</p> <p>Motion: It was moved by Director Oneto, seconded by Director Rhoades, and carried unanimously to approve amendments made to Rule 500 and approve APCO Perry to proceed with the rule amendment process. Vote 8-0-2</p> <p>Absent: Directors Sierk and White</p>
<p>3.</p> <p>Motion:</p> <p>Motion:</p>	<p>Public Hearing Final Budget FY 2024/2025 & Resolution #24-05: Discussion and Action</p> <p>Public Hearing Opened at 1:38pm</p> <p>APCO Perry presented the Board with a final budget for fiscal year 2024-2025. From the draft budget that was presented to the Board at our May 20, 2024 meeting no changes were made.</p> <p>Public Hearing Closed at 1:39pm</p> <p>It was moved by Director Brown, seconded by Director Axe, and unanimously carried to close the public hearing. Vote 8-0-2</p> <p>It was moved by Director Axe, seconded by Director Oneto, and unanimously carried to approve the final budget for FY 2024/2025 and resolution #24-05 as presented. Vote 8-0-2</p> <p>Absent: Directors Sierk and White</p>
<p>5.</p>	<p>APCO Updates: Information only, no action to be taken.</p> <p>Smoke Reduction Programs 2024 – APCO Perry explained that AAD had another successful year with the Smoke Reduction Programs. AAD was on the last month for the voucher program. Staff would be handing out vouchers for the month of</p>

	<p>September. This will be the last month staff hands out vouchers until next year. APCO Perry is planning on allowing residents use their unused vouchers from previous months in the month of October – giving the residents one last effort to clean up their debris. AAD has handed out 583 vouchers to date.</p> <p>The neighborhood bin program came to an end last week. This year AAD added a new neighborhood off Sugar Pine Drive. Very successful and residents are extremely grateful.</p> <p>Small Lawn Equipment Rebate Program: Amador Unified School District_ Complete – Completed. Pictures of old vs. new equipment located in packet.</p> <p>CEIDARS Inventory Reporting to CARB – APCO Perry explained that our usual 14 facilities have been submitted to CARB. These facilities include sources that emit above 10 tons of any criteria pollutant (PM, NOx, SOx, CO, VOC) or come close to it. Per new CTR requirements, APCO Perry is now required to report on all sources. APCO Perry has met with CARB staff to go through the proper way of inputting these sources into the HARP database and has committed to an October deadline for submittal.</p> <p>Financials: APCO Perry presented the Board with current financial sheets. Informational purpose only.</p> <p>Absent: Directors Sierk and White</p>
Correspondence:	Letter from Jennifer Gobershock and Bob Greenwood, Woodland Road Association
Adjournment:	At 1:50pm the meeting was adjourned until October 22, 2024 at 1:30 pm