

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

GOVERNING BOARD MINUTES

April 13, 2016

(All Meetings Are Mechanically Recorded)

The Great Basin Unified Air Pollution Control District Governing Board of the Counties of Alpine, Inyo and Mono, State of California met at 10:00 am on April 13, 2016 at the City of Los Angeles Department of Water and Power Administrative Building, Training Room 134A, 111 Sulfate Road, Keeler, California 93530.

The following Board members were present: Board Chair Matt Kingsley, Inyo County; Board member Jeff Griffiths, Inyo County; Board Member Fred Stump Mono County; Board Member Ron Hames, Alpine County; and Board Member Mary Rawson, Alpine County. Board member Johnston, Mono County and Board member Bacon, Town of Mammoth Lakes were both absent.

GBUAPCD staff present: Phill Kiddoo, Air Pollution Control Officer; Duane Ono, Deputy Air Pollution Control Officer; Nik Barbieri, Director of Technical Services; Jamie Johnson, Field Services Technician II; Sondra Grim, Field Services Technician II; Steve Mobley, Air Monitoring Technician II; Jan Sodomier, Air Quality Specialist II; Chris Lanane, Air Monitoring Specialist; Chris Howard, Senior Research & Systems Analyst; Kim Mitchell, Research & Systems Analyst II; and Tori DeHaven, Clerk of the Board.

Agenda Item #1 Board Chair Kingsley called to order the regular meeting of the Governing Board
Call to Order at 10:06 a.m.
Pledge of Allegiance

Mr. Richard Harasick then led the Pledge of Allegiance.

Agenda Item #2 Board Chair Kingsley asked for public comment on items not on the agenda at
Public Comment on 10:07 am.
Matters not on the
Agenda
(No Action) No public comment was offered.

Agenda Item #3 The Board chose to hold the election of Chair and Vice Chair for 2016 at the next
Election of regular meeting due to the absences of Board members Johnston and Bacon.
Governing Chair and
Vice Chair for 2016
(Action)

Agenda Item #4 Board Chair Kingsley opened the public hearing at 10:09 am. He noted that this is
PUBLIC HEARING the first of two required hearings.
Staff Report and
Public Comments on
the Draft District and
SB 270 Sub-budgets
(No Action – First of
Two Required
Budget Hearings) APCO Kiddoo went on to summarize the budgets and sub budgets for FY 2016-
2017. He noted that the District budget is down about 24% from the previous year
which is mainly due to a reduction in employee costs. He also explained that the
District has adopted a side-fund payoff and a prefunding of a pension trust which

will be saving the District costs for employees. APCO Kiddoo then said that the SB 270 portion of the budget is 19.6% less. One item that has contributed to the decrease is the District's decision not to fund a contract position for an Air Monitoring Technician that was funded last year. This position was requested due to the increase in work-load from the 2014 Stipulated Judgment and the potentially air quality monitoring duties that would need to be done. The City is taking over on those air quality monitoring duties so staff does not need an Air Monitoring Tech. The District is keeping the Field Services Technician position which is a contract position at this time which was added last year. APCO Kiddoo then advised the Board the total for the District budget is \$887,000 and the SB 270 total is \$4,613,000 with a combined total of \$5,500,000.

Discussion between the Board and staff occurred. There were no recommended changes to the District or SB 270 budgets from the Board. The Board will consider adopting the final budgets for FY 2016-2017 at the next regular meeting scheduled for May, following a second public hearing.

The Board Chair asked for public comment at 10:16 am but no comment was offered.

**Agenda Item #5
PUBLIC HEARING**
Adoption and
Approval of (1) A
Proposed Order
Authorized by
California Health &
Safety Code Section
42316 for the City of
Los Angeles
Department of Water
& Power to Install,
Operate and
Maintain Additional
Dust Control
Measures on the
Owens Lake Bed, (2)
A Proposed Great
Basin Unified Air
Pollution Control
District Rule 433 –
Control of
Particulate
Emissions at Owens
Lake, and (3) a
Proposed Final 2016
Revision to the
Previously-adopted
Owens Valley PM10
Planning Area
Demonstration of
Attainment State
Implementation Plan
(Action)

Board Chair Kingsley opened the public hearing at 10:16 am.

APCO Kiddoo explained that the Board actions referred to today on agenda item number 5 are as follows: the proposed Rule, the proposed board order which is authorized by California Health and Safety Code 42316, and the proposed 2016 Owens Valley Planning Area PM10 non-attainment State Implementation Plan. He then gave a brief historical recap beginning with the early inhabitants of the surrounding area of Owens Lake and ending with the present day dust mitigation activities and various legal agreements between the City and the District. He also noted that there were two sets of comments received from the public; one from the Lone Pine Paiute Shoshone Reservation and one from the City. All comments were responded to by staff. APCO Kiddoo then provided the Board with a synopsis of the changes made to the SIP as outlined in the Board Packet.

Board Chair Kingsley asked for public comment at 10:35 am.

Mr. Richard Harasick, City of Los Angeles Department of Water and Power, commented that the current agreement allows the City to save water and money controlling dust on Owens Lake and allows a certainty that they were looking for, for so many years, on an area that they are responsible for controlling. He added that the successes achieved at controlling dust at Owens Lake have come at a real cost both in water and money and currently the City uses about twenty-five billion gallons of water annually and has spent over \$1.3 million since 2000 to control dust on Owens Lake. The agreement allows the City to use waterless dust control methods including tillage at Owens Lake resulting in a significant savings in water and money for Los Angeles. He also went on to summarize the various aspects of the current settlement agreement.

Mr. Mike Prather noted that there should be two corrections to the Audubon data in the SIP specifically to the date in which Owens Lake was designated an Audubon important bird area (states 1997 should state 2001) and to the bird count total for April 2013 (should be 114,999). He also thanked staff and the Board for such a great deal of work and dedication and time on reaching this settlement. He thanked the City for doing the same thing. He then mentioned that in two weeks the 2nd annual Bird Festival would be occurring.

Mr. Ted Schade explained that he had carefully reviewed the SIP that was put together by District staff and most importantly reviewed the proposed Order to the City. He indicated that his interest was that all the provisions of the Stipulated Judgment, the agreement between the City and the District, be incorporated into the SIP and the Order. Secondly, that nothing that was adopted before in the 2008 and previous SIPs were lost in the transition to this and he can say that Phill and his staff did a wonderful job. He noted that he found nothing that was missing. He encouraged the Board on behalf of the air-breathing public to adopt the proposed Order, Rule and SIP. Mr. Schade then went on to thank those who had come before and had originally began all of these efforts. He included Ms. Ellen Hardebeck, former APCO for the District; Judge Brian Lamb, former legal counsel for the District; Ms. Mary Nichols, CARB Chairwoman; and Mr. David Nawi who provided mediation services during the legal battles for the District and the City.

Motion (Rawson/Hames) approving item #5 as follows:

- 1) Consider the Staff Report and all written comments and responses to the draft (1) Board Order #160413-01, (2) Rule 433 – Control of Particulate Emissions at Owens Lake, and (3) 2016 SIP.
- 2) Conduct the Public Hearing on (1) a proposed order authorized by California Health & Safety Code Section 42316 for the City of Los Angeles to install, operate and maintain additional dust control measures on the Owens Lake bed, (2) a proposed Great Basin Unified Air Pollution Control District Rule 433 - Control of Particulate Emissions at Owens Lake, and (3) a proposed final 2016 revision to the previously-adopted Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (collectively “Board Actions”) and consider the comments and other matters submitted to the Board during that hearing, and staff responses.
- 3) Make changes the Board considers necessary. The Board directed the Air Pollution Control Officer to make changes in Section 2.2.1.3 of the 2016 SIP as follows:
 - a. Change IBA designation from 1997 to 2001
 - b. Add this sentence immediately prior: “In fact, 114,999 birds were tallied on a single day in April 2013”
- 4) Direct Air Pollution Control Officer to incorporate changes to proposed Board Actions.
- 5) Adopt attached Resolution No. 2016-02 making and adopting responsible agency findings pursuant to the California Environment Quality Act for (1) proposed order #160413-01 under the provisions of California Health & Safety Code Section 42316, (2) proposed District Rule 433 for the Control of Particulate Emissions at Owens Lake, (3) proposed final

revision to the 2016 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan, and authorize the Air Pollution Control Officer to sign the Notices of Determination.

- 6) Adopt attached Resolution No. 2016-03 adopting and issuing (1) Board Order #160413-01 under the provisions of California Health & Safety Code Section 42316, (2) District Rule 433 for the Control of Particulate Emissions at Owens Lake, (3) Final 2016 Revision to the Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan, and making findings of fact.
- 7) Direct Air Pollution Control Officer to forward (1) Board Order #160413-01, (2) Rule 433 – Control of Particulate Emissions at Owens Lake, (3) 2016 SIP, (4) Resolutions 2016-02, and (5) Resolution 2016-03 to the California Air Resources Board for approval and forwarding to the U.S Environmental Protection Agency for final approval, and to promptly file a Notice of Determination regarding these actions with the State Clearinghouse.

Ayes: Kingsley, Stump, Rawson, Hames, Griffiths

Noes: 0

Abstain: 0

Absent: Johnston, Bacon

Motion carried 5/0 and so ordered.

B/O 160413-05

Agenda Item #6
Consent Items
(Action)

Motion (Rawson/Hames) approving consent agenda items a through e and g through h as follows:

- a. Approval of February 1, 2016 Governing Board meeting minutes
- b. Approve Reallocation Request of Environmental Public Benefit Funds from Alpine and Inyo Counties
- c. Consider appointing one person to the District Hearing Board
- d. Approval of a letter of agreement with the San Joaquin Valley Air Pollution Control District to participate in the Carl Moyer Air Quality Standards Attainment Program, accept program funds and agree to follow the requirements of the program
- e. Approve request for out-of-state travel for one staff member to Salt Lake City, Utah to attend the Great Salt Lake Issues Forum estimated total cost of \$763
- g. Approve purchase order with Sensit Company in the amount of \$25,557.20 for the purchase of Sensit sand motion monitors
- h. Waiver of District Rule 1102 annual \$0.55 per capita town and counties assessment fee for fiscal year 2016-2017

Ayes: Kingsley, Stump, Rawson, Hames, Griffiths

Noes: 0

Abstain: 0

Absent: Johnston, Bacon

Motion carried 5/0 and so ordered.

B/O 160413-06

Board Chair Kingsley asked for public comment at 10:56 am as there had been interest to do so, indicated previously.

Public comment focused around various issues and concerns that the citizens of the community of Keeler had in regards to the Keeler Dunes Dust Control Project. Comments can be summarized as follows:

- The project is esthetically unappealing.
- Citizens no longer feel comfortable recreating on the Dunes (including dog walking activities) due to the “lumpy” atmosphere due to sand covered straw bales.
- Cactus collection of one citizen have been tragically reduced by fifty-percent due to powdery mildew invasion which she relates to an unusable portion of bales that were dumped in town. Has spent thousands of dollars trying to save her collection.
- Bales dumped in town need to be removed.
- Dunes seem to be moving at a greater rate.
- Allergies, mice and mold have increased; hadn’t been a problem in the past.
- Personal crops have been decimated.
- Project needs to be re-addressed.
- Also, a recent issue, Keeler community was left without water during the previous weekend as their community water pump was overworked due to mishandling by whoever had used it during the week to water plants. A valve was shut off and caused a lot of back pressure.

APCO Kiddoo addressed the issue of bales being utilized from the project site itself by the community members. He indicated that to his knowledge the utilization was unauthorized and done so without permission therefore the District or any other agencies working on the project itself are not responsible for placement of the bales within the community.

Board Chair Kingsley asked if any of the bales had been unusable.

APCO Kiddoo noted that there had been unusable bales and the District had refused delivery on at least 20,000 bales due to mildew; these are not the type of bales staff was looking to use.

The residents responded that the bales were dumped directly off a delivery truck in town and the “word was out, if you have a use for those bales use them.” No one took them from the project.

APCO Kiddoo noted that he would look into the bale dumping in the town of Keeler and if the District is responsible he will make sure he will make sure staff comes and cleans them up. He also asked for the specific date of when the community was without water.

Board Chair Kingsley asked that the APCO address the issues with the community of Keeler.

APCO Kiddoo explained that although progress may not be easily seen now, with time the project will be successful and will provide a reduction in emissions.

Some discussion between staff and the residents of Keeler occurred. The Board encouraged staff to work with the community and encouraged the residents to come back to the Board if their concerns are not addressed.

Ms. Kathy Jefferson Bancroft encouraged the Board to come out to the project and really see and hear the concerns of the people affected by the project. She added that she believes APCO Kiddoo will do what is right as she has always known him to be honest.

Motion (Rawson/Griffiths) approving consent agenda item f as follows:

f. Keeler Dunes Project Update and approval of Purchase Order 1433 with Greenheart Farms Inc. of Arroyo Grande, CA for propagation of plants for the Keeler Dunes Project in an amount not to exceed \$148,856.40

Ayes: Kingsley, Stump, Rawson, Hames, Griffiths

Noes: 0

Abstain: 0

Absent: Johnston, Bacon

Motion carried 5/0 and so ordered.

B/O 160413-06f

Agenda Item #7
Informational Items
(No Action)

Agenda Item #8
Board Member
Reports
(No Action)

APCO Kiddoo briefly summarized the informational items for the Board.

Board member Stump:

- San Joaquin Valley Air Pollution Control District has offered District staff a position on their Prescribed Burning Committee in response to the letter that was sent out a year ago. Being able to have a seat at that table and have the District's voice represented will be appreciated by all those affected by smoke on the eastside.
- Board member Johnston would like to know if having an elected official attend those meetings would be a possibility as well.
- Keeler Dunes update should be a regular item on the agenda not a consent item. Updates need to be provided on future agendas.

- Mono County has the technology to support teleconference options in order to allow people to attend remotely the next meeting without having to go all the way to Mono County. Perhaps District staff can look into utilizing this technology.

Board member Griffiths:

- Voted yes on SIP because it's the right thing to do.
- However, spirit of cooperation from the City needs to extend to all other areas of air quality including completion of dust mitigation projects.
- Cooperation also needs to extend to regular dealings with Inyo and Mono counties in regards to business and ranch leases, because it's the right thing to do.
- Reduction in irrigation could result in dust issues.
- Continue to negotiate in good faith in order to fulfill obligations and avoid expensive legal battles.

Board Chair Kingsley:

- Confident that City and elected officials are working hard to do what's best for the public.
- Recognize San Joaquin Prescribed Burning Cooperative's efforts and recognizing the actions they take affect us over here.

Board member Stump would like a letter thanking San Joaquin approved by the Board. Direction given to staff.

Agenda Item #9
Air Pollution Control
Officer Report
(No Action)

APCO Kiddoo recognized the retirement of Ms. Shirley Ono, Administrative Projects Manager. She has been an integral employee for the District for a number of years that cannot be replaced. The District would like to thank her for all she has done. He then reported that the District is hosting its annual May Active Transportation Bike and Walk Challenge. He then encouraged everyone to participate in the competition.

Agenda Item #10
Set Date and
Location of Next
Regular Meeting
May in Bridgeport, CA)

The next regular meeting of the District Governing Board will convene at 10:00 am on May 16, 2016 in Bridgeport, California. The District's Clerk of the Board will find and reserve a handicap accessible meeting room and contact the District Board members as to its location.

Agenda Item #11
Lunch Provided by
Great Basin APCD
(No Action)

Lunch was provided by the District at 11:41 am.

Agenda Items #12,
13 & 14
CLOSED SESSION

The Board convened into closed session at 11:41 am.

12. CLOSED SESSION – Conference with legal counsel- existing litigation City of Los Angeles v. California Air Resources Board et al., Superior Court of the State of California, County of Sacramento, Case No. 34-2013-80001451-CU-WM-GDS (Stipulated Judgment); pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

13. CLOSED SESSION

- a. **CLOSED SESSION** – The Board will recess into closed session for a conference with legal counsel regarding existing litigation in the following matter: Russell Covington; Robert Moore; Randy Sipes; Randal Sipes, Jr.; Laborers’ International Union of North America Local Union No. 783 vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140075; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
- b. Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140076; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

14. CLOSED SESSION – Conference with labor negotiators – Section 54957.6 of the California Government Code: Changes regarding the salaries, salary schedules or compensation paid in the form of fringe benefits. Employee groups: Management Employees and Non-Management Employees. Board-designated representative: Air Pollution Control Officer.

The Board reconvened into open session at 12:53 pm with nothing to report.

Agenda Item #15
Field Trip to Owens
Lake
(No Action)

The Board, staff and members of the public left for a tour of Owens Lake at 12:53 pm. Everyone returned later to adjourn the meeting.

Adjournment

The meeting was adjourned at 3:37 pm. The Board will reconvene in open session at 10:00 am, on Monday, May 16, 2016 in Bridgeport, California.

Attest:


Tori DeHaven, Board Clerk


LARRY K. JOHNSTON
Board Chair