

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

GOVERNING BOARD MINUTES

May 11, 2017

(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 May 11, 2017 at the Mono County Board of Supervisors Chamber, Mono County Courthouse, Main Street (U.S. Highway 395), Bridgeport, California.

Governing Board members present:

David Griffith, Board Vice Chair, Alpine County  
Fred Stump, Mono County  
Larry Johnston, Mono County  
Dan Totheroh, Inyo County  
Bill Sauser, Town of Mammoth Lakes, Alternate  
Ron Hames, Alpine County

Governing Board members absent:

John Wentworth, Board Chair, Town of Mammoth Lakes  
Matt Kingsley, Inyo County

A quorum was present.

GBUAPCD staff present:

Phill Kiddoo, Air Pollution Control Officer  
Ann Piersall, Deputy Air Pollution Control Officer  
Susan Cash, Administrative Projects Manager  
Grace Holder, Senior Scientist  
Chris Lanane, Air Monitoring Specialist  
Christine Holt, Air Monitoring Technician I  
Tori DeHaven, Clerk of the Board

**Agenda Item #1**  
Call to Order  
Pledge of Allegiance

Board Vice Chair Griffith called to order the regular meeting of the Governing Board at 10:00 a.m.

Ms. Cash then led the Pledge of Allegiance.

**Agenda Item #2**  
Public Comment on  
Items not on the  
Agenda  
(No Action)

Board Vice Chair Griffith asked for public comment on items not on the agenda at 10:01 am.

Mr. Milad Taghavi and Mr. Jamie Valenzuela updated the Board regarding LADWP's emergency measures on Owens Lake to reduce damage to infrastructure that may happen due to the runoff.

Mr. Valenzuela noted that the runoff is estimated, based on models and historical data, to raise the brine pool elevation by four to seven feet which translates to inundation of anywhere between 20 to 22 square miles of dust control area. Peak flow (800-1200 cubic feet per second) projections are estimated to occur in June, July and August. Although LADWP recognizes that the entire lake and infrastructure cannot be protected, they are working toward protecting key infrastructure such as the Lower Owens River Pumpback Station (LORPS), the heart of the lake. They have started placing barriers around the station in case the water level rises up and are also starting to open up the dike next to the station to increase the flow capacity next to it. LADWP is also looking at installing a diversion structure in the river on the western bank to help protect some of the existing dust mitigation infrastructure which will involve a combination of shoring, tamping and modification to the existing bank. There will also be support added to the T29 and T36 berms. To get all of the work done that will be required, LADWP will be installing one million square feet of geoliner, 30,000 tons of rock, 35,000 sandbags and about 8,000 pieces of k-rail. The LADWP has committed approximately \$23 million to these preventative measures.

Board alternate Sauser arrived at 10:03 am.

**Agenda Item #3  
PUBLIC HEARING**

a) Adoption of Orders to the City of Los Angeles to Pay 2017-2018 Fiscal Year Fees as Provided by Section 42316 of the California Health & Safety Code (SB 270)  
b) Fiscal Year 2017-2018 Total District Budget – Approval of the District and SB 270 Sub-budgets (Second of two Required Budget Hearings)  
(Action)

The public hearing was opened at 10:21 am.

Ms. Cash, Administrative Projects Manager, explained that the final fiscal year 2017-2018 budget, as presented in the Board Packet, has changed very little compared to the draft that was previously presented at the last Governing Board meeting. She noted that all changes made were typographical. The District did not receive any new public comments regarding the budget; the only comments received for the draft budget were from the LADWP indicating that they have no objection to the fee assessment.

The Board asked for public comment at 10:23 am.

No comment was offered.

The public hearing was closed at 10:23 am.

**Motion** (Hames/Johnston) approving the item as follows:

1. The Board conducted the scheduled public hearing for input regarding the proposed fiscal year 2017-2018 SB 270 Fee Assessment Order.
2. The Board adopted the “Fiscal Year 2017-2018 SB 270 Fee Assessment Order to Pay” for the base SB 270 costs in the amount of \$4,859,118, as presented in the Board Packet.

*Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump*

*Noes: 0*

*Abstain: 0*

*Absent: Board Members – Kingsley*

Motion carried 6/0 and so ordered.

B/O #170511-01

**Motion** (Hames/Johnston) approving the items as follows:

1. The Board conducted the second of two public hearings on the total budget, considered all comments and testimony, and considered whatever changes were found appropriate to District or SB 270 budgets. (no changes found)
2. The Board adopted the total Great Basin Unified Air Pollution Control District budget which includes: a) the proposed final 2017-18 District budget; and b) the proposed final 2017-18 SB 270 budget.
3. The Board waived the automatic Consumer Price Index increase for District permit fees based on the adopted FY 2017-18 District budget (less special funds) for the 2017-18 fiscal year and the amount of current District (non-SB 270) reserve funds.

*Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump*

*Noes: 0*

*Abstain: 0*

*Absent: Board Members – Kingsley*

Motion carried 6/0 and so ordered.

B/O #170511-03b

**Agenda Item #4**  
Consent Items  
(Action)

**Motion** (Stump/Hames) approving consent agenda items a through g as follows:

- a. Approval of the March 9, 2017 regular Governing Board meeting minutes
- b. Designation of Greenheart Farms INC as a sole source provider of plant material for the Keeler Dunes Project and approval of purchase order #2017-1027GH for an amount not to exceed \$48,487.50 with Greenheart Farms INC for the propagation of 25,000 plants for the Keeler Dunes Project
- c. Approve purchase order with Campbell Scientific Inc. for the amount of \$40,071.94 for the purchase of dataloggers to be used in the air-monitoring network at the Owens Lake
- d. Approve purchase of one 12' x 20' building from High Sierra Containers West Coast Barns and Sheds for the construction and delivery for the amount of \$19,044.81
- e. Approve consulting and service contracts for Fiscal Year 2017-2018
- f. Approve monitoring leases and rental agreements for Fiscal Years 2017-2018 and 2018-2019

g. End of year transfer authority, appropriation changes and carryovers

*Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump*

*Noes: 0*

*Abstain: 0*

*Absent: Board Members – Kingsley*

Motion carried 6/0 and so ordered.

B/O #170511-04

**Agenda Item #5**

Adoption of the 2017  
Great Basin Unified  
APCD Air Quality  
Monitoring Network  
Plan for Air  
Monitoring Efforts  
in the District  
(Action)

**Motion** (Totheroh/Hames) adopting the District’s 2017 Annual Air Quality Monitoring Network Plan for submission to the US EPA Region IX administrator for approval.

*Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump*

*Noes: 0*

*Abstain: 0*

*Absent: Board Members – Kingsley*

Motion carried 6/0 and so ordered.

B/O #170511-05

**Agenda Item #6**

District and SB 270  
Operating Reserves  
(Action)

APCO Kiddoo explained that the District is asking that the Governing Board consider an increase to the reserve-to-budget ratio to 33.3% as outlined in the staff report and to direct staff to update the Reserve Policy, which hasn’t been updated since 2012. APCO Kiddoo then went on to explain some of the background regarding the Reserve Policy. In 2012 the level of cooperation between LADWP and staff was challenging due to litigation. Staff was asked at the last Governing Board meeting to review the policy and bring back suggestions to the Board. LADWP asked for a decrease to the reserve-to-budget ratio due to the change in relationship and improvement in cooperation between the District and LADWP. APCO Kiddoo added, aside from previous litigation with LADWP, the District must be prepared to respond to the following scenarios: unexpected litigation (LADWP and non-LADWP), unexpected shortfall in revenue, unexpected demands on services, unanticipated opportunities, less than perfect judgement and insight, a change in direction, and normal day-to-day fluctuations.

Board member Johnston asked if this would apply to both budgets (SB 270 & non-SB 270 budgets).

APCO Kiddoo confirmed that it would.

Mr. Taghavi commented that the agreements made between the District and

LADWP, in the 2014 Stipulated Judgment, will not allow for the contentions that were happening previous to 2014. The concerns that have been expressed as justification for the increase have been significantly, if not totally, eliminated. The key concerns that the LADWP had, regarding the dust control, have been settled. Mr. Taghavi added that it would be nice to be able to go back to the rate payers, since the money would be coming from them, and tell them that not only are costs going down due to a reduction in legal costs but also in other things as a result of the previous legal agreements. Using past issues that have been totally resolved to increase from 20% to 33.3% is not a reasonable discussion. In light of the historic resolution of the previous dust control issues, reducing the ratio may be warranted. LADWP has proven their goodwill and commitment since the lawsuits were settled. Mr. Taghavi said that he would like the Board to have a cause prior to taking an action that would increase the ratio. Simply preparing for a situation that hasn't happened, isn't a cause for action.

Board member Hames noted that he is very happy to have such cooperation with the LADWP. He added that a change in leadership within the LADWP could change that. Also, not all of the District's lawsuits are with LADWP so we need protection for other instances as well.

Board member Johnston said that as much as things have changed in such a positive direction, he would need more time to come around to trusting that LADWP won't be suing the District at every turn which was what was happening previously. He is leaning toward going with an increase in order to prepare for the worst-case scenario which would allow the District to respond quickly to a situation.

Board member Totheroh indicated that although he is sensitive to the fact that there certainly has been a change in the relationship, if we are under a mandate that is relatively new with not being able to bill other than yearly, it seems like we have a change that we must deal with. If LADWP were to say, "you are allowed to bill us at any time" rather than the judgement which says only once a year, maybe that ratio could be reduced over time. But until that happens, Board member Totheroh would have to side with the amount that will allow us to cover our needs when we need to.

Mr. Taghavi added that the agreement is not subject to a change by a different leadership within LADWP, it's under a court's jurisdiction. So any changes to that would have to come from a court. Due to this fact, there are a lot of protections which means the Governing Board does not need the "sledgehammer" for this particular process. A decrease in legal fees and an increase in fees doesn't reduce costs. LADWP has a fiduciary responsibility to the rate payers. A reduction is a reasonable request for LADWP to make.

Board member Johnston asked if the increase to the reserve ratio would carry over to the next years' budget.

APCO Kiddoo responded yes it does and it still would have the refund of any amount over that in application toward the next years' assessment.

Board member Johnston then asked how much it would increase from what is currently in reserves to the 33.3%.

APCO Kiddoo explained that last year's wasn't much different and would be slightly smaller at \$600,000. The District actually credited over \$160,000 this year so that would be a difference of about \$450,000 more.

Board member Stump asked for clarification on what LADWP would actually be charged.

APCO Kiddoo explained that with this, after this fiscal year, 33.3% would be the reserve. If there were funds greater than 33.3%, that would be applied as a credit so next year we would have to increase our reserves to match that 33.3%.

Board member Stump asked if that would be reflected in the fee that would be charged to LADWP.

APCO Kiddoo confirmed that yes, it would.

Board member Stump clarified that the fee would actually fluctuate.

APCO Kiddoo explained that the fee is based on staff's best estimate on costs for the year.

Board Vice Chair Griffith noted that it's important to recognize that there is much more cooperation. He added that we're in the situation of the minnow and the whale: with the District being the minnow. The District should prep for something bigger than itself. He then clarified that this is not a reserve that gets added to every year. It doesn't mean there will be an increase in the budget every year.

Board alternate Sauser asked if other than legal fees, is this the operating reserves. He noted that to him a three-plus month reserve is prudent for any individual, business or organization. 33.3% is a prudent amount to have for emergencies.

APCO Kiddoo added that the District is significantly vulnerable due to its budget being 85-90% from LADWP.

Board Vice Chair Griffith asked for clarification as to what the reserve would be for four months.

APCO Kiddoo that a four-month reserve would be 33.3%.

Board Vice Chair Griffith added that the District has to continue in some way in

order to maintain its staff. If there is uncertainty there may be a loss of staff.

Board member Hames stated that he agreed with the Board report. He also noted that he wants to make sure that LADWP understands that this is not a reflection on their trustworthiness, this is business.

Board member Johnston said that the Board wants to show good faith as well and at some point, he wouldn't mind taking this up again next year.

**Motion** (Hames/Johnston) approving to increase the reserve-to-budget ratio to 33.3% as detailed in the staff report and direct staff to update the District's Reserve Fund Policy to reflect this change.

*Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump*

*Noes: 0*

*Abstain: 0*

*Absent: Board Members – Kingsley*

Motion carried 6/0 and so ordered.

B/O #170511-06

**Agenda Item #7**  
California Regional  
Haze Plan and Rule  
Revision  
Implications  
(No Action)

A break was taken at 12:15 pm. The Board reconvened in open session at 12:25 pm.

Ms. Tina Suarez-Murias, Air Pollution Specialist from the California Air Resources Board, gave a presentation on the California Regional Haze Plan and Rule Revision Implications. *(the presentation is available upon request)*

**Presentation Overview:**

- Clean Air Act – amendments of 1977 set national goal
  - i. Reasonably Attributable Visibility Impairment (RAVI) initially intended to address plume blight
  - ii. Interagency Monitoring of Protected Visual Environments (IMPROVE) measures speciated particulate matter using federally operated monitors deployed nationwide since the 1980's
  - iii. Regional Haze Rule (1999) applies to all states and requires preparation of a Regional Haze State Implementation Plan every ten years to achieve Natural Conditions in 2064
  - iv. Best Available Retrofit Technology (BART) Rule in 2005 required controls of highest polluting source types
  - v. Regional Haze Rule Revisions (2017) (SIP Implementation Guidance pending)
- Class I Areas (California & United States) – visibility depends on geography
  - i. Visual Range varies greatly across USA
  - ii. Causes of Haze varies considerably at each Class I Area

- iii. Airshed features affect particle formation and transport, making visibility at each Class I area unique
- iv. Controlling anthropogenic sources of haze-causing particles reaching IMPROVE monitors has challenges
- Cause of Haze (Impaired Visibility)
  - i. Highest deciview days can have very different particle compositions
  - ii. “Worst Days” (Haziest 20% each year) often due to natural causes in west
  - iii. Need metric that targets anthropogenic contributions
  - iv. Visual range easier to comprehend (cleaner air, greater distance)
- Progress in Improving Visibility
  - i. West started with better visual range (20-100+ miles); expect less dramatic visibility improvements
  - ii. Natural source emissions caused many worst haze days in west
  - iii. Anthropogenic emissions dominate all worst haze days in east (current visual range about 15-40 miles)
  - iv. Adjustments to Regional Haze Rule metrics needed to account for natural haze and to measure progress made in reducing visibility impairment specifically from anthropogenic sources
- Regulatory Considerations – issues addressed in Rule revisions
  - i. Coordinate with other program timelines; co-benefits from criteria pollutant reductions and SIP preparation resources
  - ii. Western “Worst Haze Days” caused by Natural Sources that skew averages
  - iii. International sources not under state control also impact visibility
  - iv. Wildfires increasing in west; beneficial prescribed burning considered man-made
  - v. Natural conditions estimates don’t reflect site-specific geography
  - vi. Federal Land Managers not given sufficient time for input
  - vii. Control measures should result in measurable visibility improvements
- Next Steps
  - i. Work with western states, FLM, tribes, and U.S. EPA to prepare Regional Haze SIP tasks with limited funding for regional monitoring
  - ii. Methods discussed in Proposed Guidance may not be same as Final Guidance
  - iii. Reduce anthropogenic haze precursors to improve visibility; correlates well with actions to improve health by reducing criteria pollutants

Board Vice Chair Griffith as for public comment at 12:08 pm.

Ms. Liz O’Sullivan, Mono County resident, thanked the Board and Ms. Suarez-Murias for taking the time to discuss such a complex and important issue. She noted that her concerns are within regard to the classification of wind events which actually seem to be due to an increase in human use specifically dirt roads, OHV use and an increase in grazing. She questioned how one agency such as LADWP could be held responsible for emissions from Owens Lake yet other agencies aren’t being held responsible for the human-caused emissive events. Ms. O’Sullivan expressed concern for burning and said that perhaps wild fires are a better way of dealing with forest health than prescribed burning is. Prescribed burning in the shoulder season along with wild fires means pollution issues year-round for the residents of the local communities. The Eastern Sierra is also impacted by pollution and smoke from the west side as well. She questions whether or not forest health is more important than human health which may be complex discussions that need to be taken into consideration.

Ms. Suarez-Murias added that it is important to get local input to adjust the thresholds on wind events.

Mr. Mike O’Sullivan, Mono County resident, expressed his concerns as well. Although vast improvements in dialogue between the east side and west side of the Sierra have reduced smoke issues due to prescribed burning since 2012, he wondered if the federal government is writing themselves an exemption when it comes to these burns to reduce costs. After all, the Forest Service and other agencies do have alternative options for forest management such as chipping but that are higher in cost. Mr. O’Sullivan added that the City of Los Angeles was not afforded the same cost considerations when ordered to mitigate the dust issues on Owens Lake.

**Agenda Item #8**  
Air Quality  
Implications of the  
Sustainable  
Groundwater  
Management Act  
(SGMA) and  
Groundwater  
Sustainable Agency  
(GSA) Formation  
(No Action)

Board member Stump explained that he requested this particular item be added to the agenda. Although this issue may not affect the entire Great Basin District, there are still parts of the District that will be affected significantly. The specific area of concern in Mono County is in the tri-valley area which includes Benton, Hammil Valley, Chalfant and portions along the Sierra Crest.

APCO Kiddoo gave a brief presentation on air quality implications of the Sustainable Groundwater Management Act (SGMA) and Groundwater Sustainable Agency (GSA) Formation. For compliance with SGMA, various groundwater basins within the District must form a Groundwater Sustainable Agency (GSA) by June 30, 2017 or the State will assume responsibility for managing the basins which may include imposition of fees on groundwater users. The three groundwater basins within the District boundaries are the Tri-Valley Groundwater Basin, the Owens Valley Groundwater Basin and a portion of the Indian Wells Groundwater Basin. Local agencies forming GSAs include the Indian Wells Groundwater Authority, Tri-Valley Groundwater Management District, Inyo County and Mono County which recently signed a resolution to serve as the groundwater Sustainability Agency for portions of the Owens Valley Groundwater Basin within Mono county that are not within the boundaries of the Tri-Valley Groundwater Management District. There are air quality implications of SGMA management formation that exist. For example, without GSA formation, State intervention may occur with subsequent fees imposed on groundwater users which may result in change of land use practices to the detriment of air quality. Various enforcement mechanisms are available to the District that require particulate pollution control mitigation for fugitive dust sources. These mechanisms include CA Health and Safety Code (CH&SC) 42316, and District Prohibitory Rules 400 – Ringelmann Chart, 401 – Fugitive Dust, and 402 – Nuisance. Generally the property owner is liable for emissions control and subject to District Notices of Violation. In certain circumstances, another entity may be responsible for pollution control other than the property owner as is the case at Owens Lake where the California State Lands Commission is the property owner of the lake and the

Los Angeles Department of Water and Power is the liable entity to control the particulate emissions.

**Agenda Item #9**  
Informational Items  
(No Action)

APCO Kiddoo asked the Board if they had any questions regarding the informational items.

No questions were asked.

**Agenda Item #10**  
Board Member  
Reports  
(No Action)

Board Vice Chair Griffith suggested a tour of Owens Lake happen soon.

No other reports were given.

**Agenda Item #11**  
Air Pollution Control  
Officers Report  
(No Action)

APCO Kiddoo introduced Ms. Christine Holt as the District's new Air Monitoring Technician I.

**Agenda Item #12**  
Confirm Date and  
Location of Next  
Regular Meeting  
(July 13, 2017 in  
Markleeville, CA)

The next regular meeting of the District Governing Board will convene at 10:00 am on July 13, 2017 in Markleeville, 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 #13**  
**CLOSED SESSION**

Board Vice Chair Griffith convened the Board into closed session at 12:47 pm.

**CLOSED SESSION** - The Board will recess into closed session for a conference call with legal counsel regarding existing litigation in the following matters:

- a. 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.

The Board reconvened into open session at 1:03 pm with no action taken.

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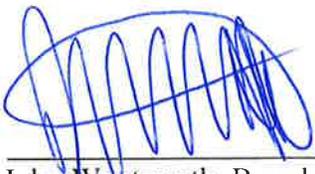
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The Board reconvened into open session at 1:03 pm with no action taken.

**Adjournment**

The meeting was adjourned by Board Vice Chair Griffith at 1:03 pm. The Board will reconvene in open session at 10:00 am, on Thursday, July 13, 2017 in Markleeville, California.



John Wentworth, Board Chair

**Attest:**



Tori DeHaven, Board Clerk