



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: July 19, 2012

To: District Governing Board

From: Grace A. McCarley Holder, Playa Geologist

Subject: Discussion of the Keeler Dunes origins public hearing process and proposed schedule

Public Hearing on the Origin of the Keeler Dunes

Background and Project Overview

The District has recognized for many years that the dust emissions from the Keeler Dunes cause exceedances of the Federal and State PM₁₀ standard in the community of Keeler. As such, the District began an extensive monitoring program and data collection within the dunes in 2008-2009 in order to gather information on the location and magnitude of emission activity within the area and to begin work on developing a strategy for PM₁₀ emission controls. In addition to District staff working on the project, the District has retained several consultants to assist with the project including remote sensing specialists and plant ecologists from HydroBio (HB), Sapphos Environmental (Sapphos) to conduct the environmental impact analysis, and a team of international experts in dune field research, aeolian processes, and pluvial lake geomorphology and geology from the Desert Research Institute (DRI).

Several public meetings and workshops have been held to inform stakeholders on the progress of work being conducted in the dunes and to gather input on potential dust control methods. These meetings have been well attended and have provided useful guidance on the issues and concerns related to the project. Additionally, the District is working collaboratively with staff from the Bureau of Land Management (BLM), who has jurisdiction on approximately 75%¹ of land within the project area, for addressing concerns related to cultural resources present. Based on this input and the results of work in the dunes, the District has developed an initial control strategy for reduction of PM₁₀ emissions from the dunes and has retained Sapphos to conduct the CEQA and NEPA analysis in order to prepare the Environmental Impact Report (EIR) and Environmental Assessment (EA), respectively. The draft EIR/EA is planned for release to the public for review and comment in October 2012. The preferred dust control strategy involves stabilization of approximately one-third of a square mile (~200 acres) of the dune field through the establishment of native vegetation to mimic a natural shoreline dune system.

¹ The remaining 25% of the project area is on land owned by the City of Los Angeles Department of Water and Power (DWP). The DWP has refused to work collaboratively with the District on solutions to the Keeler Dunes emissions.

Origin and Development of the Keeler Dunes

Learning about the origin and development of the Keeler Dunes is an essential component of the project. The magnitude of the PM₁₀ emissions from the dunes and the impact to the local residents is well-documented and requires that some sort of mitigation measure be implemented to reduce the dust levels to a level below the health-based standards. However, what still needs to be determined is who is responsible for implementing dust controls. The question at the heart of this issue is whether the actively emissive portion of the dunes is natural or is man-made (anthropogenic) in origin and whether the formation of the current emissive dune field is related to the desiccation of Owens Lake. It is also possible that the active dune area is partially natural and partially anthropogenic.

District staff and experts from DRI have been working on two subprojects in order to determine the origin of the dunes and how they have developed over time. The first subproject involves analysis of historical aerial and ground-based photos, as well as satellite imagery, to determine the extent of the dunes and how they have changed over time. The second subproject involves geomorphic and geologic mapping of the area to determine the relationship of the landforms and geologic units present. The results of these two subprojects are anticipated to be complete by the end of September 2012 and should provide key information on the timing and processes of dune formation.

Public Hearing

As discussed at the February 6, 2012 Board Meeting, the District Governing Board will need to make a determination as to the origin of the dunes and the party or parties responsible for implementation of dust control within the Keeler Dunes. The Board discussed making this determination through a formal public hearing that involves consideration of the results of work completed by District staff as well as materials from other interested parties. These parties are likely to include the City of Los Angeles and the BLM.

As discussed at the February 6, 2012 Board meeting, the proposed schedule in advance of the hearing is summarized here. After this July 19, 2012 meeting, staff will issue a notice that all materials related to the determination hearing are due to the District 65 days before the hearing. This includes materials produced by the District, as well as all interested parties. The District will then make all materials available to the public (most likely on the District's website). The public hearing would be held 60 days after the materials were made available. All comments and responses to these materials would be due to the District within 30-days of the hearing so that staff has time to review them and prepare a staff report for the hearing. The staff report would be made available to the Board approximately two-weeks prior to the Hearing. The District Board would then hold the hearing and make a decision as to whether the dune emissions are anthropogenic, natural or some combination.

Given the planned completion of District reports and materials in September 2012, the package of materials to be considered for the public hearing should be available in the beginning of October 2012. Allowing for the 65-day notice and review period, the public hearing can then be scheduled for early December 2012. District staff recommends that the public hearing on the origin of the Keeler Dunes be held in conjunction with, but independent of, the regularly schedule December Governing Board meeting. Possibilities include either having the Governing Board Meeting in the morning and

the Keeler Dunes hearing in the afternoon or the Governing Board Meeting in the afternoon and the Keeler Dunes hearing in the morning of the following day.

If the Keeler Dunes are determined to be anthropogenic, the Board can issue an order for their control to the responsible party. If the dunes are determined to be natural, the emissions may fall under the US EPA's Natural Events policy and the Board could direct staff to prepare a Natural Events Action Plan. This plan may require the underlying property owners to take reasonable measures to reduce PM₁₀ emissions in order to protect the public health of the residents of Keeler and Swansea. These reasonable measures could include direct action on the dunes or additional controls on other air pollution sources in the area.

Fiscal Impact:

None

Board Action:

District staff recommends that the Board discuss the process and proposed schedule of the public hearing to determine the origin of the Keeler Dunes. District staff recommends that the Board schedule a public hearing for early December 2012 with 65-days public notice and in conjunction with the regularly scheduled December Board Meeting. District staff further recommends that all materials related to this determination be made available to all interested parties 60 days in advance of the scheduled hearing date. District staff also recommends that all responses and comments to these materials be submitted to the District no less than 30-days prior to the hearing so that they can be reviewed and considered in preparation of a staff report. The staff report will be made available approximately two weeks prior to the hearing date.



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BOARD REPORT

Mtg. Date: July 19, 2012

Date Prepared: July 9, 2012

To: Governing Board

From: Chris Lanane

Subject: Annual Sole-Source Determinations

Summary

Section 3.3 of the District's Purchasing, Bidding and Contracting Policy (Rule 1101) provides that "due to availability, experience or overall cost (including operating and maintenance costs), certain materials, equipment, consultant services or public construction services ... may be purchased without first conducting a formal or informal bid procedure...." The elimination of the bidding procedure can take place only after the District Board or, in some cases, the Air Pollution Control Officer makes a "sole-source determination" that the equipment or services are practically available from only one source. In the long term, this provision can save considerable money by lowering acquisition costs and providing consistent brands of equipment or types of services.

A discussion of all our sole-source justifications follows. Staff believes that it is appropriate for the District to review the sole-source determinations each year. Staff requests that the Board make these sole-source determinations at this time. This list is intended as a complete list of sole-source determinations; these determinations replace all previous determinations.

MATERIALS AND EQUIPMENT

1. AlumaTower Inc. for meteorological towers – The District currently has about 20 meteorological monitoring towers throughout its network. All of these towers were manufactured by AlumaTower, Inc. The towers have been trouble-free and have been part of the system that enables the District to gather high-quality defensible meteorological data. The AlumaTower systems are relatively inexpensive, easy to operate, and are problem-free. Having an installed base of these systems also reduces the need for the District to have spare parts available for different systems from different manufacturers, reducing the overall cost of the network. District staff recommends that the Board consider AlumaTower, Inc. as a sole-source provider of meteorological tower systems for the District.

2. American Honda Motor Company for all-terrain vehicles – Since the mid-1980s the District has used Honda FourTrax all-terrain vehicles (ATVs) to work on Owens Lake. We currently have a fleet of eight Honda ATVs. We believe that the Hondas are the only ATVs designed for the rugged conditions we encounter at Owens Lake. They are 4-wheel drive, all the brakes are sealed, we have a good inventory of maintenance parts, the parts are readily available from local dealers and our staff has experience servicing the vehicles. It is important that when employees are working alone on remote and poorly accessible areas of Owens Lake they have a vehicle that they can count on. District staff recommends that the Board consider American Honda Motor Company as a sole-source provider of ATVs for the District.

3. Battery Specialties, for batteries for all off-grid monitoring stations and equipment – Staff has been purchasing batteries from Battery Specialties for over 15 years. When conducting an informal bid procedure for battery procurement, Battery Specialties has consistently been the low bidder. They also carry a wide variety of batteries that the District uses that are nearly always in stock. Staff recommends Battery Specialties be considered by the Board as a sole-source provider for batteries for the District.

4. California Survey Drafting Supply, for Trimble GPS units and software – District staff has been using Trimble GPS equipment for over 15 years. These high-quality GPS units provide high-resolution survey measurements used most frequently to delineate dust source areas on Owens Lake and to determine locations for monitoring equipment, especially in the Dust Identification network. California Survey Drafting Supply has always provided lowest prices and the best service and support for the Trimble GPS units and corresponding software. District staff recommends the Board consider California Survey Drafting Supply as a sole-source provider of Trimble GPS units and software for the District.

5. Campbell Scientific, Inc. for data-loggers and radio telemetry equipment – The District uses electronic devices called “data-loggers” to store the wide variety of meteorological and air quality data that we collect at Owens and Mono Lakes. Based on our experience with these types of devices, we have found that the “Campbell” brand of data-logger is the only one capable of standing up to the extreme conditions found on Owens Lake. The District has used Campbell Scientific data-logging equipment for collecting data throughout the District for many years. We currently operate well over 230 Campbell data-loggers. This means our technicians have become very adept at servicing and operating these instruments and we have needed to build a comprehensive inventory of only Campbell repair parts. In addition to the data-loggers, the District uses the compatible Campbell radio telemetry equipment that allows the data collected to be transmitted via radio frequency to our Keeler field office. This allows staff to download data without having to visit the often difficult-to-access sites. Based on its reliability record and to maintain consistency in the type of equipment used by the District, staff requests that the Board consider Campbell Scientific as the sole source provider of data-logger and radio telemetry equipment.

6. Campbell Scientific, Inc./R.M. Young Co./NRG Systems for meteorological monitoring equipment – In 1994 the District completely overhauled all of the meteorological monitoring stations in the monitoring networks, changing to R. M. Young and NRG Systems equipment. After careful research it was determined that R.M. Young and NRG Systems equipment would be more cost-

effective due primarily to the reduced maintenance frequency associated with the equipment. This equipment can be purchased either from R.M. Young, NRG Systems or from Campbell Scientific, the District's data logger provider. Occasionally, due to inventory considerations, the equipment may be less expensive at Campbell, and therefore, the District would like the flexibility to purchase the equipment from any of the three vendors. The District staff requests the Board consider Campbell Scientific, NRG Systems and R.M. Young Co., as the sole-source providers of our meteorological equipment.

7. Colorado Solar, Inc., for solar panels and support equipment - The District has been procuring solar panels and support equipment from Colorado Solar for the past three years, ever since the previous sole-source provider, Carmanah Technologies Corp. went out of business. When staff has gone out to bid for solar panels and support equipment, Colorado Solar has consistently provided the lowest prices for the equipment. Colorado Solar also provides good technical support and has a knowledgeable staff that has always been helpful to District personnel. Staff recommends that Colorado Solar, Inc., be determined by the Board to be a sole-source provider for solar panels and support equipment, to the District.

8. Dell Computer, Inc. for personal computers (PCs) – As with most government agencies and businesses today, the District is heavily reliant on PCs for nearly all the work we do. In the late 1980s, the District began buying Dell Computer PCs. They are consistently rated as the most reliable PCs and we have had very good experience with them. Our computer repair technicians understand how to repair them and have developed relationships with Dell's sales and service staff. Therefore, for the sake of maintaining consistent equipment and due to their reliability, staff requests that the Board consider Dell Computer as the sole source provider of PCs for the District.

9. EKTO Manufacturing for monitoring shelters –The District has eleven (11) EKTO walk-in shelters in our monitoring network. EKTO is the only shelter manufacturer that wraps the shelter with metal on all six sides. Other materials allow rodents to get into the shelter and, with the potential threat of Hantavirus throughout the District, could put employees at risk. A specially designed trailer was purchased with the Dirty Socks shelter in 2003 that allows staff to easily tow any EKTO shelter from place to place with District vehicles. This trailer is configured to fit only EKTO shelters. In light of the fact the shelters can be easily moved from place to place and the aforementioned feature of the shelters being entirely sheathed in metal, it is the staff's recommendation that the Board make EKTO Manufacturing the sole-source provider of monitoring shelters for the District.

10. Feeney Wireless - Feeney Wireless is an authorized distributor of AirLink cellular modems and associated telecommunications equipment. The District currently has an installed base of ten AirLink modems with plans to install them at more District stations. The District has purchased several complete cellular modem systems from Feeney under the informal bidding procedure and they have always been the low bidder. Feeney has experienced technical support personnel that are always available to provide input for the installation and operation of the cellular modem systems. Having similar systems at all District monitoring stations minimizes parts inventories, labor, and equipment costs. Staff recommends the Board determine Feeney Wireless to be a sole-source provider of cellular modems and associated telecommunications equipment for the District.

11. Thermo Fisher Scientific (formerly Rupprecht & Patashnick, Inc.) for Tapered Element Oscillating Microbalance (TEOM) PM monitors – The Thermo (Rupprecht & Patashnick) TEOM PM monitors have been used in the District since 1992. The TEOM PM₁₀ monitor is an approved EPA equivalent method monitor for PM₁₀. The TEOM PM_{2.5} monitor with the accompanying filter dynamics measurement system (FDMS) is an EPA-approved equivalent method monitor for PM_{2.5}. The TEOMs have proven to be reliable continuous monitors and have minimal maintenance requirements. These monitors provide a continuous measurement of PM and have been utilized effectively in the District’s particulate health alert system. The TEOMs have also proven to be an invaluable resource in measuring dust episodes near Owens Lake especially for the dust source identification program. The only producer of TEOM monitors is Thermo Fisher Scientific. District staff requests that the Board consider Thermo Fisher Scientific as a sole-source provider of TEOM monitors.

12. Thermo Fisher Scientific (formerly Rupprecht & Patashnick, Inc.) for Partisol PM monitors - The Partisol is a filter-based sampler for particulate matter. The District currently has six Partisol samplers currently in operation. These samplers have been reliable and have required minimal maintenance. Rupprecht & Patashnick, Inc. had the foresight to have the Partisol approved as an EPA reference method monitor for both PM₁₀ and PM_{2.5}, thereby allowing the District to monitor for either particle-size cut with the same monitor resulting in a significant cost savings. The District has not found any other filter-based samplers that require as little maintenance as the Partisols or are as reliable as the Partisols. District staff requests that the Board consider Thermo Fisher Scientific (formerly Rupprecht & Patashnick, Inc.), as a sole-source provider of filter-based PM monitors for the District.

13. Trango Systems, Inc. and California P & C, Inc., for video equipment – Trango Systems, Inc. is the only manufacturer of the 5.8GHz unlicensed video system that the District has been using since 2000 to transmit wireless video from the District’s remote video sites above Owens Lake to the District office in Keeler. This is the only 5.8MHz system on the market and parts procured in the future must match our existing equipment.

California P&C, Inc. is a commercial distributor for High Definition (HD) cameras in the U.S. and Canada. When staff has gone out to bid for HD camera equipment for the network, California P&C has consistently been the low bidder.

District staff recommends that the Board consider Trango Systems, Inc., and California P&C, Inc. as sole-Source providers of Trango Systems wireless video surveillance systems and HD cameras for the District.

PROFESSIONAL SERVICES

14. Desert Research Institute for chemistry analysis – The District has used the laboratories at the Desert Research Institute (DRI) for various types of water and air sample analyses since 1991. We request that the Board continue making the laboratories at the Desert Research Institute a sole source for analysis of water and air samples from Owens Lake for the following reasons:

- a) The District has a valuable working relationship with DRI and has developed a high level of satisfaction with the water lab at DRI in terms of Quality Assurance/Quality Control procedures, the instrumentation used, the quality of the analyses and the turn-around time required to complete the analyses.
- b) All of the District's data on water chemistry of the deep groundwater has been conducted by DRI. Therefore, to keep the continuity and consistency in the data, it is important to continue to use DRI for additional water analyses.
- c) Analysis of the chemistry of highly saline waters can be difficult due to the unique chemistry. Some of the analysis methods used by DRI are specially tailored to dealing with the unique Owens Lake waters. Over the years, DRI has developed extensive experience in analyzing the highly variable and saline waters of Owens Lake. This experience allows the lab to more efficiently and quickly analyze for the parameters requested.
- d) Analysis of air monitoring filter samples by non-destructive X-ray fluorescence (XRF) is a common method for determining the elemental constituents of a sample. DRI conducts these analyses effectively and inexpensively when compared with other laboratories.

Fiscal Impact:

None. Each of the sole-source providers is either the only source for the product or service, or there are other compensating factors that make the sole-source provider the most economical source, when all costs are taken into consideration. These compensating factors could include a history of proven reliability, staff training and familiarity with the product, existing stockpiles of replacement parts and a need for continuity and consistency in the data provided.

Board Action:

Staff recommends that the Board designate the following equipment and service providers as sole-source providers as provided for in Section 3.3 of Rule 1101 (District Purchasing, Bidding and Contracting Policy):

1. AlumaTower Inc. for meteorological towers
2. American Honda Motor Company for all-terrain vehicles
3. Battery Specialties, Inc., for batteries and supplies
4. California Survey Drafting Supply, for Trimble GPS units and software
5. Campbell Scientific, Inc. for data loggers
6. Campbell Scientific, Inc./R. M. Young Co./NRG Systems for meteorological equipment
7. Colorado Solar, Inc., for solar panels and associated equipment
8. Dell Computer, Inc. for personal computers
9. EKTO Manufacturing for monitoring shelters
10. Feeney Wireless for cellular modems and associated telecommunications equipment

11. The Sensit Company for electronic sand motion devices
12. Thermo Fisher Scientific for TEOM and Partisol PM monitors
13. Trango Systems, Inc., and California P&C, Inc., for video equipment
14. Desert Research Institute for water and air sample analysis



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BOARD REPORT

Mtg. Date: July 19, 2012

To: District Governing Board

From: Theodore D. Schade, Air Pollution Control Officer

Subject: Consideration of a contract with the Air Pollution Control Officer for the provision of personal services as a District officer

At the Governing Board's May 24, 2012 meeting, after a closed session, the Board announced that it had negotiated a contract extension with its Air Pollution Control Officer. The Board and the APCO agreed to extend the APCO's contract until June 30, 2014 (2-year extension) and increase his salary by one percent on July 1, 2012 and one percent on July 1, 2013. The District will provide the APCO with the same benefits it provides its management employee group. The contract extension is attached.

Recommendation

It is appropriate that the Board make a recommendation regarding the APCO's contract extension.

Attachments:

APCO Contract Amendment Number 3

1207061

**AMENDMENT NUMBER 3 TO AGREEMENT BETWEEN
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
AND THEODORE D. SCHADE
FOR THE PROVISION OF PERSONAL SERVICES
AS THE DISTRICT AIR POLLUTION CONTROL OFFICER**

WHEREAS, Theodore D. Schade (hereinafter referred to as “Officer”) has been duly appointed as Air Pollution Control Officer for the Great Basin Unified Air Pollution Control District (hereinafter referred to as “District”) as provided for in California Health and Safety Code section 40750; and

WHEREAS, District and Officer do desire and consent to an amendment (known as Amendment Number 3) to the existing contract between District and Officer dated July 14, 2004 (Original Contract) and amended on May 15, 2008 (Amendment 1) and July 14, 2010 (Amendment 2);

NOW THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, District and Officer hereby agree to amend the provisions of the Original Contract dated July 14, 2004, Amendment 1 to said Original Contract dated May 15, 2008, and Amendment 2 to said Original Contract dated July 14, 2010 as follows:

The “Term” set forth in Section 2 shall be amended to read “The term of this Agreement shall from August 1, 2004 through June 30, 2014, or until terminated as provided for below.”

“Attachment B” shall be amended by completely replacing it with the amended Attachment B enclosed herein.

The effective date of this second amendment to the Agreement is July 1, 2012. All other terms and conditions of the Agreement are unchanged and remain the same.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS 19TH DAY OF JULY, 2012.

**Great Basin Unified
Air Pollution Control District**

Officer

By: _____

By: _____

Dated: _____

Dated: _____

ATTACHMENT B
AGREEMENT BETWEEN
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
AND THEODORE D. SCHADE
FOR THE PROVISION OF PERSONAL SERVICES
AS THE DISTRICT AIR POLLUTION CONTROL OFFICER

TERM: From July 1, 2012 through June 30, 2014

SCHEDULE OF FEES

1. Beginning on July 1, 2012, District will pay Officer a base monthly salary of eleven thousand four hundred seventeen dollars (\$11,417.00).
2. Beginning on July 1, 2013, District will pay Officer a base monthly salary of eleven thousand five hundred thirty one dollars (\$11,531.00).
3. In addition to the above salaries, District will provide Officer with all the same benefits, allowances and other forms of compensation which the District provides to its management employees as a group.

APCO Contract Amendment 3 – 2012 to 2014

/// Nothing Follows ///



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BOARD REPORT

Mtg. Date: July 19, 2012

Date Prepared: July 6, 2012

To: District Governing Board

From: Shirley Ono, Administrative Projects Manager

Subject: Informational Only - Fiscal Year 2012-2013 Total District Budget as Adopted on May 24, 2012

At the May 24, 2012 meeting, the Governing Board made some changes to the SB 270 portion of the District's budget wherein it reduced the amount of budgeted special legal fees by \$200,000. This reduction is shown in the attached SB 270 budget tables. The Fiscal Year 2012-2013 Total District Budget as adopted on May 24, 2012 is attached.

Attached:

- SB 270 Budget Table 1 FY 2012-2013 Total Assessment Summary
- SB 270 Budget Table 2 FY 2012-2013 Assessment Summary
- SB 270 Budget Table 3 FY 2012-2013 Details
- SB 270 Budget Table 4 FY 2012-2013 Employee Time Allocations
- SB 270 Budget Figure 1 Chart of Historic SB 270 Assessments
- District Budget Table 1 FY 2012-2013 Expenses
- District Budget Table 2 FY 2012-2013 Details
- District Budget Table 3 FY 2012-2013 Revenue
- District Budget Table 4 FY 2012-2013 Special Fund Accounts
- Total District Budget

TABLE 1

FINAL

Adopted 05.24.2012

FY 2012-13 SB 270 Total Fee Summary

	2011-12	2012-13	% Change
Assessment			
I. Employee Costs	2,853,000	2,872,000	0.67%
II. Operating & Compliance	1,423,000	949,350	-33.29%
III. Materials & Equipment	204,000	10,000	-95.10%
Sub-Total SB 270 Fee	4,480,000	3,831,350	-14.48%
	Paid	-648,650	
IV. Special Legal Fee Assessment	250,000 *	1,000,000	300.00%
	Unpaid	750,000	
Total SB 270 Fee	4,730,000	4,831,350	2.14%
		101,350	
Less Reserve Policy Credit	-	-212,036	-
SB 270 Fee Due	4,730,000	4,619,314	-2.34%
		-110,686	

* Board Order No. 111205-01a: Appeal filed by the LADWP to CARB on January 9, 2012; currently unpaid.

TABLE 2

Adopted 05.24.2012

FY 2012-13 SB 270 Fee

EXPENSES	11-12	12-13	% change
I. Employee Costs			
A. Employee Wages	1,472,000	1,471,000	-0.07%
B. Retirement	359,000	363,000	1.11%
C. Insurance Benefits	400,000	422,000	5.50%
D. Taxes	246,000	242,000	-1.63%
E. Retiree Medical Insurance Unfunded Liability	348,000	348,000	0.00%
F. Worker's Compensation Insurance	28,000	26,000	-7.14%
Employee Costs	2,853,000	2,872,000	0.67%
		19,000	
II. Operating & Compliance			
A. Advertising - Legal Notices & Ads	4,400	4,500	2.27%
B. Dues, Subscriptions, Education, Use Tax & Fees	28,000	28,000	0.00%
C. Equipment: Computer, Furniture, General, Office, Safety, Scientific, Software (<\$5,000 ea)	197,000	140,000	-28.93%
D. Fuel & Gasoline	30,000	30,000	0.00%
E. Health & Safety	4,000	4,000	0.00%
F. Insurance - Liability, Fire & Casualty	53,000	51,000	-3.77%
G. Leases & Rents: Equipment, Office, Site, Storage	103,300	105,500	2.13%
H. Maintenance & Repairs of Equipment - Labor	45,000	40,000	-11.11%
I. Maintenance & Repairs of Equipment - Materials	55,000	55,000	0.00%
J. Postage & Shipping	4,000	4,000	0.00%
K. Professional & Special Services	780,600	378,850	-51.47%
L. Supplies & Tools (In-Field, Office, General Use)	33,000	30,000	-9.09%
M. Transportation & Travel	26,000	25,000	-3.85%
N. Utilities	59,700	53,500	-10.39%
O. Project Demonstration: Control Measure Testing	0	103,200	
Operating & Compliance Costs	1,423,000	949,350	-33.29%
		-473,650	
III. Materials & Equipment			
A. Equipment: Computer, Furniture, General, Office, Scientific, Software, Furniture (>\$5,000 ea)	126,000	10,000	-92.06%
B. Vehicles & ATVs	78,000	0	-100.00%
Materials & Equipment Costs	204,000	10,000	-95.10%
		-194,000	
SB 270 Expenses Total (Parts I, II, III)	4,480,000	3,831,350	-14.48%
		-648,650	
IV. Special Legal Fee			
2011 SCRDP: Appeal by the LADWP with CARB and lawsuits filed in Superior Court			
A. LADWP filed an appeal with CARB on Dec. 2, 2011 over the 2011 Supplemental Control Requirements Determination.			
B. LADWP filed an appeal with CARB on Jan. 9, 2012 over the \$250,000* legal fee assessment relative to its appeal of the 2011 Supplemental Control Requirements Determination.			
C. LADWP increased a contract for its outside attorneys on the 2011 SCRDP matter by \$850,000 on February 7, 2012 for a total of \$1,450,000.			
D. LADWP filed two (2) lawsuits in Los Angeles County Superior Court on Feb. 14 & 17, 2012 over the 2011 SCRDP CARB procedures (outside attorneys) and over the \$250,000* legal fee assessment respectively. Dismissed without prejudice on or about April 18, 2012. Cases can be re-filed at anytime.			
	Legal fees to defend the 2011 SCRDP and related matters pursuant to Health & Safety Code § 42316	*250,000	1,000,000
	Special Legal Fee Assessment	250,000	1,000,000
			300.00%
			750,000
FY 2012-13 SB 270 Total Fee (Parts I, II, III, IV)	4,730,000	4,831,350	2.14%
		101,350	
General Fund Reserves Balance as of March 31, 2012		1,178,306	
Reserve Policy Amount @ 20% of Total Fee (Parts I, II, III, IV) \$5,031,350		966,270	
Difference and Credit to FY 2012-13 SB 270 Fee		-212,036	
FY 2012-13 SB 270 Fee Due	4,730,000	4,619,314	-2.34%
		-110,686	

*Board Order No. 111205-01a: Appeal filed by the LADWP to CARB on January 9, 2012; currently unpaid.

II.C. - Equipment (<\$5k)		SB270
1	Computers, Printers, Scanners, Parts	20,000
2	Furniture	-
3	General Use & Safety	1,000
4	Office	500
5	Scientific (SB270: 25 Sensits & Datalogger Upgrades; Wind Sensors)	88,500
6	Software	30,000
Equipment (<\$5k)		140,000
II.G. - Leases & Rents		SB270
1	Bishop - Main Office	67,200
2	Bishop - Tech Workspace	6,400
3	Bishop / White Mtn Research	-
4	Equipment	5,000
5	Keeler - Office (Owens Lake)	8,500
6	Keeler - Office Portable Trailer (Owens Lake)	6,000
7	Lone Pine - Site	1,800
8	Mammoth Lakes - Site	-
9	Mono Lake - Simis Site + Storage Site	2,100
10	Olancha - Site w/ Utilities	3,000
11	Parking	3,000
12	Storage	2,500
Leases & Rents		105,500
II.H. - Maintenance & Repairs of Equipment - Labor		SB270
1	Laboratory certifications, etc.	15,000
2	Contingencies, tires, tune-ups, oil changes, repairs	18,000
3	Vehicle washing, etc.	3,000
4	Transportation/Installation of short-term monitors	-
5	Safety respiratory screen	4,000
M&R-Labor		40,000
II.I. - Maintenance & Repairs of Equipment - Materials		SB270
1	TEOM & Partisol Parts	15,000
2	Laboratory and QA Equipment	8,000
3	General Equipment Parts, Batteries, Expenses	7,000
4	Sensit Network	25,000
M&R-Materials		55,000
II.K. - Professional & Special Services		SB270
1	Board Stipend	4,200
2	Board Stipend - Hearing Board	1,000
3	Payroll & Financial Software Support	6,800
4	Human Resources Consulting	3,400
5	Independent Fiscal Auditor	7,500
6	Fiscal Services & Consulting	4,250
7	Inyo Co. Auditor: Fiscal Support	4,250
8	Inyo Co. Counsel: Legal	11,900
9	Janitorial Services: Bishop & Keeler	9,000
10	Respiratory Testing	3,000
11	USC: Landscape Architecture	2,500
12	Consulting Services: IT, Data Mgmt, Web	2,550
13	Air Monitoring Consulting Services	8,500
14	Legal Services: General	25,000
15	Environmental Consulting	25,000
16	Owens Lake Air Quality Modeling Consulting	200,000
17	Dust Compliance Measurement & Enforcement Consulting	50,000
18	Dust Compliance Measurement & Enforcement: Satellite Imagery	10,000
19		
20		
Professional & Special Services		378,850

FY 2012-2013 DETAILS

TABLE 3

II.N. - Utilities		<u>SB270</u>
1	Electric/Water/Gas/Trash	21,000
2	Communications/Internet/Telephone	24,000
3	Cell Phones	8,500
	Utilities	<u>53,500</u>

II.O. - Project Demonstration: Control Measure Testing		<u>SB270</u>
1	Permitting	2,000
2	Straw Bales & Labor	7,200
3	Plant Materials & Propagation	3,000
4	Equipment & Instrumentation: Senses & Met	41,000
5	Control Effectiveness Consulting	30,000
6	Plant and Remote Sensing Consulting	20,000
	Control Measure Testing	<u>103,200</u>

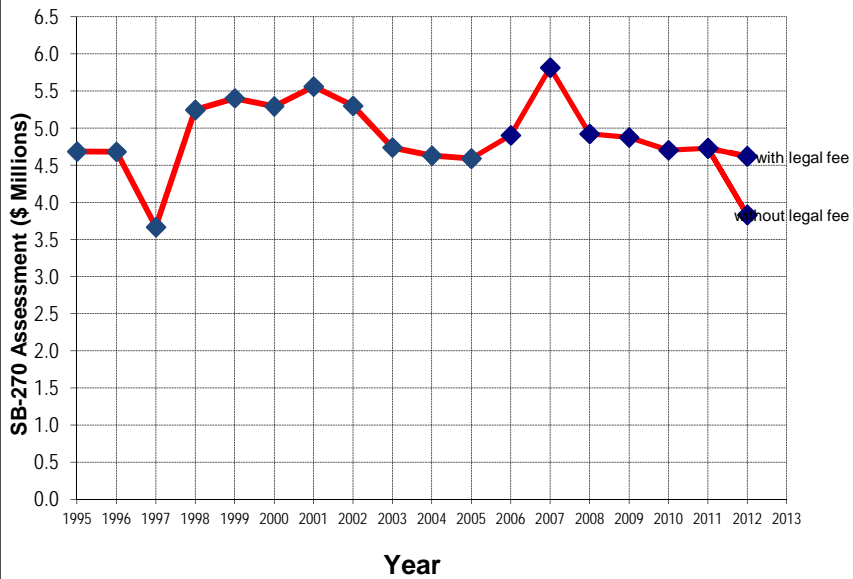
III.A. - Equipment: Scientific, Computer, Office, Furniture(>\$5k)		<u>SB270</u>
1	Replacement PM Filter Monitors, @\$18,000 ea.	-
2	Backup TEOM Replacement, @\$36,000 ea.	-
3	Off-grid TEOM system - Mono Shore	-
4	Mono Network Upgrades	5,000
5	Owens Lake PM Monitoring Network Upgrades	5,000
6	Replacement Lab Temp/RH Control System	-
	Equipment (>\$5k)	<u>10,000</u>

III.B - Vehicles & ATVs		<u>SB270</u>
1	Replacement Vehicles (Capital Expenditure Fund Reserves)	-
2	Replacement ATVs	-
		<u>-</u>

TABLE 4

FY 2012-13 Employee Time Allocation	District	SB-270	FTE	
Regular Employees				
Air Pollution Control Officer (TS)	0.10	0.90		
Deputy Air Pollution Cont Officer (DO)	0.20	0.80		
Air Quality Specialist II (JS, JB)	2.00	-		
Director Technical Services (NB)	-	1.00		
Field Services Technician I & II (JJ)(SG)(BR)		3.00		
Sr. Systems & Research Analyst (PK)	0.05	0.95		
Systems Research Analyst (MS)	-	1.00		
Systems Research Analyst (CH)	0.10	0.90		
Geologist (GH)	-	1.00		
Administrave Projects Manager (SO)	0.15	0.85		
Admin Asst/ Board & Permit Clerk (TD)	0.25	0.75		
Fiscal Services Technician (PG)	0.15	0.85		
Air Monitoring Specialist (CL)	0.15	0.85		
Air Monitoring Technical Specialist (DJ)	-	1.00		
Air Monitoring Tech II (SM, SD)	-	2.00		
Air Monitoring Tech II (GD, VT, SW)	0.30	2.70		
Subtotal Regular Employees	3.45	18.55	22.00	
Contract Employees				
Admin Clerk (PT/No Benefits)	0.06	0.31		
Subtotal Contract Employees	0.06	0.31	0.37	
TOTAL 2012-13 FTE	3.51	18.86	22.37	-1.50
TOTAL 2011-12 FTE	3.58	20.29	23.87	
TOTAL 2010-11 FTE	3.55	21.07	24.62	
TOTAL 2009-10 FTE	3.66	22.71	26.37	
TOTAL 2008-09 FTE	3.65	22.72	26.37	

Figure 1 - Historic SB 270 Fees



Year	Amount
1995	4,686,414
1996	4,682,317
1997	3,666,543
1998	5,246,725
1999	5,403,643
2000	5,295,089
2001	5,561,270
2002	5,300,597
2003	4,739,313
2004	4,631,000

Year	Amount
2005	4,591,000
2006	4,903,825
2007	5,816,250
2008	4,922,265
2009	4,876,300
2010	4,703,600
2011	4,730,000
2012	3,831,350
2012	4,619,314

w/o Legal Fee

w/ Legal Fee

TABLE 1

Adopted 05.24.2012

FY 2012-13 DISTRICT BUDGET

EXPENSES	2011-12	2012-13	% Change
I. Employee Costs			
A. Employee Wages	300,000	301,000	0.33%
B. Retirement	73,000	74,000	1.37%
C. Insurance Benefits	55,000	63,000	14.55%
D. Taxes	50,000	50,000	0.00%
E. Retiree Medical Insurance Unfunded Liability (New: ARC)	0	20,000	0.00%
F. Worker's Compensation Insurance	5,000	5,000	0.00%
Employee costs	483,000	513,000	6.21%
		30,000	
II. Operating & Compliance Costs			
A. Advertising - Legal Notices & Ads	3,000	3,000	0.00%
B. Dues, Subscriptions, Education, Use Tax, Fees, AB2588	7,500	7,500	0.00%
C. Equipment: Computer, Furniture, General, Office, Safety, Scientific, Software, Furniture (<\$5,000 ea)	8,100	7,500	-7.41%
D. Fuel & Gasoline	3,800	4,000	5.26%
E. Health & Safety	1,000	1,000	0.00%
F. Insurance - Liability, Fire & Casualty	12,000	12,000	0.00%
G. Leases & Rents: Equipment, Office, Site, Storage	22,200	22,500	1.35%
H. Maintenance & Repairs of Equipment - Labor	8,200	7,600	-7.32%
I. Maintenance & Repairs of Equipment - Materials	10,300	7,500	-27.18%
J. Postage & Shipping	1,000	1,000	0.00%
K. Professional & Special Services	13,200	12,350	-6.44%
L. Supplies & Tools (In Field, Office, General Use)	3,000	3,000	0.00%
M. Transportation & Travel	5,000	5,000	0.00%
N. Utilities	6,600	6,250	-5.30%
O. Public Assistance/Grant Programs	5,800	5,800	0.00%
Operating & Compliance Costs	110,700	106,000	-4.25%
		-4,700	
III. Materials and Equipment			
A. Equipment: Computer, Furniture, General, Office, Scientific, Software, Furniture (>\$5,000 ea)	0	0	0.00%
B. Capital Expenditure Fund: Vehicles & Equipment	7,800	7,000	-10.26%
Materials and Equipment	7,800	7,000	-10.26%
		-800	
FY 2012-13 TOTAL DISTRICT EXPENSES			
	601,500	626,000	4.07%
		24,500	
EPA 105 Grant (Restricted)	73,558	73,558	
EPA Ncore Grant (Restricted)	72,282	0	
EPA PM2.5 Grant (Restricted)	25,100	25,100	

II.C. - Equipment (<\$5k)		District
1	Computers, Printers, Scanners, Parts	3,000
2	Furniture	-
3	General Use & Safety	500
4	Office	500
5	Scientific (SB270: 25 SENSITS & DATALOGGER UPGRADES; WIND SENSORS)	1,500
6	Software	2,000
Equipment (<\$5k)		7,500
II.G. - Leases & Rents		District
1	Bishop - Main Office	11,900
2	Bishop - Tech Workspace	1,100
3	Bishop / White Mtn Research	1,500
4	Equipment	1,000
5	Keeler - Office (Owens Lake)	-
6	Keeler - Office Portable Trailer (Owens Lake)	-
7	Lone Pine - Site	-
8	Mammoth Lakes - Site	6,000
9	Mono Lake - Simis Site + Storage Site	-
10	Olancha - Site w/ Utilities	-
11	Parking	500
12	Storage	500
Leases & Rents		22,500
II.H. - Maintenance & Repairs of Equipment - Labor		District
1	Laboratory certifications, etc.	2,000
2	Contingencies, tires, tune-ups, oil changes, repairs	2,000
3	Vehicle washing, etc.	1,200
4	Transportation/Installation of short-term monitors	1,200
5	Safety respiratory screen	1,200
M&R-Labor		7,600
II.I. - Maintenance & Repairs of Equipment - Materials		District
1	TEOM & Partisol Parts	3,000
2	Laboratory and QA Equipment	2,500
3	General Equipment Parts, Batteries, Expenses	2,000
4	Sensit Network	-
M&R-Materials		7,500
II.K. - Professional & Special Services		District
1	Board Stipend	700
2	Board Stipend - Hearing Board	800
3	Payroll & Financial Software Support	1,200
4	Human Resources Consulting	600
5	Independent Fiscal Auditor	1,500
6	Fiscal Services & Consulting	750
7	Inyo Co. Auditor: Fiscal Support	750
8	Inyo Co. Counsel: Legal	2,100
9	Janitorial Services: Bishop & Keeler	1,500
10	Respiratory Testing	500
11	USC: Landscape Architecture	-
12	Consulting Services: IT, Data Mgmt, Web	450
13	Air Monitoring Consulting Services	1,500
14	Legal Services: General	-
15	Environmental Consulting	-
16	Owens Lake Air Quality Modeling Consulting	-
17	Dust Compliance Measurement & Enforcement Consulting	-
18	Dust Compliance Measurement & Enforcement: Satellite Imagery	-
19	Owens Lake History & Science Consulting	-
20	Owens Lake Water Simulation: Model Update Consulting	-
Professional & Special Services		12,350

FY 2011-2012 DETAILS

TABLE 2

II.N. - Utilities		District
1	Electric/Water/Gas/Trash	2,500
2	Communications/Internet/Telephone	3,000
3	Cell Phones	750
Utilities		6,250

II.O. - Project Demonstration: Control Measure Testing		District
1	Permitting	-
2	Straw Bales & Labor	-
3	Plant Materials & Propagation	-
4	Equipment & Instrumentation: Sensits & Met	-
5	Control Effectiveness Consulting	-
6	Plant and Remote Sensing Consulting	-
Control Measure Testing		-

III.A. - Equipment: Scientific, Computer, Office, Furniture(>\$5k)		District
1	Replacement PM Filter Monitors, @\$18,000 ea.	-
2	Backup TEOM Replacement, @\$36,000 ea.	-
3	Off-grid TEOM system - Mono Shore	-
4	Mono Network Upgrades	-
5	Owens Lake PM Monitoring Network Upgrades	-
6	Replacement Lab Temp/RH Control System	-
Equipment (>\$5k)		-

III.B - Vehicles & ATVs		District
1	Replacement Vehicles (Capital Expenditure Fund Reserves)	7,000
2	Replacement ATVs	-
		7,000

TABLE 3

Adopted 05.24.2012

FY 2012-13 DISTRICT BUDGET

REVENUE	2011-12	2012-13	% change
I. Fees, Permits & Penalties			
A. AB2588 - Toxic Hot Spots	6,000	4,000	-33.33%
B. Conservation Mgmt Plan/Prescribed Burning	7,000	6,000	-14.29%
C. Geothermal	283,500	300,000	5.82%
D. Hearing Board	500	500	0.00%
E. Initial Permit Fees (FF, ATC, Mods)	21,000	26,000	23.81%
F. Penalties & Late Fees	10,000	8,000	-20.00%
G. Sources (Asbestos, Diesel, Fuel, Electric, PERP)	95,000	108,000	13.68%
H. Service Station Vapor Recovery	14,000	14,000	0.00%
Fees, Permits & Penalties	437,000	466,500	6.75%
		29,500	
II. Other Revenue			
A. Air Monitoring Audits	500	500	0.00%
B. Interest	5,000	4,000	-20.00%
C. Per Capita Fee (\$17,000 waived by Board)	0	0	0.00%
D. Sales, Services, Fees, Rebates & Refunds	2,000	2,000	0.00%
E. State Subvention (3 counties)	132,000	138,000	4.55%
F. Town of Mammoth Lakes (Air Monitoring)	25,000	15,000	-40.00%
Other Revenue	164,500	159,500	-3.04%
		-5,000	
FY 2012-13 TOTAL DISTRICT REVENUE			
	601,500	626,000	4.07%
		24,500	
EPA 105 Grant (Restricted)	73,558	73,558	
EPA NCore Grant (Restricted)	0	0	
EPA PM2.5 (Restricted)	25,100	25,100	
General Fund Reserves Balance as of March 31, 2012		611,837	

TABLE 4

Adopted 05.24.2012

FY 2012-13 DISTRICT SPECIAL FUND ACCOUNTS (Non-SB270)

Limited & Irregular Expense Activity	2011-12	2012-13	
			Total
Owens Lake Trust	Year 1	Year 2	
Professional & Special Services			
Keeler Dunes EIR: Sapphos Environmental	338,783	212,700	
Keeler Dunes Consulting: DRI	25,000	35,000	
Keeler Dunes Air Photos & Consulting: HydroBio	-	25,000	
Keeler Dunes Equipment, Supplies, Seed Collection	-	6,000	
Expenses under this project are expected to end during FY 12-13	363,783	278,700	642,483
Clean Air Projects Program	Year 1	Year 2	
Projects			
IMACA	500,000	-	
Inyo County Keeler Road	125,000	-	
Block Grants	339,230	-	
Other (TBD)	-	4,560,770	
Administration	180,000	100,000	
Expenses under this fund are expected to end during FY 13-14	1,144,230	4,660,770	5,805,000
FY 2012-13 TOTAL DISTRICT SPECIAL FUND ACCOUNTS	1,508,013	4,939,470	6,447,483

TOTAL GBUAPCD BUDGET

FINAL

Adopted 05.24.2012

FY 2012-13 DISTRICT AND SB 270 BUDGET			
	11-12	12-13	% Change
DISTRICT			
I. Employee Costs	483,000	513,000	6.21%
II. Operating & Compliance	110,700	106,000	-4.25%
III. Materials & Equipment	7,800	7,000	-10.26%
IV. Special Fund Account: Owens Lake Trust	363,783	278,700	-23.39%
Total District	965,283	904,700	-6.28%
		(60,583)	
V. Clean Air Projects Program (CAPP)	1,144,230	4,660,770	
Not included in District total due to the special limited nature of project.			
SB 270 FEE			
I. Employee Costs	2,853,000	2,872,000	0.67%
II. Operating & Compliance	1,423,000	949,350	-33.29%
III. Materials & Equipment	204,000	10,000	-95.10%
Sub-Total SB 270 Fee	4,480,000	3,831,350	-14.48%
		(648,650)	
IV. Legal Fee Assessment	250,000	1,000,000	300.00%
	Unpaid	750,000	
Total SB 270 Fee	4,730,000	4,831,350	2.14%
		101,350	
Less Reserve Policy Credit	-	(212,036)	-
SB 270 Fee Due	4,730,000	4,619,314	-2.34%
		(110,686)	
TOTAL DISTRICT AND SB 270 BUDGET			
	5,695,283	5,524,014	-3.01%



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211

BOARD REPORT

Mtg. Date: July 19, 2012

To: District Governing Board

From: Theodore D. Schade, Air Pollution Control Officer

Subject: Letter to the California Air Resources Board regarding the Truck and Bus Diesel Regulations

At the Board's May 24, 2012 meeting, it held a workshop on California diesel regulations and heard from Mr. Tony Brasil from the California Air Resources Board (CARB) regarding the state Truck and Bus Regulation. After a discussion on the impact of the requirements on District businesses and government agencies, the Board directed the Air Pollution Control Officer to send a letter to CARB summarizing the District's concerns. The letter is attached.

Staff Recommendation

No action. Information only.

Attachment:

July 5, 2012 letter to the California Air Resources Board regarding state Truck and Bus Regulation

1012131



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 E-mail: tschade@gbuapcd.org

July 5, 2012

Mr. James N. Goldstene
Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Subject: Impact of Truck and Bus Regulation on California's Eastern Sierra

Dear Mr. Goldstene:

On May 24, 2012 the Great Basin Unified Air Pollution Control District Governing Board held a workshop regarding the California Air Resources Board's Truck and Bus Regulation (13 CCR section 2025). The Board would like to thank Mr. Tony Brasil from CARB's Mobile Source Control Division for his presentation to the Board, as well as for his patience and understanding of the situation faced by District businesses and government agencies.

Based on concerns voiced by District business owners and the government agencies that make up the District Board (Alpine, Inyo and Mono Counties and the Town of Mammoth Lakes), the Board believes it is important for CARB to understand the impact of the Truck and Bus Regulation on Eastern Sierra businesses and governments. The Great Basin Air Pollution Control District encompasses three of California's most rural counties. The District is nearly 14,000 square miles in size (larger than the nine smallest U.S. States, up to and including Maryland), yet it has a population of less than 34,000 people. Although District residents are subjected to some vehicular air pollution, our low population density and lack of any high-traffic transportation corridors (there are no interstate highways or railroad tracks within the District), mean that diesel emissions air pollution is simply not a significant threat to our air quality. As you know, Great Basin's air quality challenges are different, if not unique, from the challenges faced by other air pollution control agencies in the state. Although much of the District enjoys excellent air quality, anthropogenic fugitive dust emissions, winter wood-heating smoke and icy road traction-control cinder dust are the air pollution sources that prevent some areas of the District from being in attainment with the state and federal air quality standards. Diesel emissions are not a meaningful component of the air quality problems we face.

Because of the District's rural character and the lack of significant diesel emissions air pollution, the Governing Board is concerned about the impacts of the Truck and Bus Regulation on the economic viability of our small businesses and government agencies. The current poor financial

conditions, which have hit our tourist-based economies especially hard, will make it difficult or impossible for many District businesses and all government agencies to comply with the Regulation. This could mean the closing of important local businesses and the loss of important government services.

The Great Basin APCD is home to the highest, lowest, hottest and, sometimes, coldest public roads in the state. There is concern among our fleet operators regarding the ability of the currently-available required diesel particulate filters (DPFs) to function at the high altitudes and extreme temperature conditions found within the District. The District believes CARB should require equipment manufacturers to test their devices in the extreme environments found in our District. Devices that work in Los Angeles, the Bay Area and Sacramento could have operational and maintenance difficulties in our remote areas and extreme conditions.

CARB's certification and subsequent decertification of some of the DPFs makes it very difficult for small fleets to make the best possible economic decisions. Owners that purchased devices that subsequently lost certification have spent hard-earned money on devices that now do not work and could find themselves in violation of the Regulation, through no fault of their own. These owners must receive some relief.

Because the District is home to only small fleet owners and operators, they are sometimes confused by the current requirements, reporting obligations and the status of certified devices. In addition, these owners/operators may be unaware of any technical or financial assistance that may be available to them. Both advance and ongoing outreach, specifically targeted to our remote, rural communities, is important if CARB expects the fleets in these areas to comply with the Regulation.

The Great Basin Governing Board asks CARB to take the following actions to assist District diesel fleet owners and operators in complying with the Truck and Bus Regulation:

- Designate Inyo and Mono Counties as NOx exempt areas. This will give local fleet owners additional time to comply with the Regulation. Although CARB designated Great Basin's Alpine County as a NOx exempt county, there is no justification for not including Inyo and Mono Counties on the exempt list. Their diesel emissions are certainly far less than those in most of the other exempt counties.
- Consider a Regulation modification that would provide for "compliance by attrition" for rural small businesses and government agencies. New equipment should certainly comply with the Regulation, but rural businesses and governments often have equipment that they are forced by economics to keep for many years. Wholesale fleet changeovers cannot occur within the decade or so provided in the Regulation. They need more time.
- Support efforts to secure financial assistance in the form of grants and low-interest loans to assist small business owners and small government agencies with the cost of compliance.
- Provide targeted outreach to assist fleet owner/operators and make them aware of both the requirements and any available assistance.
- Commit to more rigorous testing of control devices. Assume that operators in remote rural areas with both extreme operating conditions and reduced maintenance budgets are

going to be harder on their equipment than large-fleet operators in urban areas. The devices should be designed for more demanding conditions.

- Provide longer-term relief and/or financial assistance to fleets that tried to do the right thing and ended up with uncertified or poorly operating equipment.

The District appreciates everything the Air Resources Board is doing to clean California's air. We only ask that it remember California's rural areas face different needs and challenges from the state's more populated areas. Please let us know if we can be of any assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.D. Schade".

Theodore D. Schade, P.E.
Air Pollution Control Officer

Mary Nichols, CARB Board Chair
Erik White, CARB Mobile Source Control Division
Judith J. Friedman, CARB Compliance Assistance and Outreach
Tony Brasil, CARB Heavy Duty Diesel Implementation
Lee Brown, California Construction Trucking Association

1207051



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: July 19, 2012

To: District Governing Board

From: Tori DeHaven, Board Clerk

Subject: Travel Report

Summary –

Ted Schade Duane Ono Shirley Ono Phill Kiddoo Grace Holder Nik Barbieri Chris Lanane	June 14 – 16	CARB Hearing	Sacramento, CA
Chris Howard	June 18 - 23	AWMA*	San Antonio, TX

*Air & Waste Management Association

BOARD ACTION

Information only.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

www.gbuapcd.org

BOARD REPORT

Mtg. Date: July 19, 2012

Date Prepared: July 6, 2012

To: District Governing Board

From: Shirley Ono, Administrative Projects Manager

Subject: Contracts Less than \$10,000 or Otherwise Within the APCO's Authority

The District's purchasing, bidding and contracting policy allows the Air Pollution Control Officer (APCO) to execute leases, contracts and purchase orders for consultant and contractor services when the value is less than or equal to \$10,000. The APCO can also execute contract change orders when the value of the change order is less than 10% of the contract price or \$25,000, whichever is less. The policy requires the APCO to inform the Board of all such contracts or leases at the Board's next meeting.

Since the Board's last regular meeting, the APCO has executed the following leases, consultant and contractor contracts or contract amendments:

-None to report.

BOARD ACTION - Information only.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211

BOARD REPORT

Mtg. Date: July 19, 2012

To: District Governing Board

From: Theodore D. Schade, Air Pollution Control Officer

Subject: Air Pollution Control Officer's Update

Because of a large amount of Owens Lake activity and the other issues previously addressed for this meeting, this APCO report focuses exclusively on Owens Lake.

2011 Supplemental Control Requirements Determination (Phase 9 Dust Control Project)

As discussed previously with the Board, the Los Angeles Department of Water and Power (LADWP) objects to the APCO's final 2011 Supplementary Control Requirements Determination (SCRD) issued on November 18, 2011. This determination used data collected during the four-year period between July 1, 2006 and June 30, 2010. In December 2011, the LADWP appealed to the California Air Resources Board (CARB) the final determination that PM₁₀ controls are required on 2.86 additional square miles of emissive Owens Lake bed.

After six months of preparing administrative records, briefs, responses and staff reports, the appeal hearing was held on Friday, June 15, 2012 at CARB headquarters in Sacramento. Seven District staff, our modeling consultant and our attorney attended for the District. The hearing was very well-organized and conducted. CARB staff fully supported the District's position that additional controls are required on the lake bed. The Hearing Officer was CARB Executive Officer James Goldstene. Mr. Goldstene asked the District and the LADWP to submit proposed "Findings of Fact and Conclusions of Law" by July 10. Mr. Goldstene will subsequently issue a written decision. The written transcript of the hearing is available on the CARB's website at:

<http://www.arb.ca.gov/board/mt/2012/mt061512.pdf>. If either party is unhappy with the results of the hearing, it can file a lawsuit challenging the determination.

Board-Ordered SB 270 Fees

Associated with the 2011 SCRCD and also discussed with the Board at previous meetings, is the matter of SB 270 fee assessments to the LADWP for District costs. At its December 5, 2011 meeting, the Board issued a fee order to the LADWP for \$250,000 to cover District legal costs associated with defending and enforcing the 2011 SCRCD. The Board Order gave the LADWP until January 4, 2012 to pay the fee.

The LADWP did not pay the Board-ordered fee. Instead, the LADWP attempted to file an appeal with the CARB on January 4 objecting to the fee order. (The District contends the LADWP missed the 30-day deadline for filing with the state Board. The CARB will consider the LADWP's fee appeals at a later date.) On January 9, 2012 the APCO issued a Notice of Violation (NOV) to the LADWP for failure to comply with the District Board order. Failure to comply with any District Board order is subject to penalties of \$10,000 per day. Potential penalties are nearly \$2 million.

On May 24, 2012, the Governing Board issued the LADWP two fee orders for the District's fiscal year 2012-2013 costs. The first fee order in the amount of \$3,831,350 is for the District's routine operating costs associated with controlling the air pollution caused by LADWP's water-gathering activities. The second fee order in the amount of \$787,964 is for the District's anticipated legal costs associated with enforcing and defending air pollution requirements imposed on the LADWP. The District Board reduced the staff-recommended legal costs fee from \$1.2 million to \$1.0 million and then applied a \$212,036 credit from District reserves, lowering the amount due to \$787,964. The fees were due on July 2, 2012.

LADWP appealed both fees to the CARB on June 22, 2012. No reason was given for the appeals. On July 2, 2012 the District received partial payment on the \$3.8 million fee (the fee was short by \$103,200) and it received no payment on the legal costs fee. The LADWP stated in an email dated the same day:

...LADWP disputes the District's charge for \$103,200 in fiscal year 2012-2013 SB270 Fee Assessment. LADWP believes that this charge is for dust control studies and tests on the Keeler Dunes, where LADWP has no legal responsibility to control dust emissions...

...LADWP respectfully finds that the special legal assessment of \$787,964 for legal services to be unreasonable and outside the provisions of CHSC §42316...

...LADWP questions whether the District routinely improperly charges LADWP for general governmental expenses in its annual budgets. LADWP will seek a legally-binding determination of its financial responsibilities under CHSC §42316...

On July 2, 2012, after the fees were not paid, the APCO issued two NOV's to the LADWP for violating Health and Safety Code section 42316 (SB 270) and for violating orders issued by the Governing Board. Failure to comply with the Board orders is subject to penalties of \$10,000 per day per NOV.

Previous court cases (Superior and Appellate) found that the LADWP must "pay first, then appeal" all SB 270 fee orders they believe are unreasonable. As the LADWP did not pay the Board-ordered fees, on July 3, 2012, the District filed a motion with the CARB to dismiss LADWP's appeals. As of the date of this report (July 9), CARB has not responded to the District's motion.

2012 Supplemental Control Requirements Determination

The 2008 Owens Lake State Implementation Plan requires the APCO to issue annual determinations as to the need for additional dust controls on the Owens Lake bed. Although the 2011 SCRDP is still

being contested by the LADWP, this does not obviate the APCO's legal responsibility to issue a 2012 SCRD. On June 18, 2012, the APCO issued the 2012 SCRD. It requires the LADWP to deploy controls on an additional 0.76 square mile of lake bed. This is in addition to the 2.86 square miles in the 2011 SCRD. The 2012 SCRD uses data collected during the one-year period between July 1, 2010 and June 30, 2011. This comparatively small SCRD area would seem to indicate that we are reaching a limit to the total area on the Owens Lake bed that will ultimately require controls. The LADWP has until August 19, 2012 to submit an alternative analysis of the District's data.

Dust Control Measure Testing

The LADWP is conducting a test of soil tillage as a possible approved dust control measure on the lake bed. The test is taking place on a one-third square mile area on the central portion of the lake bed known as T12-1. The test is being conducted as part of the Phase 7a project under the provisions of the Board's March 2011 Stipulated Order for Abatement. Both the District and the LADWP have agreed on the test data collection and analysis protocols. The till test site continues to only be partially (~60%) tilled.

Phase 7a Dust Control Project

LADWP continues to work on implementing the Phase 7a project. This is the 3.1 square miles of new controls and 3.0 square miles of transitioned controls provided for in the Board's March 2011 Stipulated Order for Abatement. The LADWP is planning to install a hybrid mix of all three approved control measures (flooding, vegetation and gravel) in five separate subareas. Recent archaeological finds in some of the control areas could cause the project to be delayed and/or reconfigured. District staff has met with LADWP staff, archaeologists and tribal representatives to develop project options. We will continue to meet with LADWP in an attempt to keep the Phase 7a project on schedule.

Phase 8 Dust Control Project

The Phase 8 gravel project on two square miles of emissive lake bed is nearly complete. The project deadline is November 6, 2012 and the District has every confidence the LADWP's contractor, Barnard Construction, will meet the deadline. The gravel is very effective at controlling emissions, uses no water and has virtually no visual impact once it is in place. The District made a determination in the mid-1990s that, over time and considering the cost of water, gravel is the most cost-effective control measure.

Channel Area

As part of the 2006 Settlement Agreement and 2008 SIP, the District provided for the LADWP to control an area of about 0.5 square mile on the lake bed known as the "Channel Area" using non-BACM controls. This is the area on the south end of the lake bed where Cartago Creek sometimes flow toward the brine pool. Although the Channel Area was to have APCO-approved controls in place by April 2010, effective approved controls have yet to be deployed. Over the last year, District and LADWP staff have developed a mutually agreed upon path forward. LADWP has agreed to deploy an above-ground temporary sprinkler system to establish vegetation on the area. LADWP requested and received a variance form the Hearing Board for early turn-off of their pulse flows to

dry the site for construction. Construction is underway and District staff expects the controls to be in place sometime this summer.

Owens Lake Master Plan

There has been no District involvement in the Owens Lake Master Plan since February. The draft plan is undergoing revision by the LADWP.

Visit from U.S. EPA Region 9 Administrator

On July 5 and 6, Jared Blumenthal, the Regional Administrator for EPA Region 9 (the southwest and Hawaii) visited Mono County and the Owens Valley. He met with Mono Lake Committee staff, representatives from Owens Valley Indian Tribes and the District APCO. Mr. Blumenthal toured Mono Lake with the Mono Lake Committee, Owens Lake with Lone Pine Tribal representatives and the Bristlecone Pine Forest with Inyo National Forest staff. He seemed very interested in our air quality issues.

Staff Recommendation

Based on the information presented, the Board may take action as it determines appropriate.

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