

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

INITIAL STUDY/ENVIRONMENTAL CHECKLIST

A. PROJECT BACKGROUND INFORMATION

1. Project Title:

Amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters)

2. Lead Agency Name and Address

San Joaquin Valley Unified Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno CA 93726

3. Contact Person:

Rule: Mr. Tom Jordan, Senior Planner
(559) 230-5800

CEQA: Mr. Hector R. Guerra, Senior Planner
(559) 230-5800

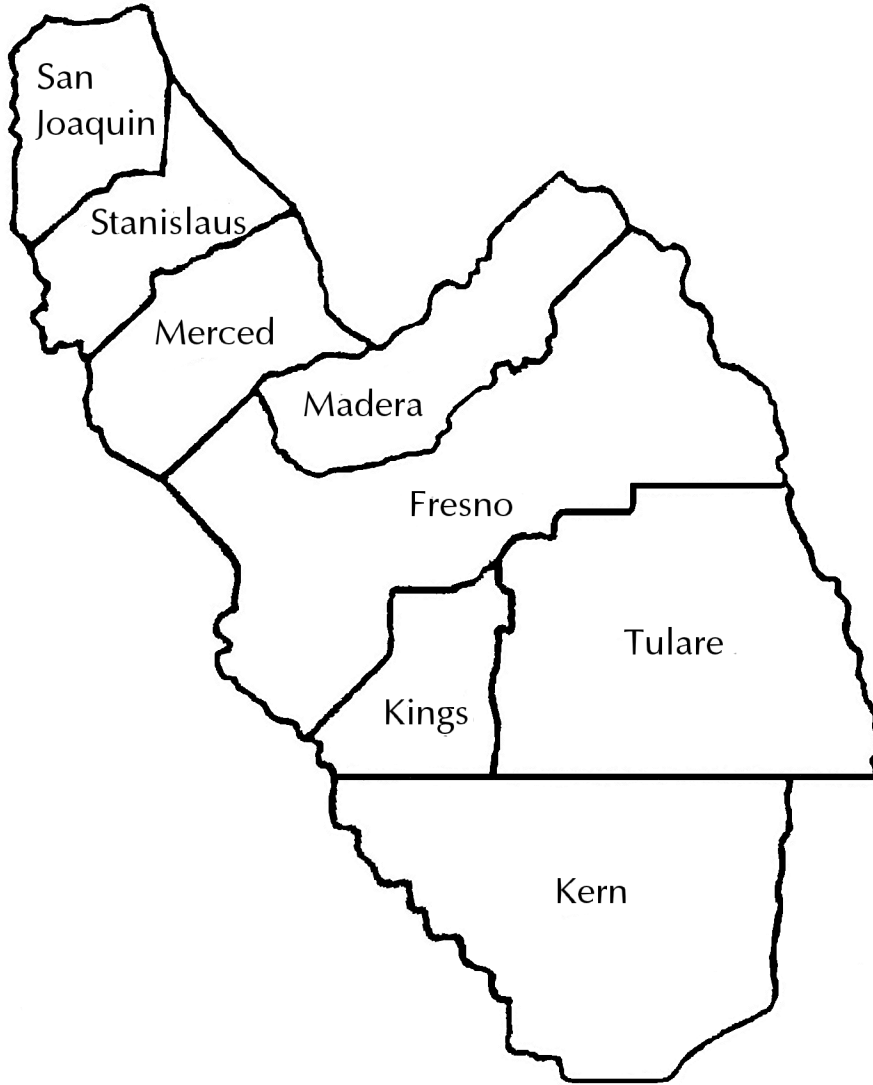
4. Project Location:

Rule 4901 applies to all wood burning fireplaces and wood burning heaters located within the boundaries of the San Joaquin Valley Unified Air Pollution Control District (see Exhibit 1, Map of District Boundaries).

5. Project Sponsor's Name and Address:

San Joaquin Valley Unified Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno CA 93726-0244

Exhibit 1
San Joaquin Valley Unified air Pollution Control District Boundaries



6. Project Description

Background

On March 11, 2002 the United States Environmental Protection Agency (USEPA) issued a limited approval and limited disapproval for Rule 4901 (Residential Wood Burning). Rule 4901 (Residential Wood Combustion) is the San Joaquin Valley Unified Air Pollution Control District's (Air District or District) rule to limit the amount of emissions released during the burning of wood in fireplaces, stoves, and pellet-fueled heaters, all cumulatively called "wood burning devices". The proposed amendments to Rule 4901 are intended to remedy the rule's deficiencies identified by USEPA and to make Rule 4901 fully approvable by USEPA. The limited approval/ limited disapproval has started a series of 18-to-24- month sanctions clocks beginning March 11, 2002. During this time, the District must correct these deficiencies and then submit and have approved a SIP version of the Rule for USEPA before the first sanction clock ends on September 11, 2003.

The amended version of Rule 4901 is intended to implement Best Available Control Measures (BACM) as required by the Federal Clean Air Act. The San Joaquin Valley Air Basin (SJVAB) is classified as a serious PM10 non-attainment area for the health-based air quality standard established by the federal Clean Air Act. The serious PM10 classification is the worst category and indicates that the SJVAB has one of the nation's most severe particulate matter problems. The SJVAB is also classified as non-attainment for the California PM10 standard. The reductions from Rule 4901 are necessary to allow expeditious attainment of the federal PM10 standard, (CAA Section 172 (c)).

Rule 4901 applies to all wood burning fireplaces and wood burning heaters within the boundaries of the San Joaquin Valley Unified Air Pollution Control District. District staff proposed control measures modeled after measures implemented in other Districts and in response to deficiencies specified by USEPA. EPA specifically noted that Rule 4901 is deficient in three areas, 1) the lack of mandatory curtailment on high pollution days (also called "episodic" days); 2) the lack of a requirement to limit the number of fireplaces and wood burning devices per acre in new residential developments; and 3) the lack of a requirement for fireplaces or woodstoves to have EPA-certified Phase II standards upon property sale or transfer. Controls on wood burning will also result in substantial reductions in carbon particles particularly in urban areas with high concentrations of wood burning devices.

7. Other Agencies Whose Approvals Are Required and Permits Needed:

No other agencies have discretionary authority over this project.

8. Project Compatibility with Existing Zones and Plans:

Not applicable to this project.

9. Name of Person Who Prepared Initial Study:

Hector R. Guerra
Senior Air Quality Planner

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated", as indicated by the checklist on the following pages.

- | | | | | | |
|-------------------------------------|-------------------------------|--------------------------|------------------------------------|--------------------------|------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture Resources | <input type="checkbox"/> | Air Quality |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology/Soils |
| <input checked="" type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology/Water Quality | <input type="checkbox"/> | Land Use/Planning |
| <input checked="" type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Population/Housing |
| <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation | <input type="checkbox"/> | Transportation/Traffic |
| <input type="checkbox"/> | Utilities/Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance | | |

C. DETERMINATION

I certify that this project was independently reviewed and analyzed and that this document reflects the independent judgment of the District.

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature: _____ Date: _____

Printed name: Hector R. Guerra
Title: Senior Air Quality Planner

D. ENVIRONMENTAL IMPACT CHECKLIST

Explanations of all answers on the check-off list are located in Section E.

	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
I. AESTHETICS Would the proposal:				
a) Affect a scenic vista or scenic highway?				X
b) Have a demonstrable negative aesthetic effect?				X
c) Create light or glare?				X
II. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X

- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
			X
			X
			X
			X
			X
			X
			X
			X
			X
			X

	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY/SOILS Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
VII. HAZARDS & HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions				X

	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY/WATER QUALITY Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in				X

	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
substantial erosion or siltation on- or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
IX. LAND USE/PLANNING Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

XI. NOISE Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
			X
			X
			X
			X
			X
			X
XII. POPULATION/HOUSING Would the project:			
			X
			X
			X

	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES/SERVICE SYSTEMS Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less Than Significant Impact	No Impact
			X
			X
			X

E. ENVIRONMENTAL IMPACT CHECKLIST COMMENTS

The District conducts CEQA review on each rule during the rule development process at which time a better idea of the methods of compliance is known. The discussion of impacts provided below reflects the general level of knowledge now available.

I. Aesthetics

The proposed amendments are not expected to adversely affect or change land use in the District nor require any changes in the physical environment that would obstruct any scenic vistas or views of interest to the public. The amendments would not create aesthetically offensive sites visible to the public. No significant adverse aesthetic or recreation impacts are expected from the proposed amendments to the Rule.

II. Agriculture Resources

Adoption of the amendments to the Rule would not lead to the conversion of prime or unique farmland to non-agricultural use. The Rule will not conflict with existing zoning for agricultural use, or Williamson Act contract.

III. Air Quality

The San Joaquin Valley Air Basin is classified as serious non-attainment area for the health-based air quality standards established by the federal Clean Air Act. The serious PM10 classification is the worst category and indicates that the SJVAV has one of the nation's most severe air pollution problems. The proposed amendments to Rule 4901 will result in a reduction in emissions and are necessary to allow expeditious attainment of the federal PM10 standard, (CAA section 172(c)).

IV. Biological Resources

Adoption of Rule 4901 is not expected to adversely affect existing plant or animal species or communities, unique or endangered plant or animal species, or agricultural crops. No additional significant adverse impacts to biological resources will be affected because biological resources are already disturbed or existing where Rule 4901 will be implemented.

V. Cultural Resources

As previously noted, any effects from implementing the strategies contained in the Rule will occur at existing sites or areas designated for development. As a result, significant impacts to cultural resources are not expected by the amendments to the Rule because it will not require the destruction or disturbance of existing buildings or sites with prehistoric, historic, archaeological, religious, or ethnic significance. The amendments to the Rule are not anticipated to result in any activities or promote any programs that would have a significant adverse impact on cultural resources within the District.

VI. Geology and Soils

There are no provisions in the Rule that would call for the disruption or over-covering of soil, changes in topography or surface relief features, the erosion of beach sand, or a change in existing siltation rates. Amendments to the Rule would not increase the exposure of people or property to geologic hazards, fault rupture, seismic ground shaking, seismic ground failure, seiche, tsunami or volcanic hazard.

VII. Hazard & Hazardous Materials

The Rule would not interfere with an emergency response plan or an emergency evacuation plan. There is no risk in creating any health hazard or potential health hazard. The levels of exposure to carbon monoxide due to increased natural gas usage would be cause not impact. Carbon monoxide(CO) is a byproduct of wood combustion so the Rule would eliminate CO from this source and the additional use of natural gas would result in no net increase of CO. The Rule would not result in increased exposure of people to existing sources of potential health hazards or increased fire hazard in areas with flammable brush, grass, or trees.

VIII. Hydrology/Water Quality

Rule 4901 would not require the use of water. Therefore, there is no expected adverse impact on existing water resources or the need to explore new water resources in the San Joaquin Valley.as a result of adopting Rule amendments.

IX. Land Use/Planning

The proposed amendments to the Rule have no characteristics that would directly change land use, zoning or land use plans or directly affect the land use classification, or location criteria of any public or private residential, commercial, industrial, or public land use facility. The present or planned land uses in the region will not be affected as a result of the proposed amended rule. The density limit requirement will not change any future or existing land use plans.

X. Mineral Resources

The Rule would not affect the availability of any energy or mineral resource. There are no provisions in the Rule that would either conflict with adopted energy conservation plans or result in the use of non-renewable resources in a wasteful and inefficient manner nor result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State. There would also not be a substantial change in use of renewable or non-renewable energy and mineral resources. There may be very minor increases in the use of natural gas that could occur due to the rule, but the potential increases would be less than significant.

XI. Noise

The implementation of Rule 4901 is not expected to result in significant noise impacts. The noise associated with installation or removal of a wood -burning device would have no adverse effect.

XII. Population/Housing

The amendments to the Rule would not result in the creation of any industry that would affect population growth, or directly or indirectly induce the construction of single- or multiple-family units. No population relocation or growth inducement is expected from the amended rules implementation.

XIII. Public Services

Rule amendments would not result in impacts to fire and police protection services. Existing schools and park or other recreational facilities would not be impacted by the adoption of the Rule.

XIV. Recreation

Adoption of the Rule would not adversely affect recreational facilities or resources in the District. These conclusions are based on the fact that any physical changes would occur at existing residential and commercial sites. No significant adverse aesthetic or recreation impacts are expected, from the proposed amendments to the Rule.

XV. Transportation/Traffic

Adoption of the Rule will not result in increased vehicle trips or traffic congestion upon public paved roads, hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) nor will the rule conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks).

XVI. Utilities/Service Systems

The implementation of some provisions contained in the Rule may result in additional energy use. The level of increased energy use would not cause a considerable demand or increase in services. The increase in demand for natural gas would not result in substantial alterations to utility systems. Therefore, adoption of amendments to the Rule would not result in any demand for new utilities or service systems, or result in any substantial demand on existing sources.

XVI. Mandatory Findings of Significance

- a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. The project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.
- c. The project does not have impacts which are individually limited, but cumulatively considerable.
- d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

F. SOURCES

San Joaquin Valley Unified Air Pollution Control District. *Draft 2003 PM10 Plan*, March 2003.

San Joaquin Valley Unified Air Pollution Control District. *Draft Staff Report for Amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters)*.

San Joaquin Valley Unified Air Pollution Control District CEQA staff: Dave Mitchell, Air Quality Planning Manager and Hector R. Guerra, Senior Air Quality Planner.

G. CONSULTATION NOTICE FOR PREPARATION OF INITIAL STUDY
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59 cities within District Boundaries (Planning Directors)

Eight Counties within District Boundaries (Planning Directors)