

MINUTES OF THE
SPECIAL MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
April 21 and 22, 2010

The meeting was held on Wednesday and Thursday, April 21 and 22, 2010, in the Hearing Room located at 2005 Evergreen Street, Sacramento, California, commencing at 1:00 P.M. with the following members constituting a quorum:

Cris Arzate, President
Jean Melton, Vice President
Bill Morris
Cliff Utley

Board members Luis Agurto, Sr. and Terrell Combs-Feirriera were not present.

Board staff present:

Kelli Okuma, Executive Officer
Susan Saylor, Assistant Executive Officer
Bill Douglas, Chief Enforcement Officer
Ronni O'Flaherty, Office Technician

Departmental staff present:

Kurt Heppler, Legal Counsel

Board Liaison, Deputy Attorney General, Rene Judkiewicz was also in attendance.

ROLL CALL

Ms. Saylor read the roll call.

REINSTATEMENT HEARINGS

The Board sat with Administrative Law Judge Joann I. Eshelman to hear the Petition for Reinstatement of Adrian Tejada, Field Representative License No. 18275. The petitioner was informed that he would be notified by mail of the Board's decision.

CLOSED SESSION

The Board adjourned to closed session to consider proposed disciplinary actions in accordance with subdivision (c) (3) of section 11126 of the Government Code.

The meeting recessed at 3:10 P.M.

The meeting reconvened Thursday, April 22, 2010 at 9:00 A.M.

ROLL CALL

Ms. Saylor read the roll call.

FLAG SALUTE

Ms. Melton led everyone in the flag salute.

RESEARCH GRANT PRESENTATIONS ON EVALUATION OF CHEMICAL LOCALIZED TREATMENT FOR DRYWOOD TERMITE CONTROL AND DEVELOPING BAITS FOR THE CONTROL OF YELLOWJACKETS IN CALIFORNIA

Dr. Michael Rust, University of California, Riverside, presented research updates on evaluating chemical localized treatments for drywood termite control, and on developing baits for the control of yellowjackets in California.

After the presentation, questions were taken from the Board and the audience.

Ms. Okuma and Mr. Arzate presented Mr. Morris and Ms. Melton with gifts to thank them for their service as members of the board.

Mr. Morris stated that it was an honor to serve the people of the State of California for many years. He acknowledged his fellow Board members and the Structural Pest Control Board staff, extending his gratitude and appreciation for their support, respect, and commitment to their mission. Mr. Morris further extended his acknowledgement to the industry for the respect, professionalism, and commitment that they have shown. He specifically thanked Harvey Logan, Larry Musgrove, Curtis Good, Darrell Ennes, John Van Hooser, Michael Katz and the many industry members who have spent countless hours and frustrations at committee and Board meetings. Mr. Morris stated that he believes that the industry is sound at this time, relatively healthy, and is in good hands because of the aforementioned people; however, the industry needs to be fairly and firmly

regulated to enforce compliance and safety to ensure continued success and growth. He expressed concern that the mission of the Board and its departments are not compromised in the future.

EXECUTIVE OFFICER'S REPORT

Ms. Okuma reported on the following:

- Dennis Patzer is leaving the Board and has accepted a position in the Enforcement Division of the Dental Hygiene Committee within the Department of Consumer Affairs.
- Mr. Patzer has completed linking licensing actions, accusations and decisions to the website under the license look-up feature. Persons and companies with cancelled licenses and registrations have been removed from the website; therefore, if licensing action has been taken against that individual or company, it will not appear on the web license look-up.
- The Department of Pesticide Regulation (DPR) is working on extending the current agreements and contracts with the Department of Consumer Affairs (DCA) for DCA to continue providing certain services for the Board.
- DPR is working with the Employment Development Department (EDD), the department that prints the Board's licenses and renewal applications, to change the logo on Board forms and licenses from DCA's logo to DPR's logo.
- Functions that relate to computer systems such as cashiering and applicant tracking will be tied into an interagency agreement between the Department of Pesticide Regulation and the Department of Consumer Affairs, currently being drafted.
- DPR has indicated that the Board will not be permitted to maintain a cash fund.
- The Department of Pesticide Regulation has expressed concern that the Board is in a position to overspend its budget. Documentation was provided showing the Board's current budget projects a \$500,000 surplus for this fiscal year.
- At the Board's direction, staff prepared legislative amendments that would allow for computer based testing, make changes relating to unconstitutional language for exemptions from licensure, and require preconstruction termite notification. The aforementioned proposals were submitted to the Senate Committee on Business and Professions and to the Department of Pesticide Regulation, which resulted in an un-backed spot bill. Said proposals needed

additional work before the Department of Pesticide Regulation would consider support, so staff will be working on these for the next legislative year.

- A few items on the agenda today may be directed to public hearing. The processes of the Board differ from those of the Department of Pesticide Regulation. Under the Department of Consumer Affairs, the notice for public hearing is filed with the Office of Administrative Law simultaneously with submission of documentation to be signed off by control agencies. The Department of Pesticide Regulation's process is that the Board must have approval from the Air Resources Board as the control agency prior to noticing a subject for public hearing. While the Board may direct staff to notice a matter for public hearing during this meeting, the date of the hearing will be delayed due to the need to obtain control agency's approval through the Department of Pesticide Regulation's process.
- At the last Board meeting, \$250,000 in funds was authorized for research projects on bed bugs. The Department of Pesticide Regulation informed Ms. Okuma that because the current Memorandum of Understanding with the Department of Consumer Affairs states that the Department of Consumer Affairs will provide contract services for the Board through July 1, 2010, the Department of Pesticide Regulation will begin processing the contract after that date.

Ms. Okuma reviewed pending legislation:

- AB 1736 – Fumigation Enforcement Program: Requires the Department of Pesticide Regulation to oversee the program and extends the programs sunset provision. The Board issued a letter of support to Assembly Member Ma. This bill is on the assembly consent calendar.
- AB 2659 – Business Master License Center: Creates one entity in state government to issue business licenses. The Department of Consumer Affairs and the Department of Pesticide Regulation, along with other state agencies, are referenced in this bill.
- SB 1311 – Pest Control: Spot bill in relation to the Department of Pesticide Regulation.
- SB 1330 – Maintenance of Codes: Includes two sections from the Structural Pest Control Act referencing the Department of Pesticide Regulation merge and that monies collected by the Board will be collected by the Department of Pesticide Regulation.

- SB 1518 – Requires the Department of Finance to send a report to the Chief Clerk of the Assembly and to the Secretary of State that identifies every state Board that the department determines to be inactive.
- SB 2122 – Continuing Education Requirements for the Department of Pesticide Regulation: This bill has no affect on Structural Pest Control Board's licensees at this time.
- SB 2419 - Changes the name of the Contractors State License Board, therefore, this will affect the Structural Pest Control Act section 8516.

Mr. Curtis Good, Newport Exterminating and Pest Control Operator's of California (PCOC), asked the Board to recognize in regards to Senate Bill 1157 that PCOC worked with Representative Shelly in 2000 to draft the Healthy School Act of 2000 which was the model that other states have adopted. He suggested that the current bill's origin is questionable and that the Department of Pesticide Regulation also opposes this bill.

Mr. Arzate asked if there were any other comments. There were no public comments.

Mr. Douglas reported on the following:

- He and Ms. Okuma met with the specialists to discuss:
 - Various Specialist duties to ensure uniform enforcement
 - Completion of compliance inspection reports and reports of findings to enhance efficiency
 - False and misleading advertising violations
 - Probation monitoring process
- He spent time in the field with Specialists Ed Ackerman and Charles Alsky, and is scheduled to work in the field with Steven Smith.
- Enforcement case load is current at this time.
- Two new enforcement staff members are currently training with senior enforcement staff.
- Structural Regulatory training for agriculture commissioners is to be held in Southern California on April 27-29, 2010 and in Northern California in May.

Ms. Saylor reported on the following:

- Licensing statistics were reviewed with the Board members.

Mr. Morris stated that the applicator's passing rate is up compared to previous years. He asked Ms. Saylor if the Registered Applicator examination changed.

Ms. Saylor responded that no changes have been made to the Registered Applicator examination.

Mr. Morris pointed out that the number of Registered Applicators licenses reviewed and issued are down and that the numbers of cancelled Registered Applicator's licenses are up.

Ms. Saylor responded that she thinks that this is consistent with the industry at this time.

Mr. Morris asked if the industry is having a problem with the Registered Applicator position.

Ms. Saylor stated that most licensees are getting their Field Representative licenses in both branches 2 and 3, and that possibly companies are employing and using more Field Representatives in the industry rather than Registered Applicators.

Mr. Morris asked the public if there were any problems with Registered Applicators in the industry. There was no response.

- Branch 2 examinations are currently being updated. Branch 3 examination development is concluded and Branch 1 examination development is ongoing.
- The 2009 Continuing Education Audit is almost complete. The results will be reported at the next Board meeting. The second quarter Registered Applicator audit has been completed. There were 27 Registered Applicators audited, 23 of which were in compliance, with 4 receiving citations and fines.
- The Expenditures and Projections Report for FY 2009-10 was reviewed with the Board members. The report reflects a reversion of approximately \$464,000.

Mr. Arzate asked what the difference is in the Board's projected reversion and Department of Pesticide Regulation's projections for the Board.

Ms. Okuma responded that Department of Pesticide Regulation staff stated that DPR based its projections on the premise that every dollar allocated for a particular line item will be spent.

- Revenues received through February 2010 were reviewed with the Board members. The Wood Destroying Organisms (WDO) filing revenue to date is 1.2 million dollars. Revenue projections will be approximately 1.9 million dollars in the upcoming fiscal year.
- The rulemaking file for sections 1996.3 and 1997 that address the WDO filing fee was submitted to the Department of Finance (DOF) on April 6 for approval. This package was approved by DOF and filed with the Office of Administrative Law on April 19, 2010, and if approved, goes into effect July 1, 2010. Notification of the fee increase will be sent to all branch 3 registered companies and branch offices prior to the filing fee increase.

APPROVAL OF MINUTES OF THE JANUARY 21 AND MARCH 24, 2010 BOARD MEETINGS

Mr. Utey moved and Mr. Morris seconded to approve the minutes of the January 21 and March 24, 2010 board meetings. Passed unanimously.

APPROVAL OF THE RECOMMENDATIONS OF THE BOARD (HAVING MET AS A SUBCOMMITTEE) TO UPDATE ITS STRATEGIC PLAN

Ms. Okuma stated that the Board met on March 24, 2010 to update its strategic plan. Unfortunately, there was not a quorum, therefore the Board met as a subcommittee to discuss how the transfer of jurisdiction from the Department of Consumer Affairs to the Department of Pesticide Regulation (DPR) would relate to the strategic plan. The subcommittee concluded that they did not have sufficient information to proceed with the strategic plan. The subcommittee developed recommendations to present to DPR.

The following recommendations were presented to the full Board for consideration:

- The Board be preserved in its current state, such that consumer protection remain its paramount priority while remaining cognizant of the need for environmental protection
- The Board maintain its authority to issue licenses, promulgate regulations, investigate complaints, and take appropriate disciplinary and enforcement actions against its licensees

- Retain management of the administrative responsibilities of the Board such that consumers, public, licensees, and the industry are provided services in a timely efficient and effective manner

Mr. Arzate stated that he, Ms. Melton, and Mr. Utley were present to meet as a subcommittee although Mr. Morris' recommendations were considered with notes that he provided for the meeting.

Mr. Arzate stated that until this meeting, there was little information shared by DPR in relation to the jurisdiction of particular processes and procedures currently in use by the Board. He stated that with the absence of tangible information to analyze and make recommendations from in regards to the strategic plan, the subcommittee developed these recommendations to send to DPR and the Senate Committee on Business and Professions and Economic Development.

Mr. Arzate reported that there may be a trailer bill injected into the budget this fiscal year, but currently, that language is unknown. In anticipation of that, the Board wants to ensure that its concerns are heard primarily for the protection of the consumer and it is on that principal that the subcommittee has submitted these recommendations for consideration by the Board, public and Ms. Okuma. Mr. Arzate asked for public comments.

Mr. Utley moved and Mr. Morris seconded to adopt the aforementioned recommendations. Passed unanimously.

DEPARTMENT OF PESTICIDE REGULATION UPDATE

Cliff Smith, Department of Regulation, reported that Structural Pesticide Enforcement Training will be held next week in Los Angeles and in Alameda County on May 18. Focus of the meeting will be the California Aeration Plan (CAP). Mr. Smith added that the Department of Pesticide Regulation is receiving great support from county enforcement staff and industry members.

Over the past nine months, the Department of Pesticide Regulation (DPR) has been working with Pest Control Operators of California (PCOC) on the California Aeration Plan (CAP). Last week, DPR received a formal submission from PCOC of the CAP. The CAP will call for aerations of fumigated structures to be performed with the tarp on the structure for an extra day after the fumigation ends. Aeration presumably will be much more thorough and the tarps will come off after 12 to 24 hours of aeration. This plan involves a lot of training, financial, and logistical investment on the part of fumigators so PCOC has organized some intensive training programs for the industry and they are expected to launch them very soon. There was a formal submission of these training programs last week

and it is expected that they will be signed off by the Director in the next week. DPR hopes to launch the CAP by September 1, 2010.

DPR has been engaging in outreach on rulemaking. The Board is more involved in rulemaking than DPR as they are able to discuss items being brought up. The Department of Pesticide Regulation is open to take comments during rulemaking but does not allow for discussion.

In March, DPR had an informal comment period on proposed revisions to its enforcement response provisions. It is expected in the next several months that the matter should move to a formal rulemaking process. Mr. Smith directed anyone wanting more information on the proposal to DPR's website.

CONSIDERATION OF REQUEST TO AMEND CALIFORNIA CODE OF REGULATIONS SECTION 1991 TO REQUIRE PLACEMENT OF SUBSECTION (a)(8)(C)(3) DISCLOSURE WITH THE CORRESPONDING RECOMMENDATION(S) ON THE INSPECTION REPORT

Curtis Good, Newport Exterminating, spoke on behalf of Alex Del Toro, The Termite Guy, who was not in attendance. Mr. Good stated that Mr. Del Toro is seeking an amendment to California Code of Regulations section 1991, requesting that the mandated "Local treatment is not intended to be an entire structure treatment method. If the infestations of wood destroying pests or organisms extend into existing beyond the area(s) of local treatment, they may not be exterminated" statement be included with the corresponding recommendation(s) for local treatment on the inspection report.

He and Mr. Del Toro feel that the statement should be included in the recommendations area so that the consumer, when reading the findings and recommendations for a local treatment, will easily find the disclosure. Currently, regulations state that this disclaimer needs to be somewhere on the report but it does not say where. He added that when the disclosure is not being provided with the cost, it is unclear to the consumer.

Mr. Arzate opened the floor to discussion. After much discussion, Mr. Arzate suggested that if Ms. Okuma was not prepared with an analysis and recommendation on this particular consideration, his recommendation would be to direct staff to review and analyze the consideration and report back to the Board. If the Board determines that this consideration requires further discussion, it will be presented to the rules and regulations committee.

Mr. Arzate asked for public comment. There were no additional public comments.

Mr. Morris moved and Mr. Utleay seconded to direct staff to analyze and make recommendations on the proposal. Passed unanimously.

DISCUSSION AND CONSIDERATION OF THE RECOMMENDATIONS OF THE TECHNICAL ADVISORY COMMITTEE

Mr. Good, Technical Advisory Committee Chair, presented the following recommendations from the Technical Advisory Committee:

- The use of thermal insulation with pesticide properties is allowed within the scope of the Structural Pest Control Board's license. Licensees commonly are in the practice of working on infestations in attics which requires them to remove, clean, and reinstall insulation. The committee directed staff to contact the Contractors State Licensing Board (CSLB) regarding the parameters of insulation regarding new construction.

Ms. Okuma stated that part of the recommendation was to initiate dialogue with the CSLB prior to proceeding. It appears that there has been no conversation between the CSLB and the Structural Pest Control Board staff.

Mr. Douglas stated that he had initiated dialogue with the CSLB but they are yet to respond. Mr. Arzate added that this particular step would need to be completed prior to proceeding.

Mr. Heppler stated that this issue can be deferred without objection for the next regularly scheduled Board meeting.

Mr. Arzate stated the recommendation regarding pesticide insulation would be tabled to the next Board meeting, without objection.

- Allow making inaccessible areas accessible during an inspection by making test holes of minimum size, yet large enough to determine the presence or non- presence of infestation or infection to wood members as part of the diagnosis process and not be considered work; that holes will be allowed during an original inspection as long as no fees are added to the cost of the inspection, and that it would be the responsibility of the inspector to determine if a building permit is required or not; pending a response form the Contractor's State Licensing Board.

Mr. Arzate directed the meeting towards the recommendation on test holes.

Ms. Okuma stated that in order to direct Board enforcement staff to allow test holes as they have been described and used, is in contradiction to the existing statutes and regulations. She added that the Board has no authority to direct staff to enforce something that is in conflict with the statutes and regulations. If it is the intent of this recommendation to allow this procedure, significant regulatory amendments would be needed.

Mr. Arzate opened the floor for comments. There was much discussion relating to test holes only being a common practice during inspections in the San Francisco Bay area.

Mr. Heppler stated that the board can not direct enforcement staff to interpret the law one way or another way if there is no foundational argument to be made to support the course of action. Mr. Heppler stated that what the Board needs to decide is whether or not they wish to have staff start the process of developing regulations to implement the recommendations of the advisory committee.

Mr. Morris moved and Ms. Melton seconded to direct staff to prepare a written summary on the test hole issue and couple it with a legal opinion. Passed by majority. (Ayes: Melton , Morris; Noes: Utley)

- Make no amendments to section 1993.3 of the California Code of Regulations to authorize exemption of the control service agreement when an in-ground monitoring system is installed for free. All statutes and regulations pertaining to a yearly control service agreement apply to the placement of in-ground monitoring stations whether or not the devices are placed free of charge.

Mr. Arzate asked if there were any questions regarding the Technical Advisory Committee's recommendation on monitoring stations. There was no response.

Mr. Utley moved and Ms. Melton seconded to approve the recommendations of the Technical Advisory Committee in regards to monitoring stations. Passed unanimously.

REQUEST FROM PCOC FOR STRUCTURAL PEST CONTROL BOARD TO TAKE MORE AGGRESSIVE STANCE ON ENFORCEMENT VIOLATIONS. BUSINESS & PROFESSIONS CODE 8653

Joe Gatto, Clark Pest Control and Pest Control Operators of California, asked that the Board's enforcement staff take a more aggressive stance regarding violations that involve a registered company paid by a consumer for services rendered but never paying the subcontractor. Mr. Gatto provided an example where a prime contractor sells a fumigation service to a consumer, subcontracts

the fumigation, the consumer pays the prime contractor, but the prime contractor never gives any of that money to the fumigator. The statute allows the Board to take action against the licensee for not paying his subcontractor for work that was performed.

Mr. Heppler stated that it is his legal obligation to notify the Board that the current conversation is not appropriate. He advised that it is not the job of the Board to tell its enforcement staff what should be more important to enforce. He added that vested in the Executive Officer is the responsibility to exercise prosecutorial discretion and the discretion to determine what complaints necessitate the most action. Mr. Heppler added that if it is felt that the Executive Officer is not doing a good job, there are mechanisms to address that issue.

Ms. Okuma stated that this is not the first time this issue has been discussed. She stated that most recently in 1993 and 1998, this was discussed publicly before the Board. The conclusion was that the Board would accept and mediate these complaints and take appropriate action based upon the evidence gathered in that case. Whenever the Board accepts any complaint, an investigation is initiated, evidence is gathered, and the case comes before the Executive Officer for consideration. The Executive Officer has to have faith and belief that the evidence in that complaint case is proof that is clear and convincing to a reasonable certainty. There must be an actual legal finding that the evidence is there to prove the violation. Ms. Okuma added that in this case, the Board would have to prove that the prime contractor received the money. The only way to do that is through financial records. Ms. Okuma stated that the Board is prohibited by statute from having access to registered companies financial records. She added that this has been brought up numerous times and every time it results in the finding that there will not be that acceptable level of proof needed to prevail in court on the issue.

Deputy Attorney General Rene Judkiewicz affirmed Ms. Okuma's comments regarding the high level of proof needed to prevail in an administrative hearing.

Mr. Arzate opened the floor for comments. After much discussion among the Board and industry members, Mr. Arzate asked if the Board can recognize this request and move on.

Ms. Melton moved and Mr. Morris seconded to recognize receipt of this letter, that the Board deliberated and discussed the matter, but based upon the advice of counsel, no further action was warranted and directed staff to continue accepting complaints consistent with the state law. Passed unanimously.

**CONSIDERATION OF PROPOSAL TO REPEAL SPCB PROCEDURE L-6 AS
DUPLICATIVE OF RECENT AMENDMENTS TO CALIFORNIA CODE OF
REGULATIONS SECTION 1950.1**

Mr. Utley moved and Ms. Melton seconded to repeal Structural Pest Control Board Procedure L-6 as duplicative of recent amendments to the California Code of Regulation Section 1950.1. Passed unanimously.

**CONSIDERATION OF PROPOSED AMENDMENT OF CALIFORNIA CODE OF
REGULATIONS SECTION 1920 TO REPEAL CRITERIA FOR ASSESSING
MAXIMUM FINE AMOUNTS**

Ms. Okuma stated that originally when given citation and fine authority, the maximum fine was \$2500, which was later changed to \$5000. At that time, the State and Consumer Services Agency initiated a directive through the Department of Consumer Affairs saying that any board within the Department of Consumer Affairs exercising its authority to assess the maximum fine should meet certain criteria. The board adopted that code into regulation. The State and Consumer Services Agency recently reconsidered this directive. In order for a board to maximize the use of this enforcement tool, it is the opinion of the State and Consumer Services Agency that this should no longer apply. Ms. Okuma summarized that the item to consider is whether or not to amend the regulation consistent with the Agency's proposal which is that there would no longer be the restrictions on increasing the fine above \$2500 to its \$5000 maximum.

Mr. Arzate opened the floor for public comments.

Mr. Utley moved and Mr. Morris seconded to direct staff to draft the regulation, prepare necessary notices, and notice it for hearing at the next regularly scheduled meeting. Passed unanimously

**CONSIDERATION OF RECOMMENDATION TO AMEND CALIFORNIA CODE
OF REGULATIONS SECTION 1970.5 REQUIRING ON-SITE ATTENDANCE
OF AN OPERATOR OR FIELD REPRESENTATIVE AT SPECIFIED TIMES**

Cliff Smith, Department of Pesticide Regulation, stated that the current text of the regulation was written when the TRAP was the current aeration procedure. It was put in place circa 1990 to clarify at which times a licensee needed to be present during aeration. Under the CAP, that requirement would require a licensee to be present for the entire period of aeration.

Mr. Utley moved and Ms. Melton seconded to notice the following amendment for public hearing:

~~The time ventilation is commenced: as used in section 805.3 of the Code means the period of time beginning when the seal is broken and ending when all seal/tarps are removed. A licensed Branch 1 operator or field representative is required to be present during this entire period of time.~~

A licensed Branch 1 operator or field representative is required to be present during the following period of time:

(a) as specified in the Fumigation Safety Program, as provided is Title 3 of the California Code of Regulations, section 6780(c); or,

(b) beginning when the seal is broken and ending when al seals/tarps are removed, for fumigations not conducted using a Fumigation Safety Program.

Passed unanimously.

FUTURE AGENDA ITEMS

No future agenda items were submitted.

BOARD MEETING CALENDAR

Ms. Okuma stated that generally the Board would meet again in July but at this point, there will not be a quorum for July. She suggested that if the Board would like to set a date in anticipation of having a quorum, they can do so. Ms. Okuma advised that the Board consider using a state facility for this meeting as most likely there will not be an approved budget at that time.

The next Board meeting will be scheduled for Thursday, July 22, 2010, in Sacramento.

REVIEW OF BOARD ACTIONS TAKEN AT MEETING

Ms. Saylor stated that the following actions were taken by the Board during this meeting:

- Approved the minutes of the January 21 and March 24, 2010 meetings.
- Adopted the recommendations of the Board (having met as a subcommittee) to update its Strategic Plan.
- Referred staff to analyze and make recommendations regarding the placement of subsection (a)(8)(C)(3) disclosure and present it at the next meeting.
- Consideration of the Technical Advisory Committee's recommendations in regards to insulation was tabled for the next meeting.

- Regarding test holes, the Board directed staff to prepare a background paper which is to include the document from Mr. Good and to request a legal opinion and bring it to the next meeting.
- Accepted the recommendation of the Technical Advisory Committee regarding the placement of monitoring stations.
- Recognized receipt of the letter requesting enforcement of violations for not paying prime contractors.
- Repealed the Structural Pest Control Board's Procedure L-6.
- Repeal of the criteria of California Code of Regulations section 1920 to assess the maximum level fine to be set for public hearing.
- Amendment of California Code of Regulations section 1970.5 to allow for the California Aeration Plan to be set for public hearing.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mr. Hopper, PCOC, stated that he met with Fred Aguirre of the Governor's office and reported that Mr. Aguirre has promised to expedite the appointment of two new Board members prior to the Board not having quorum.

There were no other public comments.

ADJOURNMENT

This meeting was adjourned at 1:13 P.M.



CRIS ARZATE, President



KELLI OKUMA, Executive Officer

7/22/10
DATE