

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Thursday, April 18, 2019
9:00 a.m.

Meeting held via teleconferencing with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).

This meeting was webcast.

1. CALL MEETING TO ORDER – The Chair, Supervisor Mendes, called the meeting to order at 9:05 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Mayor	City of Clovis
David Couch, Supervisor*	Kern County
Kuyler Crocker, Supervisor	Tulare County
Bob Elliott, Supervisor***	San Joaquin County
Christina Fugazi, Councilmember**	City of Stockton
Buddy Mendes, Supervisor, Chair	Fresno County
Lloyd Pareira, Supervisor****	Merced County
Craig Pedersen, Supervisor, Vice Chair	Kings County
Monte Reyes, Councilmember	City of Porterville
Dr. Alexander Sherriffs	Appointed by Governor
Chris Vierra, Mayor**	City of Ceres
Tom Wheeler, Supervisor	Madera County

Absent:

John Capitman, Ph.D	Appointed by Governor
Kristin Olsen, Supervisor	Stanislaus County

**attended in Southern Region Office and arrived at 9:48 a.m.*

***attended in Northern Region Office*

****attended in Northern Region Office and arrived at 9:11 a.m.*

*****attended in Northern Region Office and arrived at 9:19 a.m.*

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (17 – 24): *These matters are routine in nature and are usually approved by a single vote. Prior to any action by the board, the public was given the opportunity to comment on any consent item.*
17. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MARCH 21, 2019
18. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2019
19. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARIES FOR MARCH 2019
20. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF MARCH 31, 2019
21. DISTRICT ENVIRONMENTAL JUSTICE ADVISORY GROUP MEMBERSHIP
22. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS & CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF CARBONYL COMPOUNDS FOR A TOTAL OF \$35,675
23. APPROVE CONTACT WITH ATMOSPHERIC ANALYSIS & CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF NON-METHANE ORGANIC COMPOUNDS FOR A TOTAL OF \$96,800
24. AUTHORIZE THE EXECUTIVE DIRECTOR/APCO TO APPROVE AND SIGN AB 197 GRANT CONTRACTS WITH CARB

Public Comment: None

Moved: Wheeler
Seconded: Pedersen
Ayes: Bessinger, Crocker, Olsen, Pedersen, Reyes,
Sherriffs, Vierra, Wheeler, Mendes
Nays: None

Motion unanimously carried to approve Consent Calendar Item Numbers 17 – 24

5. PUBLIC COMMENT – *The following persons commented on this item:*
- Connie Young, Citizens Climate Lobby (CCL)

6. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Chenecua Dixon, Director of Personnel, formally recognized employees who reached a service milestone during the first quarter of 2019:

Five Years of Service

Lawrence Castaneda, Custodial Worker

Ten Years of Service

Olan Bailey, Air Quality Instrument Technician

Thom Maslowski, Air Quality Engineer

Cristina Padilla, Staff Technician

Ubaldo Rodriguez, Air Quality Assistant

7. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Fresno County Industry/Agricultural member, reported on highlights from the Citizens Advisory Committee meeting of March 5, 2019.

Public Comment: *The following persons commented on this item:*

- Ned Leiba

8. APPROVE ENHANCEMENTS TO THE DISTRICT'S PUBLIC BENEFIT GRANTS PROGRAM – Todd DeYoung, Program Manager, said that since April 2011, the District has operated the Board approved Public Benefit Grants Program, which is an innovative program to assist local public agencies in the San Joaquin Valley with funding for clean-air projects that provide broad benefits to Valley residents. The Public Benefit Grants Program was developed to address the needs and challenges faced by Valley public agencies in their efforts to secure funding for clean-air projects and designed to provide necessary flexibility and leveraging to ensure the success of these projects. These projects encourage the use of state-of-the-art clean-air technology on the local level and achieve sustainable, long-term air quality benefits in the Valley. Examples of these projects include alternative fuel infrastructure development, advanced transit projects (including Bus Rapid Transit), new alternative fuel vehicle purchases, and other projects that reduce vehicle use and emissions throughout the Valley.

Mr. DeYoung said consistent with the Board's long-standing philosophy of continuous improvement, the District regularly evaluates its voluntary incentive programs to ensure that they remain effective and responsive to the needs of our stakeholders. Towards that end, in working closely with Valley stakeholders, several potential enhancements to the Public Benefit Grants Program have been identified that will increase the overall effectiveness of the program and assist Valley agencies in making positive changes for their respective communities while assisting the District in meeting our clean-air goals. He said the purpose of

this item is to seek the Board's approval to enhance the existing New Alternative Fuel Vehicle Purchase component of the program as well as expand the list of eligible entities for the Public Benefit Grants Program.

Mayor Bessinger thanked staff and said he was pleased this program was opened up not only to other law enforcement agencies but also community groups. He asked if the program would require a vehicle trade in. Mr. DeYoung responded it did not. Mayor Bessinger said there is a lot of interest in this program from smaller police agencies in the Valley and passed on appreciation from the McFarland Chief of Police for the assistance provided to her by District staff.

Dr. Sherriffs thanked staff for continuing to look for enhancements to District incentive programs and specifically for expanding the Public Benefit Grants Program to include police vehicles. He added it was also very important to include community agencies as they are integral to rural activities. He asked if there would be less air quality benefit by allowing hybrid police vehicles versus zero emission vehicles. Samir Sheikh, Executive Director/APCO, responded there are many factors considered when staff put together the incentive spending plan for every year. He said this program not only tries to achieve cost-effective reductions but also through very visible projects, produces emissions reductions in communities. Dr. Sherriffs suggested placing District sponsorship stickers on the vehicles funded through this program. Mr. Sheikh thanked Dr. Sherriffs for his great suggestion and agreed it was important to highlight that these are clean air vehicles and the District is working together in partnerships to promote and deploy these vehicles to improve the Valley's air quality.

Supervisor Olsen said if the current program is oversubscribed, she might be hesitant to fund hybrid vehicles as opposed to those with greater emissions benefits. She suggested adding a caveat to fund hybrid vehicles only if no other cleaner technology vehicle was feasible. She added she would be curious to hear about the balance between cost effectiveness and greatest emissions benefit when the Board considers the District's Incentives Spending Plan as part of the budget process. With regards to expanding the program to community action agencies, she asked what expanded community services would be offered as part of participating in this program. Mr. Sheikh responded that while there is heavy demand, the program is not oversubscribed. He added within the program itself, there are caps by agency that help ensure the money is spread out across a variety of projects. He said it was a great idea to add the condition that the hybrid option would only be available while there was no cleaner option available. Regarding community agency participation, this funding would strictly fund vehicles that are part of an agency's fleet and there would be no funding provided to support any specific services.

Public Comment: *The following persons commented on this item:*

- Janet Dietz-Kamei

Moved: Bessinger
Seconded: Wheeler
Ayes: Bessinger, Crocker, Elliott, Olsen, Pareira, Pedersen,
Reyes, Sherriffs, Vierra, Wheeler, Mendes
Nays: None

Motion unanimously carried to approve enhancements to the District's Public Benefit Grants Program

9. REPORT ON 2018-2019 WINTER SEASON WOOD BURNING EMISSIONS REDUCTION STRATEGY – Jessica Olsen, Program Manager, Jon Klassen, Strategies and Incentives Director, and Jaime Holt, Chief Communications Officer, presented the District's report on implementation of the District's wood burning emissions reduction strategy in the 2018-19 winter season. The report detailed the following:

- Improvement in Valley air quality during 2018-2019 winter season
- Public health benefits of strategy
- Air quality and meteorology compared to previous seasons
- Effectiveness of District's control strategy
- Impact of wildfires during the 2018-2019 winter season
- District's Burn Cleaner Program implementation
- Extensive public outreach efforts
- Enforcement and compliance assistance activities
- Upcoming enhancements to residential wood burning emission reduction strategy

Mayor Bessinger asked if the requirement to remove open hearth devices during remodels would fall to city planning departments. Mr. Sheikh said ultimately for this rule to work, it will require the cooperation with the cities and counties that have authority over remodeling projects. He added that incentives would also be key to the success of this program. Mayor Bessinger suggested staff conduct additional outreach to planning departments to make them aware of these proposed new requirements. He also said that most of the realtors he has spoken to are concerned with the proposed disclosure requirements on the sale of properties. Mr. Sheikh said the District received great suggestions from a recent meeting with real estate professionals and is looking for ways to streamline the process.

Regarding what types of devices would qualify for incentive funding in hot-spot areas, Supervisor Elliott asked what devices are cleaner than natural gas. Mr. Sheikh responded that while natural gas is the dominant feasible technology

currently, there are electric technologies available. He said staff wanted to make sure, to the extent that other clean technologies are feasible, they are available for consideration and funding.

Supervisor Olsen asked how the District defines a “significant” remodel. Mr. Klassen responded the proposed rule defines “significant” as a remodel with a total cost exceeding \$15 thousand. Mr. Sheikh added that the remodel must impact the structure of the fireplace and require a building permit. Supervisor Olsen asked if the proposed rule amendments would be flexible with curtailments in the really cold foothill regions. Mr. Sheikh responded the proposal would maintain current rule provisions which do not implement curtailments in communities without access to natural gas. Mr. Sheikh added that while these communities are not subject to curtailments, the District will continue to work with residents in these areas to convert their devices to cleaner units through the Burn Cleaner incentive program.

In regards to defining what constitutes a significant remodel under the rule, Supervisor Wheeler suggested establishing a threshold that is based on the cost of the remodel relative to the total value of the home. He said similar thresholds are utilized for other mandates.

Public Comment: *The following persons commented on this item:*

- Connie Young, CCL
- Janet Dietz-Kamei

10. APPROVE ADDITIONAL FUNDING FOR ON-FIELD ALTERNATIVES TO THE OPEN BURNING OF AGRICULTURAL MATERIALS PILOT INCENTIVE PROGRAM – Morgan Lambert, Deputy APCO, said the San Joaquin Valley, in adherence with applicable state laws instituted under SB705 (2003 Florez), has the toughest restrictions on agricultural burning in the state. District regulations no longer allow the burning of all field crops (with the exception of rice), almost all prunings, and almost all orchard removals. The District also operates a comprehensive Smoke Management System which only allows the limited amount of burning that is still permissible to take place on days with favorable meteorology and in amounts that will not cause a significant impact on air quality.

Mr. Lambert said in November 2018, the Board authorized up to \$1,000,000 in funding for the Alternatives to Open Burning of Agricultural Burn Materials Pilot Program. The purpose of this pilot program was to demonstrate the feasibility of utilizing chipped agricultural material for soil incorporation or as a surface application as alternatives to burning. Since opening the program in December 2018, the level of interest from the agricultural community has been very strong. In order to ensure broad program participation, the District limited funding to \$60,000 per grower and to date the District has received eligible applications requesting up to \$1.3 million in incentive funding representing 2,687 acres of orchard removal. During this time the District has also received several

applications for vineyard removal projects. Mr. Lambert said the District is recommending that the eligible project types be adjusted to include removal projects, including vineyard removals.

Chairman Mendes asked if staff had evaluated the emissions associated with chipping the material to the size necessary for soil incorporation. Mr. Sheikh responded staff has made preliminary calculations and are learning more as information comes back from pilot projects. He said that based on the preliminary calculations there does appear to be some emissions benefit even with the horsepower used to get the chips down to a smaller size. He said overall there is a lot more diesel used to grind the wood down and work it back into the ground, but in totality believes those emissions would be less than open burning. He said there is another level of analysis that needs to occur and right now staff is still in the information gathering phase.

Mayor Bessinger said this was a fantastic pilot program. He noted the City of Clovis is getting ready to undergo a growth spurt and develop agricultural land in the next 15 years. He suggested considering adding a program component for land conversion projects. Mr. Lambert responded only properties in continued agricultural use conduct open burning pursuant to state and local regulations. As the removal of material for land conversion is not allowed to be open burned, there would not be any surplus emission reductions as is normally the case for incentive programs.

Supervisor Elliott said he was glad to see the recommendation to allow other types of removals such as vineyards to qualify for this program. He asked if today's action would also open up the program to vineyards. Mr. Sheikh responded affirmatively.

Dr. Sherriffs commented that how we manage this program is very important due to the importance of the agricultural industry and the health implications of open burning in the Valley. He asked why vineyards were not included when the program was initially adopted. Mr. Sheikh responded that vineyards have historically had technological and economic feasibility challenges related to deploying alternative practices to open burning due to the wires used in the trellises. Dr. Sherriffs suggested allowing the growers to sell the chipped materials to a third-party as a further incentive to deploying these new practices. Mr. Sheikh said at the Board's direction staff could explore this in the future. He added the program was created because, with the demise of the biomass industry, there has not been another avenue to sell this material. He added that staff will continue to keep an eye open for any new economic models that develop to provide a cost-effective means to dispose of the material

Supervisor Pedersen asked if the District will provide the same incentive amount for a vineyard compared to an orchard removal. Mr. Sheikh responded that staff is currently determining the appropriate incentive level.

Public Comment: *The following persons commented on this item:*

- Connie Young, CCL
- Monica Limon, Central Valley Air Quality Coalition
- Janet Dietz-Kamei
- Chris McGlothlin, CA Cotton Ginners and Growers, Western Agricultural Producers Association
- Elaine Trevino, Almond Alliance

Moved: Sherriffs

Seconded: Bessinger

Ayes: Bessinger, Couch, Crocker, Elliott, Olsen, Pareira, Pedersen, Reyes, Sherriffs, Vierra, Wheeler, Mendes

Nays: None

Motion unanimously carried to approve additional funding for on-field alternatives to the open burning of agricultural materials pilot incentive program

11. APPROVE ADDITIONAL FUNDING FOR EXPANDED LOW-DUST NUT HARVESTER PILOT INCENTIVE PROGRAM – Todd DeYoung reported that in November 2018 the Board authorized up to \$1,000,000 in funding to deploy and evaluate low-dust nut harvesting equipment in the San Joaquin Valley. Since opening the program in December 2018, the response from the agricultural community has been very strong. To ensure broad program participation, the District limited funding to one piece of equipment per applicant and, even with this limit, the District has received eligible applications requesting nearly \$2,000,000 in incentive funding.

Mr. DeYoung said the purpose of this item was to seek the Board's approval to increase funding for this pilot program by an additional \$1,000,000 to fund those eligible applications received by the District and expand the scope of the pilot program. With this expansion, the District can better understand the potential benefits of utilizing low-dust equipment in a broader variety of applications and conditions throughout the Valley and enhance the overall effectiveness of the District's pilot program.

Supervisor Pedersen asked with respect to pilot programs at what point do we evaluate actual real-world performance in determining what equipment will be funded moving forward. Mr. Sheikh responded the great thing about the pilot program is staff will be able to use the information to ultimately come back to the Board with ideas on how to do just that. He said the reason we have pilots like this is so we can do exploratory work and make sure we understand the growers' concerns and how well the equipment operates in real-world situations.

Dr. Sherriffs asked when staff would report back to the Board with results. Mr. DeYoung said the plan is to analyze data from one harvest season and return to

the Board next winter with a full report and recommendations.

Public Comment: *The following persons commented on this item:*

- Janet Dietz-Kamei
- Jody Devaurs, Western Agricultural Processors Association
- Elaine Trevino, Almond Alliance

Moved: Pedersen

Seconded: Pareira

Ayes: Bessinger, Couch, Crocker, Elliott, Olsen, Pareira,
Pedersen, Reyes, Sherriffs, Vierra, Wheeler, Mendes

Nays: None

Motion unanimously carried to approve additional funding for expanded Low-Dust Nut Harvester Pilot Incentive Program

12. AUTHORIZE THE EXECUTIVE DIRECTOR/APCO TO ACCEPT AND SIGN AGREEMENT WITH CARB FOR STATE FUNDING TO COVER COST OF IMPLEMENTING STATE MANDATES UNDER AB 617 - Sheraz Gill, Deputy APCO, said in September 2017, the State Legislature and Governor agreed to extend the Cap and Trade program as part of a legislative package that also included the passage of AB 617. AB 617 established new mandates for the state Air Resources Board and local air districts to develop and implement additional emissions reporting, monitoring, and community emission reduction plans and measures in an effort to reduce air pollution exposure in impacted communities.

As an essential component of implementing the new mandates under AB 617, the District has successfully advocated for adequate resources from the state to cover associated costs. In December 2017, the Board accepted \$8.4 million in Year 1 funding from CARB for expenses necessary for implementation of Assembly Bill 617. In the state's 2018-19 Budget, an additional \$12 million in Community Air Protection Program funding was allocated to cover the continued costs associated with implementing AB 617 mandates in the Valley's selected communities. Mr. Gill said the purpose of this item was to seek the Board's approval of a resolution to accept these funds from CARB.

Dr. Sherriffs voiced appreciation for the presentation outlining some of the issues and complexity of this program. He said CARB, in establishing selected communities, is looking at community concerns and how to marshal that concern to bring more resources to deal with those issues. He added at the CARB Board level, there was very much a recognition of the complexity of this process and also a great deal of appreciation and recognition for the commitment of this staff and this Board to achieve the benefits of AB 617.

Public Comment: None

Moved: Sherriffs
Seconded: Reyes
Ayes: Bessinger, Couch, Elliott, Olsen, Pareira, Pedersen,
Reyes, Sherriffs, Vierra, Wheeler, Mendes
Nays: None

Motion unanimously carried to authorize the Executive Director/APCO to accept and sign agreement with CARB for state funding to cover cost of implementing state mandates under AB 617

13. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs reported on highlights from the CARB Board Meeting of March 21, 2019, including:

- The California Air Resources Board approved four research projects for Fiscal Year 2019-2020. Of particular interest in the San Joaquin Valley are two studies: one that will track and examine asthma symptoms with respect to exposure to on-road emissions; and another that will examine the impacts of wildfires on air quality and human health.
- The California Air Resources Board heard an informational update on current and future actions intended to minimize emissions and community health impacts from California's freight system, including regulatory development, incentives, plans, and guidance on freight facilities.
- In September 2018, the California Air Resources Board approved the selection of the first ten communities to develop community air monitoring plans and/or community emissions reduction programs under the Community Air Protection Program adopted pursuant to Assembly Bill (AB) 617. The update provided the status of implementation of AB 617 in air districts throughout the state, challenges identified, CARB staff's efforts in developing tools in support of AB 617, and the community selection process for the second year of implementation.

14. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh reported on the upcoming launch of a couple of new programs, including the Electric Transit and School Bus Program that is being funded by the Volkswagen settlement fund and will open later this summer. He said the District is running the statewide program, which includes \$130 million in incentive funding. In addition, he said staff anticipates launching the Commercial Lawn and Garden landscaping equipment program in the next several weeks. He added there is a lot of interest from public and private agencies in this program and said the District will be conducting significant outreach on the launch of this program. Lastly, he said the District's 2018-19 Annual Report to the Community has been finalized and will be posted on the District website. Hard copies of the report will be available to share next week.

15. GOVERNING BOARD MEMBER COMMENTS – Councilmember Reyes announced that GreenPower Motor Company in Porterville has received an order for 100 of its new 25-passenger EV Star vans to be used in vanpool and ride sharing programs. In addition, the Porterville Iris Festival will take place soon and will be utilizing Zero NOx donated battery-operated UTVs for that event.

Dr. Sherriffs announced that electric vehicles are now California's 7th most important global export, right after almonds.

16. CLOSED SESSION – Annette Ballatore, District Counsel, announced that the Board would enter Closed Session to discuss the following:

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of case: Gonzalez-Demont v. SJVAPCD, Kern Co. Sup. Ct. Case No. BCV-17-101797.

Public Comment: None

Ms. Ballatore returned after Closed Session to announce that by unanimous consent, the Governing Board took action to authorize acceptance of the settlement proposal in Gonzalez-Demont v. SJVAPCD pending in Kern County Superior Court, followed by adjournment.

ADJOURN

The Chair adjourned the meeting to Closed Session at 11:41 a.m.

The Board adjourned from Closed Session at 12:23 p.m.

The next scheduled meeting of the Governing Board is: May 16, 2019 at 9:00 a.m. The meeting starts at 9:00 a.m., in the Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via videoteleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.