

## 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, June 20, 2019**

**9:00 a.m.**

***Meeting held via video 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 9:02 a.m.
2. ROLL CALL – was taken and a quorum was present.

*Present:*

Drew M. Bessinger, Mayor	City of Clovis
Kuyler Crocker, Supervisor	Tulare County
Bob Elliott, Supervisor*	San Joaquin County
Christina Fugazi, Councilmember*	City of Stockton
Buddy Mendes, Supervisor, <b>Chair</b>	Fresno County
Kristin Olsen, Supervisor*	Stanislaus County
Lloyd Pareira, Supervisor**	Merced County
Craig Pedersen, Supervisor, <b>Vice Chair</b>	Kings County
Alvaro Preciado, Councilmember	City of Avenal
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
David Couch, Supervisor	Kern County
Monte Reyes, Councilmember	City of Porterville

*\*Attended in the Northern Region*

*\*\*Attended in the Northern Region and arrived at 9:14 a.m.*

3. PLEDGE OF ALLEGIANCE

4. WELCOME NEW GOVERNING BOARD MEMBER, COUNCILMEMBER ALVARO PRECIADO – Chairman Mendes welcomed Councilmember Alvaro Preciado to the Board. He said he and Supervisor Crocker have worked with Councilmember Preciado many times in the past. He added Councilmember Preciado is very smart and a great communicator. Samir Sheikh, Executive Director/APCO, welcomed Councilmember Preciado to the Board and said he has already been very engaged on the air quality issues facing the Valley, as a longtime member of the District’s Citizens Advisory Committee.

Councilmember Preciado thanked the San Joaquin Valleywide Special City Selection Committee for appointing him to the District Governing Board. He said he was looking forward to working with the other Board members and the staff. He added he was very committed to doing his best for Valley communities, the agriculture industry, and businesses, and that it was an honor to serve on the Board.

5. APPROVAL OF CONSENT CALENDAR – Item Numbers (20 – 28): *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.*

20. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT SPECIAL PUBLIC HEARING: REVIEW OF 2019-20 RECOMMENDED BUDGET OF THURSDAY, MAY 16, 2019

21. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, APRIL 18, 2019

22. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2019

23. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARIES FOR APRIL AND MAY 2019

24. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF MAY 31, 2019

25. AMEND CONFLICT OF INTEREST CODE

26. APPROVE AND AUTHORIZE CHAIR TO EXECUTE AGREEMENT WITH PRICE, PAIGE & COMPANY ACCOUNTACY CORPORATION TO PROVIDE ANNUAL AUDIT SERVICES FOR THE 2018-19, 2019-20, AND 2020-21 FISCAL YEARS

27. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH LENNAR FRESNO, INC., TO MITIGATE AIR QUALITY IMPACTS FROM

TRACTS 6757 AND 6758 OF THE ASHE ROAD AND TAFT HIGHWAY  
RESIDENTIAL PROJECT IN BAKERSFIELD

28. AUTHORIZE THE EXECUTIVE DIRECTOR/APCO TO APPROVE AND  
ENTER INTO PRESCRIBED BURNING AIR MONITORING EQUIPMENT  
CACHE STORAGE PROGRAM GRANT CONTRACT WITH CARB

Public Comment: None

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

**Motion unanimously carried to approve Consent Calendar Item Numbers 20  
– 28**

6. PUBLIC COMMENT – *The following persons commented on this item:*

- Connie Young, Citizens Climate Lobby

7. ADOPT THE DISTRICT'S 2019-20 RECOMMENDED BUDGET – Mr. Sheikh said this was the second public hearing required by law to adopt the District's 2019-20 Recommended Budget. He said at the meeting held on May 16, 2019, the Board received a detailed presentation on the Recommended Budget. By law, he said the Board could not take action until today's meeting, and based on the positive feedback received during the May 16<sup>th</sup> public hearing, staff recommend adoption of the Recommended Budget today.

Mr. Sheikh also thanked the Governing Board Ad Hoc Budget Subcommittee members including, Chairman Mendes, Supervisor Pareira, Councilmember Reyes, Councilmember Bessinger, Mayor Vierra, and Supervisor Crocker for their guidance with the Recommended Budget.

Public Comment: None

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

**Motion unanimously carried to adopt the District's 2019-20 Recommended  
Budget**

8. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Mr. Sheikh said there was not a Citizens Advisory Committee member available to deliver the report. He referred Board members to the written item in the agenda packet, which contained the highlights of meetings held on May 7, 2019, and June 4, 2019.
  
9. ACCEPT AND APPROPRIATE \$6,961,054 IN ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND THE REPLACEMENT OF AGRICULTURAL TRACTORS, YARD TRUCKS AND LOCOMOTIVE SWITCHERS – Todd DeYoung, Program Manager, reported the District submitted three proposals to the federal Environmental Protection Agency (EPA) in response to the highly competitive Diesel Emission Reduction Act (DERA) fiscal year 2019 National Clean Diesel Funding Assistance Program. He said he was pleased to report that all three of the District's proposals were selected for funding. The District received a total award of \$6,961,054 for the following projects:
  - a) \$2,364,974 to replace yard trucks that have 1996 to 2009 model year engines with zero-emission battery electric yard trucks;
  - b) \$2,350,000 to replace agricultural tractors that have uncontrolled, Tier 1 or Tier 2 engines with new agricultural tractors that have Tier 4 engines; and
  - c) \$2,246,080 to replace uncontrolled switcher locomotives with new Tier 4 switcher locomotives.

Mr. Sheikh said he wanted to thank the agricultural community for partnering with the District to make these projects happen. He said staff wouldn't be able to put these strong applications together without interest from the community in taking the leap to these newer electric trucks and Tier 4 tractors. He also thanked others in the community for supporting these efforts, as well as Board members for continuing to advocate for these federal funds that are finding their way back to the Valley.

Supervisor Wheeler asked if the referenced emission reductions are PM2.5 or PM10. Mr. Sheikh responded the numbers refer to total PM, but it is nearly 100% PM2.5 because of the combustive nature of the emissions. Supervisor Wheeler asked about the disposition of the old locomotives. Mr. DeYoung responded they would be dismantled according to program guidelines.

Supervisor Pedersen asked if the programs are still oversubscribed. Mr. DeYoung responded there is very strong participation across all of the programs. Mr. Sheikh said the electric yard truck program has even more applications that staff is hoping to fund as they work with EPA on continuing to enhance guidelines they use to fund those types of projects. Supervisor Pedersen asked if education was needed on the locomotive program. Mr. DeYoung responded affirmatively, and said locomotives are highly visible and generally operating in disadvantaged communities throughout the District and public outreach regarding the benefits of

this program to the Valley's air quality is very important and a big component. He added the District makes sure to showcase and make the public aware of these projects as they come online.

Dr. Sherriffs commended staff for doing a great job putting together successful applications. He asked about the timeframe for the projected emission reductions. Mr. DeYoung said it varied by the project, with project life for the locomotive program at 15 years, the agricultural tractors program at 10 years, and the truck projects at 5 years. In terms of the agricultural community, Dr. Sherriffs said it is extremely important and an incredible value in terms of the reductions for NOx and PM2.5. He voiced appreciation for the agricultural community stepping up to help reduce emissions with these programs. He suggested branding the locomotives with the District logo and clean air information as another outreach method to let Valley residents know what the District has accomplished. Mr. Sheikh responded affirmatively and said staff has always tried to take advantage of opportunities for branding and are continuing to ramp up more opportunities to publicize all of the District's programs.

Supervisor Elliott also commended staff on their great work securing the funding, and asked how this funding tied in with other funding sources used in the District's tractor replacement programs. He recalled the District goal of replacing 12,000 tractors as part of the 2018 PM2.5 Plan. Mr. Sheikh said this funding is very helpful in trying to fulfill the goal of replacing 12,000 tractors at a cost of \$1.2 billion in the next 5 years under the District's PM2.5 Plan. He said there are several other funding sources for these programs that the District has received, including local dollars and state FARMER funding. He noted the District currently has close to \$200 million worth of applications in the agricultural equipment replacement programs alone.

Chairman Mendes complimented staff on their hard work and success with these programs. He added the District's Incentives team is awesome, and are highly knowledgeable and very efficient.

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

- Thomas Menz, Fresno Resident
- Lori Apodaca, California Citrus Mutual

*Moved:* Sherriffs

*Seconded:* Bessinger

*Ayes:* Bessinger, Crocker, Elliott, Fugazi, Olsen, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

*Nays:* None

***Motion unanimously carried to accept and appropriate \$6,961,054 in additional revenue from the United States Environmental Protection***

**Agency to fund the replacement of agricultural tractors, yard trucks and locomotive switches**

10. ACCEPT AND APPROPRIATE \$1,395,744 IN CARL MOYER STATE RESERVE PROJECT FUNDING – Mr. Sheikh said the Carl Moyer Program provides grant funding for voluntary incentive programs aimed at accelerating the deployment of clean air technologies. While CARB is responsible for developing the Moyer Program Guidelines, the participating California air pollution control districts and air quality management districts are in charge of administering the program.

He said for Fiscal Year 2019-20, CARB has allocated \$7.8 million in available State Reserve Project Funding for all Carl Moyer-eligible project categories. This year, the District was awarded \$1,395,744.21 in Moyer State Reserve Project Funding. The District will utilize this funding for a variety of project categories, including the replacement of Moyer-eligible off-road equipment and engines in the San Joaquin Valley through the District's existing Heavy-Duty Engine Incentive Program.

Dr. Sherriffs said this was another example of staff being on their toes and thinking ahead. He added this award represents 20% of the reserve for the entire state, and is about 15% additional funds to the Moyer programs.

Chairman Mendes complimented staff and said they are a great staff that gets things done.

Public Comment: None

*Moved:* Bessinger

*Seconded:* Pedersen

*Ayes:* Bessinger, Crocker, Elliott, Fugazi, Olsen, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

*Nays:* None

***Motion unanimously carried to accept and appropriate \$1,395,744 in Carl Moyer State Reserve project funding***

11. APPROVE THE CONTINUED IMPLEMENTATION OF THE TUNE IN TUNE UP VEHICLE REPAIR PROGRAM – Brian Dodds, Program Manager, said the District has partnered with Valley Clean Air Now (Valley CAN) to operate the ground-breaking and extremely successful Tune In Tune Up vehicle repair assistance program since 2011. This award winning program provides low income Valley residents with the opportunity and necessary funding to make emissions related repairs to their vehicles, significantly reducing emissions in disadvantaged communities throughout the Valley. In 2014, the Board approved the implementation of a vehicle replacement component into the weekend event model that identifies older high emitting vehicles for which repair is not a good option. Now referred to as the *Drive Clean in the San Joaquin Replacement*

*Program*, this program option provides incentives to low income residents to purchase newer, cleaner and more fuel efficient vehicles. An online application process was launched in 2018 to help facilitate participation in the program outside of the weekend events.

Mr. Dodds said the District Budget for fiscal year 2019-20 contains \$5 million in appropriations for the continued operation of the Tune In Tune Up program. As in prior years, 75% of these funds are designated for smog-related vehicle testing and repairs. The remaining 25% of the funds are designated for costs associated with venue and equipment logistics and rental, advertising and Valley CAN administrative expenses. He said staff recommend the Board approve additional funding for the Tune In Tune Up vehicle repair program and authorized the continued operation of the program in the coming fiscal year.

Mr. Sheikh thanked Board members for continuing to strongly support these programs, not only by continuing to approve additional funding, but also by their involvement in the actual community events.

Chairman Mendes encouraged Board members who have not yet had the opportunity to attend a Tune in Tune Up event to do so, as they are very informative and it is a great opportunity to see the great work done by District partners and staff.

Councilmember Fugazi added that being at the events with staff from Valley CAN is a wonderful experience as they are a great group of individuals who travel across the Valley to set up these events the day before and work tirelessly to make the events successful. She said they are always friendly, positive, and professional and do a great job of working with participants, some of whom have waited overnight for the event to begin. She said she has not heard a single complaint from residents who have participated in these events. She added she is in strong support of this program and she is looking forward to the program continuing. She thanked all of the individuals who make this possible, including the Board, District staff and the Valley CAN team.

Supervisor Olsen echoed Councilmember Fugazi's comments and said she is now a strong supporter of the Tune In Tune Up program after attending a recent event in Oakdale. She said she was very impressed with the positive and friendly staff, event volunteers, and even program participants who waited in line for hours in their cars, some of whom were there overnight. She said the events are efficiently orchestrated and help improve residents' lives, while also helping to clean the Valley's air. She thanked staff and gave kudos for the number of events held across the Valley over the past year, and said she is the newest champion of the program and could not believe the number of program participants, which demonstrates the great need for the program.

Mayor Bessinger said as a law enforcement officer, he has pulled over drivers for expired registrations because their cars would not pass the smog test. He said

the drivers were in a panic that their cars would be towed or they would receive a traffic violation and they would tell him that they could not get to work nor get their kids to school without their vehicle. He added it is a huge relief to drivers when they no longer have to worry about being pulled over or towed for lapsed registration, and said this is one of the District programs that helps disadvantaged communities the most. He advocated for reaching as many rural and disadvantaged communities in the Valley as possible with this great program.

Supervisor Wheeler asked if residents must attend the weekend events to participate in the program. Mr. Sheikh responded affirmatively and said staff is continually looking for new opportunities to reach smaller, rural communities in the Valley with this program. He said some of the challenges include finding venues that are large enough for the events, as well as receiving adequate local support. He said new locations are added annually, and staff rely on Board members and the public to make suggestions for potential event locations. He added staff are looking for other ways to make these funds available to residents, outside of the weekend events. He said there is a new online portal available for the *Drive Clean in the San Joaquin Replacement Program*, as approved by the Board recently, so that residents can begin the application process from their phones or computers. Mr. Sheikh said staff also hosts “paperwork drop off events” at restaurants in the communities to facilitate efficient participation in these programs.

Councilmember Preciado said he participated in a Tune In Tune Up event two years ago at West Hills College in Coalinga, and he saw residents from many disadvantaged communities who participated in the program. He noted that the process was much faster for participants who brought their previously-issued failed emissions testing certifications. He suggested providing additional opportunities to participate for residents in rural communities who also work on the weekends. Mr. Dodds responded that staff have been working with Valley CAN to find ways to scale down these events for smaller, disadvantaged communities to reach as many residents as possible.

Dr. Sherriffs said Supervisor Couch mentioned at a recent event that the Tune In Tune Up program was piloted in 2011 at an event in Kern County and it is fabulous how successful it has been, how it has expanded and how it has really become a model for other air districts. He said the Board needs to take every opportunity to expand the program, as there is now state funding available through the California Climate Investments. He added that the tremendous outreach conducted in rural and disadvantaged communities in the Valley as part of this program is a model for other public agencies.

Mr. Bessinger suggested there would be a good opportunity to share information about the Tune In Tune Up program with other Valley communities at the upcoming Council of Governments meeting.

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

- Tom Knox, Valley CAN

*Moved:* Preciado

*Seconded:* Fugazi

*Ayes:* Bessinger, Crocker, Elliott, Fugazi, Olsen, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

*Nays:* None

***Motion unanimously carried to approve the continued implementation of the Tune In Tune Up vehicle repair program***

12. **AUTHORIZE DISTRICT TO PARTICIPATE IN NEW STATEWIDE PRESCRIBED BURN REPORTING AND MONITORING SUPPORT PROGRAM** – Morgan

Lambert, Deputy APCO, said air pollution generated from wildfires can overwhelm emission reduction efforts in the San Joaquin Valley and result in periods of excessively high particulate matter and ozone concentrations. Due to exceptionally dry drought conditions, the buildup of combustible materials through decades of forest mismanagement, and the mortality of millions of trees from the drought and bark beetle infestation, the state is experiencing record-setting large wildfires that are directly impacting the Valley's air quality and health of Valley residents. At the November 2015 Governing Board meeting, the Board discussed the need to further use prescribed burning as a tool to remove excess fuels in the forested areas of the District to reduce the number and severity of wildfires in the future. The Board also discussed the need to develop potential changes to the District's rules, policies, and procedures to facilitate a more effective use of prescribed burning.

Mr. Lambert said based on this direction, and in collaboration with local Land Management Agencies, over the last several years the District has employed more flexible policies to facilitate the use of prescribed burning as a tool to reduce fuel more rapidly. With the Sierra Nevada still experiencing the consequences of California's tree mortality epidemic, this issue is still very relevant as the region has experienced a number of the largest wildfires in state history in recent years. He said staff recommend approval of this resolution to enter in to a Memorandum of Understanding with the California Air Pollution Control Officers Association (CAPCOA) to participate in the new statewide Prescribed Burn Reporting and Monitoring Support Program in an effort to facilitate increased levels of prescribed burning across the state.

Mr. Sheikh thanked Chairman Mendes, Supervisor Wheeler, and Supervisor Crocker for joining staff at a recent meeting in Vallejo, with the Region 5 Forester, Randy Moore to see how the District can work with the Forest Service to expand the scale and scope of forest management practices. He said staff is scheduling meetings with Forest Service Supervisors to build that partnership. He added the overall goal is about a million acres per year of enhanced forest

management on the state and federal side, and said he appreciated Board members for taking the time to meet and push the agenda. He said Supervisor Wheeler serves on the Sierra Conservancy, and is very active in other innovative ways to advance forest management efforts.

Supervisor Wheeler said there are not only air impacts, but the Sierra National Forest produced 60% of all water for California. He said when the forests are overrun with brush and fuels, the water production is reduced. He said this action and partnership with the US Forest Service will help tremendously and thanked staff for their hard work on this issue.

Supervisor Crocker thanked staff and the Board for thinking proactively about this issue. He said the meeting with Mr. Moore was very productive and there was a lot of conversation about how we can work the Forest Service, as the primary landholder in this region. He acknowledged the budgetary and staff constraints of the Forest Service and said their partnership with the District will help to accomplish many things, including keeping Valley communities safe, increasing water production and quality, economic benefits, and especially improving air quality for residents.

Supervisor Pedersen said there are always areas to improve and public education is clearly one of those areas. He said programs such as this will help improve the public's perception as to the air district's role on this important issue. Mr. Sheikh responded affirmatively and said the District holds a cooperators meeting annually with various land management agencies to discuss the previous fire season and plans on how best to work together for the next season to identify priority areas. He added that District staff hold a daily call with agencies who are considering these projects and offer support through forecasting and other related information. He said staff is committed to opening windows to allowing these activities to take place. He noted funding and policy issues have limited the amount of acreage allocated toward prescribed burning. He added as more resources become available, including funding, staff feels the situation will improve greatly.

Supervisor Elliott said he was gratified to see the Sierra Conservancy recognizing the key aspects of prescribed burning and the effect of that on forest management, because forest management has so many positive results in terms of reducing the likelihood that we will have a catastrophic fire along with catastrophic effects to air quality and to the health that results from that but also the other benefits in terms of improved water management. He advised the Board to participate in everything they can do to move that process forward in terms of better forest management and said he was pleased to see the District participate in this program.

Dr. Sherriffs said this was a great discussion and he supported this program for all of the reasons mentioned. He added it was important to think long-term about the impacts of climate change on forest management and how that will

complicate the issues. He said the proposed solutions will be more effective long-term if the Board and staff can think about ways to embrace that challenge and thanked staff for working on this important issue.

With regards to the overall scope of the issue, Supervisor Crocker said a total 9 million acres need to be treated in the state, and 65,000 acres were treated last year. He added that the state is looking at developing a statewide master stewardship agreement to help remove National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) issues. Lastly, he thanked Mr. Sheikh and staff for meeting with Placer County officials to look at the work they are doing from a fuel break and larger forest management standpoint, and how the District may be able to partner on similar projects.

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

- Janet Dietz Kamei, Resident
- Thomas Menz, Resident

Moved: Crocker

Seconded: Preciado

Ayes: Bessinger, Crocker, Elliott, Fugazi, Olsen, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

Nays: None

***Motion unanimously carried to authorize District to participate in new statewide Prescribed Burn Reporting and Monitoring Support program***

13. ADOPT PROPOSED AMENDMENTS TO THE DISTRICT'S RESIDENTIAL WOOD BURNING EMISSION REDUCTION STRATEGY – Mr. Sheikh said the proposed amendments to the wood burning emission reduction strategy have been years in the making as part of the District's 2018 PM2.5 Plan. He reported these proposed amendments have gone through an extensive public process, in not only developing the Plan, but subsequently while holding a number of public workshops to receive public input to continually improve the proposed amendments. He gave the Board a brief overview of the reasons for the proposed recommendations, foremost the PM2.5 challenge in the San Joaquin Valley and all of the potential health benefits that can be achieved from continuing to build on the strategies that the Board has put into place over the years to reduce residential wood burning smoke emissions in communities during the peak PM2.5 season.

Mr. Sheikh added it has been very important for the Board over the years to continue to reduce emissions in this category. The Valley has unmatched challenges in meeting the various federal air quality standards due to our geography and topography, along with wintertime stagnation episodes. The District has the most stringent regulations on businesses anywhere in the country, and have asked businesses to invest over \$40 billion to reduce air

pollution. It has been very important to have a comprehensive approach in reducing emissions in the Valley to try and meet the ever-tightening federal standards. He said residential wood burning is a significant contributor to PM2.5 during the wintertime and is also one of the key public health issues with respect to air pollution within the Valley. Lastly, he said over the years, the Board and staff have continually looked for ways to reduce emissions in this category and there are a number of proposed enhancements to the strategy that were first included in the District's PM2.5 Plan and would now be presented to the Board for action at this meeting. He added that it is impossible for the Valley to meet the federal standards without further reductions in wood burning emissions, as it is one of those key contributors to PM2.5 in the wintertime.

Mr. Sheikh introduced Jon Klassen, Strategies and Incentives Director, Jaime Holt, and Brian Dodds who outlined staff recommendations including proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and proposed amendments to the District's Burn Cleaner Program to offer additional financial incentives to Valley residents for the replacement of existing high polluting wood burning devices with cleaner devices.

Mr. Sheikh said staff have developed an approach that is focused in the areas that have the biggest PM2.5 challenge, including Fresno, Madera, and Kern counties. In those areas within these counties that have access to natural gas, the District would lower curtailment levels. The amendments would also strengthen other Valleywide strategies in the rule. He said this package also includes increased incentives in the hot-spot areas that go along with the regulatory component.

Supervisor Wheeler asked if the District would work with city and county agencies to enforce the proposed new requirements for significant remodels of fireplaces or chimneys that exceed \$15,000. Mr. Sheikh responded that requirement would only be implementable through close coordination with the building permit process in the cities and counties. Supervisor Wheeler encouraged staff to work closely with city and county planning department staff on implementation of this measure.

Councilmember Bessinger clarified the new requirement for home sellers to complete a statement of compliance, regardless of whether or not their home has a wood burning heater. Mr. Sheikh responded affirmatively and said this requirement would help with education and awareness of the requirements and available incentives. Councilmember Bessinger asked if staff met with realtors regarding this new requirement. Mr. Sheikh responded affirmatively and said staff have modified the concept based on those meetings and some of their concerns. Councilmember Bessinger suggested the statement of compliance form should be kept simple and easy to understand.

Supervisor Olsen asked if the statement of compliance disclosure required notification to the District or if it is part of the paperwork that goes to the title

company. Mr. Sheikh responded the disclosure form would be a seller requirement and ultimately end up at the District. Supervisor Olsen asked who would be responsible for submitting the disclosure to the District. Mr. Sheikh responded staff is working on a streamlined process. Supervisor Olsen suggested bringing the statement of compliance requirement component back to the Board for separate consideration, after the process is worked out by staff. Supervisor Olsen asked if any of these requirements applied to outdoor fire pits. Mr. Lambert responded there are portions of the rule that do apply to outdoor fireplaces, mainly the mandatory curtailments and new construction requirements.

Supervisor Elliott said it does seem to make common sense to have some additional incentives and focus on those areas with the current Hot Spots, as that is where reductions are most needed. He asked about visible emissions and why the proposed amendments now excluded putting out the fire, which could potential cause residents to burn longer than needed so as not to receive a violation for visible emissions. Mr. Sheikh responded staff looked very closely at this area as it related to other rules out there and the focus was to bring this rule up to speed with other similar adopted regulations.

Mayor Vierra said it was important for him to understand the statement of compliance process and if it might possibly affect escrow and whether or not the seller needed to render the fireplace inoperable prior to close of escrow. Mr. Sheikh said the District is currently receiving some of these forms from realtors, sellers and title companies but may not be receiving all of the forms which could be a liability when the parties are not informed of the requirements. He said staff would work closely with realtors to develop a streamlined process and report back to the Board in the future.

Dr. Sherriffs thanked staff for all of their hard work on these proposed amendments, while balancing concerns and coming up with as simple process as possible. He said public education is very important and suggested staff look at the information on burning provided by the Northern Sierra Air Quality Management District on their website which focuses on public health. He said this highlights the fact that direct PM2.5 is the most unhealthy and it is so important that the District is working on this issue, not only to meet the standards but in terms of its public health mandate which is very important. He added that a 10-15% decrease in wood PM2.5 can result in 30-70 annual premature deaths avoided which is monumental. He remarked that one open hearth is the equivalent to 5 diesel trucks and it is very important that the Board and staff are working on this, accepting the challenge and coming up with a really good plan.

Councilmember Preciado clarified that the increased incentive amounts in Hot Spots areas would apply to everyone in those areas regardless of income. Mr. Sheikh responded affirmatively and said a lot of the homes where families' burn wood in the Hot Spots areas were not low income homes and staff wanted to make this incentive available in a higher amount and widely available to anyone

who wanted to participate in this program. He emphasized there is limited funding available and staff felt that targeting the Hot Spots areas with the increased funding would be a balanced approach with the biggest impacts on emissions in those areas.

Supervisor Wheeler voiced support for Supervisor Olsen's suggestion to consider the sale or transfer and also suggested considering significant remodel requirements at a later date, once the process was fully formed. Mr. Sheikh clarified that the existing rule contained a disclosure requirement for the transfers of residences with wood burning heaters, and the proposed rule contains a new requirement that builds on this existing requirement and process to encompass all residential transactions. Furthermore, he added that the proposed expanded disclosure requirements for real estate sales and transfers would not go into effect until January 1, 2020. He offered at the Board's direction, staff could come back at the end of the year and report on implementation of the streamlined process. Regarding the significant remodel aspect, Mr. Sheikh responded that this was a stringency issue, and recommended the Board keep it in place as part of the recommended amendments.

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

- Nyamin Martinez, Central CA Environmental Justice Advisory Network(CCEJN)
- Monica Limon, Central Valley Air Quality Coalition (CVAQ)
- Janet Dietz Kamei, Resident
- Thomas Menz, Resident
- Rick Jones, Central Valley Association of Realtors
- Steve Goldstein, Spa Doctor
- Dale Mingus, DuraVent

*Supervisor Olsen left at 11:48 a.m.*

*Moved:* Wheeler

*Seconded:* Sherriffs

*Ayes:* Bessinger, Crocker, Elliott, Fugazi, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

*Nays:* None

***Motion unanimously carried to adopt proposed amendments to the District's Residential Wood Burning Emission Reduction Strategy***

14. APPROVE CONTRACT FOR OUTREACH AND MARKETING AGENCY SERVICES FOR COMPREHENSIVE PUBLIC EDUCATION AND OUTREACH PROGRAM – Ms. Holt, Chief Communication Officer, said the District's mission to protect public health by improving air quality in the San Joaquin Valley relies on the public's awareness and understanding of the District's air-quality improvement programs. Valley businesses are subject to some of the toughest

air regulations in the nation. The Valley's unique challenges with respect to meteorology, pass-through traffic, and pollution transport from other regions, coupled with ever-tightening federal air-quality mandates, demand further reductions in emissions. Since the Valley cannot meet its public health goals solely through regulations on businesses, involvement and support from all Valley residents for new clean air initiatives is more important than ever. She said the purpose of this item is to authorize the attached agreement for advertising agency services to assist the District with comprehensive public education and outreach.

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

- Jessica Blanchfield, Archer and Hound

Moved: Bessinger

Seconded: Preciado

Ayes: Bessinger, Crocker, Elliott, Fugazi, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

Nays: None

***Motion unanimously carried to approve contract for outreach and marketing agency services for comprehensive public education and outreach program***

15. AUTHORIZE USE OF SERVICE PROVIDERS AS NECESSARY TO SUPPORT AB 617 COMMUNITY ENGAGEMENT – Ms. Holt explained through implementation of the AB 617 Community Air Protection Program, new resources have been committed to the Valley to reduce air pollution, improve quality of life, and help the region meet its clean air goals. The legislation established new mandates for CARB and local air districts to develop and implement additional emissions reporting, monitoring plans, and Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted communities. Since the enactment of AB 617, the District has initiated the implementation of these new state mandates, including the comprehensive technical evaluations and community engagement called for under the statute. After extensive public engagement, and in consideration of recommendations from the Board, in September 2018 CARB selected ten communities statewide for action in the first year under AB 617. There initial communities included the City of Shafter and South Central Fresno. In September 2018, the Board directed staff to immediately convene steering committees under a set of guiding principles for each of these selected communities made up of residents, businesses, non-governmental organizations, and public agencies to serve in an advisory capacity to the District in the development of community air monitoring plans and CERPs. Under CARB-established guidance for implementing AB 617, the District has invested considerable effort and resources conducting a range of associated activities in and around the selected communities of Shafter and South Central Fresno, including the formation of two steering committees that

meet at least monthly.

Mr. Sheikh said the funding was already approved in the budget and all of the funding is fully reimbursable under the AB 617 state implementation funding, so no local dollars would be used.

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

- Monica Limon, CVAQ

Moved: Pedersen

Seconded: Pareira

Ayes: Bessinger, Crocker, Elliott, Fugazi, Pareira,  
Pedersen, Preciado, Sherriffs, Vierra, Wheeler, Mendes

Nays: None

***Motion unanimously carried to authorize use of service providers as necessary to support AB 617 community engagement***

16. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs reported on highlights from the CARB Board Meeting of April 25 and May 23, 2019 including:

- The Board approved amendments to the Red Sticker Program for Off-Highway Recreation Vehicles (OHRV), which allows for CARB certification of OHRV that do not meet emissions standards.
- The Board approved amendments to the Certification of Vapor Recovery Systems on Cargo Tanks Regulation. The amendments establish a regulatory mechanism to periodically evaluate program costs and adjust the certification fee to recover these costs.
- The Board approved amendments updating the procedures in CARB's certified environmental review process. The approved amendments to the certified regulatory program will further specify notice and comment requirements, exemptions, definitions, and the procedures that apply to different types of CARB environmental review.
- The Board approved updates to the Suggested Control Measure (SCM) for Architectural Coatings. The amended SCM for Architectural Coatings will lower VOC limits for 10 of the 45 architectural coating categories, and reduce VOC emissions by 2.5 tons per day statewide.
- The Board approved the Community Air Protection Incentives 2019 Guidelines (CAP Guidelines). The CAP Guidelines address legislative direction of Senate Bill (SB) 856 to expand project source categories and to ensure transparency when meeting the goals of the Community Air Protection Program.

17. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh said he would provide detailed updates to Board members on air quality funding allocated in the

new state budget. Regarding the public safety power shutdown programs put into place by the utility companies throughout the state, he said the District would issue an advisory and provide input on the process of selecting backup generators, including permitting requirements. He asked Board members to share any concerns they might hear from their constituents.

18. GOVERNING BOARD MEMBER COMMENTS – Supervisor Wheeler thanked District staff for attending a recent town hall in his jurisdiction.

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

- Pursuant to Government Code Section 54956.9(d), a need exists to meet in closed session with legal counsel to consider the following:  
**Association of Irrigated Residents v. U.S.E.P.A.**, United States Court of Appeals, Ninth Circuit Case No. 19-71223, filed May 17, 2019, pending litigation.

Public Comment: None

Ms. Ballatore returned after Closed Session to announce that the Governing Board considered the pending action in the Ninth Circuit Court of Appeals, **Association of Irrigated Residents v. U.S.E.P.A.**, and approved of the District's Motion to Intervene in that action. The motion was made by Supervisor Wheeler, seconded by Supervisor Crocker, and passed by unanimous vote of all members present.

## **ADJOURN**

*The Chair adjourned the meeting to Closed Session at 12:34 a.m.*

*The Board adjourned from Closed Session at 12:50 p.m.*

*NO MEETING IN JULY. The next scheduled meeting of the Governing Board is: August 15, 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.*