

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD

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

Thursday, November 5, 2009
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, Chris Vierra called the meeting to order at 9:00 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

David G. Ayers, Councilmember	City of Hanford
Tony Barba, Supervisor, Vice Chair	Kings County
Judy Case, Supervisor***	Fresno County
Ronn Dominici, Supervisor	Madera County
Henry J. Forman, Ph.D.**	Appointed by Governor
Ann Johnston, Mayor	City of Stockton
Randy Miller, Councilmember	City of Taft
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor	San Joaquin County
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember, Chair	City of Ceres
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor	Tulare County

*Attended meeting in Northern Region Office

**Attended meeting in Southern Region Office

***Arrived at 9:05 a.m.

Absent:

Jesus J. Gamboa, Councilmember	City of Visalia
Michael G. Nelson, Supervisor	Merced County

The Chair, Chris Vierra welcomed the two new Governing Board members attending their first meeting today, Mayor Ann Johnston from the City of Stockton and Councilmember Randy Miller from the City of Taft. Mayor Johnston stated she is happy to be representing north Valley residents, along with Supervisors Ornellas and O'Brien on the Board. Councilmember Miller stated he looked forward to serving on the Governing Board and thanked everyone for making him feel welcome.

3. APPROVAL OF CONSENT CALENDAR – Item numbers 22 – 29 *These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.*
22. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, SEPTEMBER 17, 2009
23. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2009 AND 2010
24. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR SEPTEMBER 2009
25. RECEIVE AND FILE BUDGET STATUS REPORT AS OF SEPTEMBER 30, 2009
26. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4308 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – 0.075 TO 2.0 MMBTU/HR)
27. RECEIVE AND FILE RULE 4601 (ARCHITECTURAL COATINGS)
28. RECEIVE AND FILE PRELIMINARY PROPOSED RULE 9410 (EMPLOYER BASED TRIP REDUCTION)
29. APPROVE AND AUTHORIZE CHAIR TO SIGN MEMORANDUM OF UNDERSTANDING WITH VALLEY PUBLIC TELEVISION FOR THE PRODUCTION OF A WEEKLY PUBLIC AFFAIRS SERIES

Consent Item #29, was pulled by Dr. Forman for further discussion. Consent Item #24 was pulled by Dr. Telles for further discussion.

24. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR SEPTEMBER 2009

Dr. Telles inquired about excessive dust emissions he had observed in connection to an almond harvest several weeks earlier north of Bakersfield. Dr. Telles asked if that incident had caused any violation of the PM10 standard. Mr. Sadredin stated that no exceedances were recorded by the District's air monitors relating to the incident described by Dr. Telles. Mr. Sadredin also pointed out that studies have shown that most of the coarse dust particles generated from farming operations settle in the immediate vicinity and do not transfer to residential areas.

29. APPROVE AND AUTHORIZE CHAIR TO SIGN MEMORANDUM OF UNDERSTANDING WITH VALLEY PUBLIC TELEVISION FOR THE PRODUCTION OF A WEEKLY PUBLIC AFFAIRS SERIES

Dr. Forman noted there is a lot of research going on at UCSF Fresno, Fresno State and UC Merced and stated he hoped this weekly public affairs series would be an avenue to bring attention to these programs. Dr. Forman also stated he would be happy to appear on one of these programs. Mr. Sadredin stated the research will be a good item to include in the series and the District will have the opportunity to do so.

Public Comment – None

Moved: Worthley
Seconded: Watson
Ayes: Ayers, Watson, Worthley, Dominici, Case, Telles,
Forman, Barba, Ornellas, O'Brien, Miller, Johnston,
Vierra
Nays: None

Motion unanimously carried to approve Consent Calendar Items 22 – 29.

4. PUBLIC COMMENT – *The following persons provided testimony during the Public Comment portion of the meeting:*

- Mary-Michal Rawling, Merced-Mariposa Asthma Coalition
- Roger Isom, California Cotton Ginners and Growers Association and Western Agricultural Processors Association
- Manual Cunha, Nisei Farmers League
- Jim Anderson, Amsoil Dealer
- Dave Chidester, Central Cal Transportation
- Tony Green, Emerald Energy
- Al Bianco
- Beth Koetsier
- Scott Beery, Central Cal Transportation

5. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) – There was no report from the Citizen's Advisory Committee (CAC) this month.

6. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) – Carolyn Rose, Director of Personnel, gave the presentation recognizing the following employees for their years of service:

Five Years of Service

Joe Aguayo, Air Quality Specialist II
Lupe Reyes, Staff Technician
Clay Bishop, Air Quality Inspector II

Matthew Cegielski, Air Quality Specialist II

Ten Years of Service

Brad Schwegel, Supervising Programmer/Analyst

Fifteen Years of Service

Brian Johnson, Senior Programmer/Analyst

Kathi Crump, Air Quality Inspector II

Mr. Sadredin also recognized Roger McCoy, the District's retiring Administrative Services Director and introduced Cindi Hamm, the District's new Administrative Services Director.

7. **HEALTHY AIR LIVING: AWARD PRIZES FOR THE WINNERS OF VARIOUS SUMMER CONTESTS AND REVIEW OUTREACH STRATEGY FOR THE WINTER SEASON** – Jaime Holt, Chief Communications Officer gave a presentation on the winter season outreach strategy for the Healthy Air Living program. She noted the District's 2009-10 winter outreach strategy will build on the success of last year's messaging and some innovative partnerships. She stated the District is working to once again secure an agreement with Duraflame to leverage funds to further promote the "Burn Cleaner" message on those days when wood burning is allowed.

Chairman Vierra recognized the following winners of the various Healthy Air Living Contests:

Healthy Air Living For Reel Video Contest Winners

Grand Prize	Brandon Brush, Modesto, CA
Second Place	Drew Monson, Modesto CA
Third Place	Ms. Scholl's Class, McParland Elementary, Manteca CA

Commute Green in the San Joaquin Kid's Edition Challenge Winners

San Joaquin County	Sequoia Elementary, Manteca
Fresno County	Malloch Elementary, Fresno
Kings County	Tamarack Elementary, Avenal

Commute Green in the San Joaquin Corporate Challenge Winners

Small Category (5 to 20 employees)	City of Visalia, Admin Office
Medium Category (21 to 100 employees)	Piccadilly Inn Univ., Fresno
Large Category (over 100 employees)	Fresno County

Win a Chevy Malibu Hybrid Contest

The name of the winner of the summer's grand prize was drawn at the meeting. Mr. Fortino Munguia of Caruthers was the winner of the 2009 Chevy Malibu Hybrid.

Chair Vierra thanked all of the participants in the various contests and noted that the only way to achieve healthy air quality in the Valley is by everyone making the commitment to live a healthy air life.

This item was taken out of order.

13. VOLUNTARY AIR QUALITY ADVISORY PROGRAM FOR SAN JOAQUIN VALLEY SCHOOL DISTRICTS – Mr. Sadredin stated the District has received requests from several schools throughout the Valley for additional guidance with respect to restricting student activities in relation to the Valley’s air quality index. He noted the proposed interim approach will not only be health-protective, but provide additional flexibility for schools. Mr. Sadredin introduced Dr. David Lighthall, the District’s Health and Science Advisor, who gave the presentation.

Dr. Lighthall noted that research shows children in the elementary school age range are affected by every inflammatory event that they experience. He noted by decreasing children’s exposure to these inflammatory events, long term benefits will be achieved in terms of their lung development. He stated the APCO will continue to work with San Joaquin Valley schools and other stakeholders to develop final Air Quality Advisory Guidelines for San Joaquin Valley School Districts in time for the 2010-11 school year. Dr. Lighthall noted Tim Tyner, UCSF-Fresno and Susie Rico, American Lung Association have been critical resources for this project.

Mayor Johnston asked about the participation rate for Valley schools in the flag program. Mr. Sadredin stated that currently less than a third of schools, Valley-wide, participate in the program. He noted participation could increase in light of the added flexibility of the new Air Quality Advisory Program. He also noted the program will provide for notification to schools in the event of exceptional events in their areas, regardless of whether they are captured by the monitoring stations.

Dr. Telles stated it is a great idea to have real-time monitors for use in forecasting air quality. However, he voiced his concern that the number of real-time monitors in local areas will not provide an accurate forecast. He stated he is concerned about sending mixed messages to school staff. He also noted that a child’s lungs continue to develop until age 20. Mr. Sadredin acknowledged that it would not be possible to provide precise forecasts for every school in the Valley. He added that the program will be designed to provide best available information to every school using air monitoring data with adequate scientific safeguards to remain protective of students’ health.

Public Comment: *The following persons provided testimony on this item:*

- Sandra Brock
- Ray Allen, Emerald Energy
- Mary-Michal Rawling, Merced-Mariposa Asthma Coalition

Moved: Worthley
Seconded: Dominici
Ayes: Barba, Dominici, Forman, Ayers, Worthley, Telles
Ornellas, Johnston, Miller, Case, O'Brien, Watson
Vierra
Nays: None

Motion unanimously carried to adopt the Voluntary Air Quality Advisory Program for San Joaquin Valley School Districts.

The Governing Board took a short recess at 11:12 a.m.

The Governing Board adjourned to Closed Session at 11:35 a.m. due to technical difficulties with the Southern Region (Bakersfield) office.

The Governing Board reconvened at 12:58 p.m.

This item was taken out of order.

21. CLOSED SESSION -CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (GOVT. CODE §54956.9(a)
- California Building Industry Association et al. v. San Joaquin Valley Unified Air Pollution Control District, Fifth District Court of Appeals Case No. F055448

There was no announcement following Closed Session.

8. ADOPT PROPOSED DISTRICT POLICY AND GUIDANCE DOCUMENT FOR LAND-USE AGENCIES FOR USE IN ADDRESSING GREENHOUSE GAS EMISSION IMPACTS UNDER CEQA FOR NEW PROJECTS IN THE SAN JOAQUIN VALLEY; AND PROPOSED AMENDMENTS TO RULE 2301 (EMISSION REDUCTION CREDIT BANKING) – Mr. Sadredin stated there was a construction incident near the Southern Region (Bakersfield) office and that their audio/video communication lines were down. He noted the Southern Region office was connected to the Governing Board meeting currently via cell phone only. He stated it was unlikely the audio/video connection to the Southern Region office could be restored during today's meeting. Chairman Vierra recommended that this item be continued to the December 17, 2009 Governing Board meeting, when communication with the Southern Region office will be back to normal.

Public Comment – *The following persons provided testimony on this item:*

- Craig Martin, City of Selma
- Mike Prandini, Building Industry Association
- Matt Vespa, Center for Biological Diversity

Moved: Watson
Seconded: Dominici
Ayes: Worthley, Telles, Forman, Ayers, Case, Dominici,
Barba, O'Brien, Ornellas, Miller, Johnston, Watson,
Vierra
Nays: None

Motion unanimously carried to continue Adopt Proposed District Policy and Guidance Document for Land-Use Agencies for Use in Addressing Greenhouse Gas Emission Impacts Under CEQA for New Projects in the San Joaquin Valley; and Proposed Amendments to Rule 2301 (Emission Reduction Credit Banking) until the December 17, 2009 Governing Board meeting.

This item was taken out of order.

10. APPROVE BUDGET RESOLUTION REALLOCATING UNUSED DERA ADMINISTRATIVE FUNDS FOR ADDITIONAL SCHOOL BUS RETROFITS – Mr. Sadredin gave the presentation on this item regarding the transfer of unused DERA administration funds to project funds. He stated the District received \$205,000 in DERA Lower Emission School Bus funding from the state. Of these, \$14,350 were allocated to administer the grant. He stated due to streamlining measures implemented in the grant programs, the District only used about \$5,800 of these funds for administrative purposes. That allowed the District to utilize most of the unused administrative funds for retrofitting one additional school bus. He added that due to the applicable deadlines, the APCO was not able to get prior authorization from the Board and that the proposed budget resolution would retroactively authorize the expenditure of unused administrative funds towards additional school bus clean up.

Public Comment – None

Moved: Worthley
Seconded: Dominici
Ayes: O'Brien, Ornellas, Telles, Dominici, Ayers, Watson
Case, Worthley, Barba, Johnston, Forman, Miller,
Vierra
Nays: None

Motion unanimously carried to approve budget resolution reallocating unused DERA administration funds for additional school bus retrofits.

This item was taken out of order.

11. AUTHORIZATION TO NEGOTIATE AN AGREEMENT FOR DISTRICT IMPLEMENTATION OF THE STATE LOWER EMISSION SCHOOL BUS PROGRAM ON BEHALF OF SEVERAL SMALL OR RURAL AIR DISTRICTS IN CALIFORNIA – Mr. Sadredin gave the presentation on this item. He stated the

California Air Resources Board requested the District's assistance in implementing the State Lower Emission School Bus Program on behalf of several small or rural air districts. He stated it was a compliment for the District to be asked to help with this project. He also stated this project will help minimize emissions exposure for children. He noted the District will be entitled to the remainder of an ARB grant as well as administrative fees to recover costs associated with these efforts.

Tom Cackette of the California Air Resources Board complimented the District for managing one of the best grant management programs in the state. Mr. Dave Jones, Kern County APCD, also was complementary of the District's grant management program. Both Mr. Jones and Mr. Cackette offered support for staff recommendations.

Moved: Johnston
Seconded: Case
Ayes: Worthley, Barba, Dominici, Case, Watson, Ayers,
Telles, Forman, O'Brien, Ornellas, Miller, Johnston,
Vierra
Nays: None

Motion unanimously carried to authorize the APCO to negotiate an agreement for District implementation of the State Lower Emission School Bus Program on behalf of several small or rural air districts in California.

9. REVIEW AND PROVIDE COMMENT ON THE "2009 ANNUAL REPORT TO THE COMMUNITY" INITIAL DRAFT – Mr. Sadredin gave an overview on the initial draft of the District's 2009 Annual Report to the Community. He noted the District's Annual Report to the Community is essentially a "report card" on the District's activities for the previous year. He stated the purpose of this report is to facilitate public accountability and obtain feedback from the community on District activities.

Supervisor Case stated in light of the recent shortage of grant funds, page 35 which calls on truckers to contact the District to sign up for incentive funds should be changed to a graphic showing the Valley's ozone/air quality designations. Supervisor Watson gave his compliments on the report and on what the District has accomplished over the past year.

Public Comment – None

Moved: Ornellas
Seconded: Watson
Ayes: O'Brien, Ornellas, Telles, Dominici, Ayers, Watson
Case, Worthley, Barba, Johnston, Forman, Miller
Vierra
Nays: None

Motion unanimously carried to approve the “2009 Annual Report to the Community” Initial Draft with Board member suggestions.

This item was taken out of order.

12. APPROVE “BURN CLEANER” WOOD-BURNING DEVICE INCENTIVE PROGRAM FOR THE 2009-10 WINTER SEASON – Mr. Sadredin introduced Samir Sheikh, ERIP Director, who gave the presentation on this item. Mr. Sheikh stated the “Burn Cleaner” program is a key component of the District’s strategy to reduce wintertime PM10 emissions. He noted this program is a very cost effective way to reduce emissions. He stated demand for this program is very high as last year \$150,000 in incentives was exhausted within weeks of the start of the program. He stated at the Board’s direction, the District has increased the amount of incentives available this year to \$425,000.

Mr. Sheikh discussed the proposed modifications to the “Burn Cleaner” Wood-Burning Device Incentive Program for the 2009-10 winter season, including establishing incentive levels ranging from \$100 to \$500 based upon the type of device purchased. In addition, he noted the program will offer low income residents \$1,500 for the purchase of any eligible device. He stated to date, the program has resulted in the replacement of 671 wood burning devices. Mr. Sheikh also noted in the past, the Board has directed staff to give priority to gas devices as well as to upgrades in areas where natural gas was not available.

Supervisor Case asked if there is a benchmark from application to cutting a check to retailers. Mr. Sheikh responded previously the goal was 30 days, however he stated staff plans to improve that timeframe this year. Supervisor Case noted small businesses are currently challenged with the economic situation and noted staff should be sensitive to this. Mr. Sadredin stated that the District will commit to a 10-day turnaround. Supervisor Worthley asked about plans for rolling over the unused incentive for low income households to the regular incentive to ensure that all funds are utilized. Mr. Sadredin stated the District plans to set aside 20 percent initially, however, if there is not enough interest, the money will be made available to all. Supervisor O’Brien asked about the possibility of a tiered program for low income households, similar to the regular program. Mr. Sadredin replied that based on the District’s survey, individuals responded that anything lower than the \$1,500 incentive made the purchase unaffordable.

Mayor Johnston left at 2:00 p.m.

Supervisor Dominici left at 2:03 p.m.

Public Comment: *The following persons provided testimony on this item:*

- Bob Haun, Buck Stove and Fan Center
- Rod Poplarchick, Hearth Products Association
- Steve Goldstein
- Jay Hansen
- Colby Morrow, Southern California Gas Company

Supervisor Case made a motion to approve the “Burn Cleaner” program with the following Board direction: the District should reimburse the consumer directly; the program start date should be January 15, 2010 and the District should delay advertising until the program start date.

Moved: Case
Seconded: Worthley
Ayes: Case, Ornellas, O'Brien, Ayers, Forman, Telles
Watson, Barba, Worthley, Miller, Vierra
Nays: None

Motion unanimously carried to approve the “Burn Cleaner” wood-burning device incentive program for the 2009-10 winter season with Board direction to reimburse consumers directly; change the program start date to January 15, 2010; and to delay advertising to begin on the program start date.

Supervisor O'Brien left at 2:33 p.m.
Supervisor Case left at 2:34 p.m.

This item was taken out of order.

17. AUTHORIZATION TO SUBMIT APPLICATION FOR CITIES/COUNTIES TO CALIFORNIA ENERGY COMMISSION UNDER ARRA STATE ENERGY PROGRAM SOLICITATION – Mr. Sadredin stated there is a November 30, 2009 deadline to make an application for a competitive grant allowing cities and counties to receive energy efficiency funding. Mr. Sadredin noted without this approval there could be potential losses of several million dollars to Valley cities and counties.

Public Comment - None

Moved: Worthley
Seconded: Barba
Ayes: Worthley, Telles, Forman, Ayers, Barba
Ornellas, Miller, Watson, Vierra
Nays: None

Motion unanimously carried to authorize the APCO to submit Application for Cities/Counties to California Energy Commission under ARRA State Energy Program Solicitation.

This item was taken out of order.

16. DISTRICT REPRESENTATION ON SAN JOAQUIN VALLEY REGIONAL POLICY COUNCIL – Mr. Sadredin stated the San Joaquin Valley Regional Policy Council has representatives from each Council of Governments in the Valley. He stated, at the Policy Council's request, the Board needs to appoint a District representative to the Policy Council. Mr. Sadredin recommended the Board appoint a Governing

Board member or the APCO to represent the District on the San Joaquin Valley Regional Policy Council.

Public Comment - None

Moved: Worthley
Seconded: Barba
Ayes: Ornellas, Ayers, Forman, Telles, Watson,
Barba, Worthley, Miller, Vierra
Nays: None

Motion unanimously carried to appoint the APCO to represent the District on the San Joaquin Valley Regional Policy Council.

14. APPROVE AND AUTHORIZE CHAIR TO SIGN CONTRACT WITH COREY, CANAPARY & GALANIS FOR A PUBLIC OPINION SURVEY AND MARKET RESEARCH PROJECT – Mr. Sadredin stated a policy directive by the Board was to have measurable criteria for public outreach to ensure the District spends resources effectively. He stated this year the Board approved funding to conduct a scientific poll of Valley residents to ask about their behaviors and responses to the District's outreach activities. He noted the firm of Corey, Canapary & Galanis was chosen from a Request for Proposal process as the best qualified candidate that met the District needs and whose proposal was within budgetary guidelines.

Supervisor Ornellas asked if this was a bilingual survey. Ms. Holt affirmed the survey would be in English and Spanish and was based on the demographic breakdown of the Valley.

Public Comment - None

Moved: Watson
Seconded: Telles
Ayes: Ayers, Worthley, Barba, Telles, Ornellas,
Watson, Forman, Miller, Vierra
Nays: None

Motion unanimously carried to approve and authorize the Chair to sign contract with Corey, Canapary & Galanis for a public opinion survey and market research project.

15. DISTRICT MISSION STATEMENT, VISION STATEMENT AND CORE VALUES – This item was tabled for a future Governing Board meeting.
18. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD (ARB) ACTIVITIES - This item was tabled until the December 17, 2009 Governing Board meeting.

19. EXECUTIVE DIRECTOR/APCO COMMENTS - None
20. GOVERNING BOARD MEMBER COMMENTS - None

ADJOURN

Meeting adjourned at 2:42 p.m.

*Next scheduled meeting of the Governing Board: Thursday, December 17, 2009.
Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg
Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region
Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.*