

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, June 21, 2012
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 O'Brien called the meeting to order at 9:10 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

Tony Barba, Supervisor	Kings County
Oliver L. Baines III, Councilmember	City of Fresno
Skip Barwick, Councilmember, Vice Chair	City of Tulare
Sally Bomprezzi, Councilmember	City of Madera
Ronn Dominici, Supervisor	Madera County
Harold Hanson, Councilmember**	City of Bakersfield
William O'Brien, Chair	Stanislaus County
Leroy Ornellas, Supervisor	San Joaquin County
Dr. Alexander Sherriffs	Appointed by Governor
J. Steven Worthley, Supervisor	Tulare County
Chris Vierra, Mayor*	City of Ceres
Raymond Watson, Supervisor**	Kern County

* Attended meeting in Northern Region Office

**Attended meeting in the Southern Region Office

Absent:

Judy Case, Supervisor	Fresno County
Dr. Henry Jay Forman, Ph.D.	Appointed by Governor
Hub Walsh, Supervisor	Merced County

3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 18 - 24) *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.*

18. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MAY 17, 2012
19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MAY 17, 2012
20. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2012
21. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR MAY 2012
22. RECEIVE AND FILE BUDGET STATUS REPORT AS OF MAY 31, 2012
23. AMENDED TIMELINE FOR STUDY OF HEALTH IMPACTS OF PM2.5 SPECIES
24. AMENDMENT TO THE ENVIRONMENTAL JUSTICE STRATEGY

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

- Kevin Hall, CVAQ

Moved: Worthley

Seconded: Vierra

Ayes: Baines, Barba, Barwick, Bomprezzi, Dominici, Hanson, Ornellas, Sherriffs, Worthley, Vierra, Watson, O'Brien

Nays: None

Motion unanimously carried to approve Consent Calendar Items 18 – 24.

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

- Kevin Hall,
CVAQ

5. ADOPT THE DISTRICT'S 2012-13 RECOMMENDED BUDGET – Seyed Sadredin, Executive Director/APCO presented a summary of the District's Recommended Budget. Mr. Sadredin reported staff prepared the Budget Resolution for the Board's approval based on the 2012-13 Recommended Budget presented during the public hearing on May 17, 2012. He added that an Incentive Spending Plan was been included as requested by the Board. He explained the Plan outlines the strategy and guidelines utilized when considering and selecting programs for funding, and the existing constraints and

requirements for some of the major programs.

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

- Nisei Farmers League Manuel Cunha,
- Lawrence Tractor Co., Inc. Rick Ghimenti,

Moved: Worthley

Seconded: Dominici

Ayes: Baines, Barba, Barwick, Bomprezzi, Dominici, Hanson,
Ornellas, Sherriffs, Worthley, Vierra, Watson, O'Brien

Nays: None

Motion unanimously carried to adopt the District's 2012-13 Recommended Budget

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, CAC Industry/Ag Primary Member from Fresno County gave the presentation on highlights from the June 5, 2012 CAC meeting. He stated CAC members received a detailed report on the new Extra-Weight Truck Pilot Program proposed by the California League of Food Processors. Mr. Cunha noted that the majority of CAC members from all three interest groups (City, Industry/Ag, and Environmental) voted to support the proposal in a 9 to 3 vote, however, only three members of the City Interest Group were present and only two supported the proposal, so the motion did not pass.

He also reported that CAC members received a presentation on the District's proposed new Guide for Assessing and Mitigating Air Quality Impacts. He noted although CAC members expressed strong support for the proposal in a 10 to 0 vote, with two abstentions, only two of the three members present of the City Interest Group voted to support this item so the motion did not pass. Mr. Cunha also reported that CAC members voted to reappoint Sarah Sharpe, Fresno County Environmental Interest Group Representative on the CAC, to another term on the District's Environmental Justice Advisory Group (EJAG). Lastly, Mr. Cunha reported CAC members voted unanimously to support EJAG recommendations for additional grant funding in Valley environmental justice areas.

Public Comment: None

7. VERBAL UPDATE ON DEVELOPMENT OF 2012 PM2.5 PLAN – Errol Villegas, Strategies and Incentives Program Manager, provided the update on the 2012 PM2.5 Plan which staff is developing to attain the 2006 Federal air quality standard for 24-hour PM2.5. Mr. Villegas noted there has been extensive effort to involve the public through presentations, regular updates to various

organizations, workshops and symposiums. He reported to date staff is conducting an analysis of potential emission reduction opportunities. He added the District is working closely with ARB on the modeling and technical evaluation to predict future Valley PM2.5 air quality levels. Mr. Villegas reported the emissions inventory for the Valley is being reviewed and updated for all categories.

Supervisor Worthley requested information regarding EPA adopting a new standard. Mr. Sadredin explained EPA announced there will be a proposed new standard for PM2.5. He noted EPA's analysis claims the Valley will meet attainment by 2020, however, the District is questioning that finding and will be commenting on the proposal .

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

- Kevin Hall, CVAQ

8. APPROVE TUNE-IN TUNE UP PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO VALLEY RESIDENTS FOR TESTING AND REPAIRING HIGH POLLUTING VEHICLES – Brian Dodds, Supervising Air Quality Specialist, gave the presentation on this item. He noted that over 80% of NOx emissions in the Valley are the result of vehicle use. Mr. Dodds explained the District has recently completed the implementation of the District's unique vehicle repair program known as Tune In, Tune Up. He added the program, in conjunction with Valley Clean Air Now (Valley CAN) and the Foundation for California Community Colleges (FCCC) reached low income and minority residents who otherwise would not be able to afford costly repairs. Mr. Dodds reported staff is proposing to significantly expand the program for a total cost of \$4 million which will include hosting, marketing, screening of vehicles, repair of vehicles and other contractor costs. He noted Valley CAN will leverage \$250,000 of their own funds to assist consumers in the vehicle registration process. He added the consumer would receive up to \$650 in vouchers redeemable at a qualified repair shop for smog-related repairs. He explained the 19 events will be held in large and small cities throughout the Valley but will be focused on Environmental Justice areas.

Supervisor O'Brien asked the reasoning behind the increase in funding. Mr. Sadredin explained comments from community organizations indicated \$500 was not enough to cover some repairs. Supervisor O'Brien asked how many of the vouchers were not redeemed. Mr. Dodds responded there were approximately 20% that were not used.

Supervisor Dominici asked for tentative dates of the events. Mr. Sadredin explained the events are normally confirmed two months in advance and notification will be made to the Board members in each region. Supervisor Dominici asked what cities the events would be held in. Mr. Dodds explained Valley CAN has proposed holding an event within each county rotating between larger cities and smaller communities.

Councilmember Baines asked if there was a record of what types of repairs are most common. Mr. Dodds responded staff is coordinating efforts with Valley CAN will allow for more analysis of specifics than in the past. Councilmember Baines asked how outreach to the outlying communities was going to be coordinated. Mr. Sadredin explained Valley CAN has extensive experience in engaging Environmental Justice communities, and that participation has been strong.

Vice Mayor Barwick asked how the vouchers are processed to ensure unused monies are returned to the program. Mr. Dodds explained the Gold Shield stations are aware of what types of repairs can be made and will submit invoices to Valley CAN who will review and verify documentation before payment is made.

Supervisor Ornellas requested clarification between screening a vehicle for eligibility for a voucher and a smog test. Mr. Sadredin explained vehicles are given a preliminary screening where if the vehicle fails then most likely the vehicle would fail a smog test also. He added the Gold Shield stations would perform a smog test to verify the vehicles inability to pass. Supervisor Ornellas asked if Valley CAN will monitor the frequency of visits of each vehicle. Mr. Dodds explained Valley CAN does keep records of the vehicles and past experience illustrates repaired cars do not return.

Supervisor Watson asked if there is data available for an analysis of average number of miles that consumers drive and how much NOx reduction was attained. He suggested providing the information to the public to illustrate results of the \$4 million dollars spent on this program. Mr. Sadredin stated information will be prepared to distribute as part of the public outreach efforts.

Councilmember Hanson asked if there is an income eligibility requirement for the voucher. Mr. Sadredin explained there is no income eligibility requirement. The only eligibility requirement is the vehicle failing to pass the screening test. He added the outreach campaign is targeted to the low income communities and anecdotal evidence indicates that most participants are low-income Valley residents.

Mayor Vierra asked for the reason of the increase in the voucher from \$500 to \$650 if the repairs appear to cost approximately \$500. Mr. Sadredin explained it was suggested by community organizations to increase the amount to assure that funding is adequate to cover repairs, but the cost of repairs will be monitored.

Supervisor Worthley asked if the District receives credit for State Implementation Plan (SIP). Mr. Sadredin explained efforts to obtain a final regulatory framework with EPA are ongoing to receive credit but not prior to funds being expended.

Dr. Sherriffs left at 10:00 a.m.

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

- Pastor B. T. Lewis, Rising Star Missionary Baptist Church

Mr. Sadredin commented income verification for eligibility would need to be simplified for the program to work efficiently. Supervisor O'Brien suggested keeping the voucher amount at \$500 to allow more vehicles the opportunity to participate. Supervisor Worthley expressed his support for raising the voucher amount to \$650 to assist in the cost of repairs with close monitoring of invoices.

Moved: Dominici
Seconded: Barwick
Ayes: Baines, Barba, Barwick, Bomprezzi, Dominici,
Hanson, Ornellas, Worthley, Vierra, Watson,
Nays: O'Brien

Motion carried 10-1 to approve the Tune-In Tune Up Program to provide financial assistance to Valley residents for testing and repairing high polluting vehicles.

9. APPROVE THE IMPLEMENTATION OF A TRUCK REUSE PROGRAM IN THE SAN JOAQUIN VALLEY – Todd DeYoung, Strategies and Incentives Program Manager, gave the presentation on this unique and innovative program that focuses on reusing trucks that are being replaced through various programs throughout the state. He reported ARB authorized a truck re-use program that will be administered by the District. He explained the program required late model drayage trucks to be made available to Valley agriculture fleets thereby replacing older agriculture trucks. He added the 1,000 late model drayage trucks are currently being replaced in the Bay Area and South Coast under a replacement program. Mr. DeYoung reported the factors for designing the Truck Re-Use Program include the reliability of the trucks, minimal cost to participants and an expeditious process. He explained there will be some amount of work necessary to refurbish the drayage trucks which will cost approximately \$5,000 for each truck. Mr. DeYoung reviewed how the plan would be implemented including identifying the trucks suitable to the program, an inspection by a contractor to create a list of maintenance items and a commitment from an interested participant. He added the participant would be responsible for tax, licensing, insurance and registration fees and additional modifications. Mr. DeYoung reported the program coordination is currently in progress with Bay Area and South Coast.

Mr. DeYoung introduced Ajay Mangat, Air Resource Board representative. Mr. Mangat commented this program would address environmental justice issues in the Valley and provide emission benefits from trucks that would otherwise not be required to upgrade until 2017 or later. He added ARB commends District staff for their efforts in planning and designing the program. Mr. Mangat stated this

program is the first of its kind in California and ARB is excited to continue the partnership with the District.

Supervisor Worthley expressed concern on how to ensure opportunities for participation are equal for all applicants. Mr. Sadredin explained the outreach campaign for this program will cover the entire Valley and emphasized the program is focused on trucks that are not required to make repairs until 2017 or later. He commented that by design this will target smaller fleets because the compliance date for larger fleets has already passed.

Vice Mayor Barwick asked about the amount the participant has to pay out of pocket for the truck. Mr. Sadredin explained the program requires the participant to be responsible for the tax, licensing, insurance and registration fees. He added the program would pay for the repairs that are essential for the vehicle to run safely and any additional modifications would be paid for by the participant. Mr. Sadredin noted the participant will surrender their truck.

Councilmember Hanson asked where the trucks will be kept during and after repairs. Mr. DeYoung explained the trucks would be kept in a centralized location. He added there was a possibility of creating a website for interested participants to view the trucks.

Supervisor Ornellas asked if owners are eligible for the program if they own trucks that have less than 10,000 miles driven per year. Mr. DeYoung explained trucks with less than 10,000 miles driven per year are the ones being targeted. Supervisor Ornellas asked if the truck owner would be taxed for receiving the truck. Mr. DeYoung explained due to no sales transaction occurring there is no sales tax. He added it was determined the scrap value would be the amount the owner would have to report to the IRS.

Supervisor O'Brien asked if the owner could sell the truck next year. Mr. DeYoung explained the owner is required to keep the truck for a minimum number of years through legally binding contracts. Supervisor O'Brien asked if the Request For Proposal (RFP) process was completed for the vendor repairing the trucks. Mr. DeYoung responded positively.

Vice Mayor Barwick asked how the cost of moving the trucks is being paid for. Mr. DeYoung explained the cost of moving the trucks is incorporated into the cost of the contractor repairing the truck.

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

- Manuel Cunha, Nisei Farmers League

Supervisor Watson asked if there have been any discussion with the agricultural community to determine if there is interest for this program. Mr. Sadredin responded District staff has been working closely with the agricultural community

and received feedback that there is a great deal of interest.

Supervisor Ornellas asked when the trucks would be available. Mr. DeYoung explained the trucks will be available within the next few weeks. Mr. Sadredin noted the District will not pay for repairs until there is a participant committed to take ownership of the truck.

Moved: Barwick
Seconded: Barba
Ayes: Baines, Barba, Barwick, Bomprezzi, Dominici,
Hanson, Ornellas, Worthley, Vierra, Watson
Nays: O'Brien

Motion carried 10-1 to approve the implementation of a Truck Reuse Program in the San Joaquin Valley.

10. ADOPT PROPOSED AMENDMENTS TO DISTRICT GUIDANCE FOR ASSESSING AND MITIGATING AIR QUALITY IMPACTS – This item was tabled until a future Governing Board meeting.
11. CALIFORNIA LEAGUE OF FOOD PROCESSORS' EXTRAWEIGHT TRUCK PILOT PROGRAM – Tom Jordan, Senior Policy Advisor, gave the presentation on this item and provided a brief summary of Federal Truck Weight Limits. He explained currently the limit is 80,000 pounds even though many trucks are designed to carry more weight based on the number of axles. Mr. Jordan added that with a full load 3 trucks could carry the same amount of material as is currently carried by 4 conventional trucks which would reduce mileage which in turn would reduce emissions. He commented concerns have been expressed including road maintenance and safety issues. Mr. Jordan reported the California League of Food Processors' (CLFP) proposed a pilot program would include applying for a permit from Caltrans to allow trucks for a particular commodity to exceed federal weight limits. He explained this pilot program would allow the collection of data for mileage, fuel usage, routes, emissions and safety.

Mr. Jordan introduced Ed Yates, California League of Food Processors representative, who expanded on the Pilot program. He explained the program would assist in discovering what other items must need to take place or be completed should the weight limit be raised. Mr. Yates commented the program has been implemented before in the mid 1970's due to the scarcity of fuel. Mr. Yates stated CLFP is requesting the District's technical assistance in identifying any air quality benefits and to what extent. He added the proposed time period is the season of 2013.

Supervisor Dominici expressed his concern regarding the maintenance of county roads. Mr. Yates responded that CLFP understands the concerns and that incentives for counties are being explored. Supervisor Watson echoed concerns and suggested including county road departments be involved in the process due

to their knowledge of their roads. Mr. Yates explained there has been involvement of the San Joaquin Valley Group of Council of Governments including coordinating meetings with public works departments for each area.

Vice Mayor Barwick expressed his support for creating a pilot program to review all critical areas. Mayor Vierra voiced his support for the pilot program. Supervisor Worthley stated his agreement for the support of the pilot program.

Councilmember Baines asked how long the pilot program would last. Mr. Yates responded the program would take place in a 90-day period during the processing season of 2013. Mr. Sadredin explained the analysis of the study will be presented at the completion of the program. Mayor Vierra asked what jurisdiction the District has on regulating roads. Mr. Sadredin explained the Board has no jurisdiction to allow the program or not. He reported the recommendation is to support CLFP Extra Legal Weight Pilot Program and provide in-kind staff support to quantify the emissions benefit of the pilot program. He added that previously the Board had agreed to support changing the federal law to increase the weight limit.

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

- Manuel Cunha, Nisei Farmers League

Moved: Barwick

Seconded: Vierra

Ayes: Baines, Barwick, Bomprezzi, Dominici, Hanson,
Ornellas, Worthley, Vierra, Watson, O'Brien

Nays: Barba

Motion carried 10-1 to approve California League of Food Processors' Extraweight Truck Pilot Program.

12. SUPPORT H.R. 5381 COMMON SENSE LEGISLATIVE EXCEPTIONAL EVENTS REFORM ACT OF 2012 - Mr. Sadredin reported the Act would require EPA to publicly disclose criteria for designating exceedances of air quality standards caused by wildfires, wind storms, etc. as exceptional events. He added it would also require EPA to review exceptional events requests within 90 days, and would reduce burden on states and air districts by basing EPA's determinations on a preponderance of evidence.

Public Comment: None

Moved: Worthley

Seconded: Baines

Ayes: Baines, Barba, Barwick, Bomprezzi, Dominici,
Hanson, Ornellas, Worthley, Vierra, Watson, O'Brien

Nays: None

Motion unanimously carried to support H.R. 5381 Common Sense Legislative Exceptional Events Reform Act of 2012.

13. APPROVAL OF PROJECT SELECTIONS FOR THE DISTRICT'S PUBLIC BENEFIT GRANTS PROGRAM – ADVANCED TRANSIT AND TRANSPORTATION COMPONENT – Mr. Sadredin and Samir Sheikh, Director of Strategies and Incentives gave the presentation on this item. Mr. Sadredin reviewed the previously adopted Public Grants Program. He commented the intent was to return some of the funding back to the communities that pay the DMV fees in a way that improves air quality and public health. He briefly summarized the three Public Benefit Grants Program components: New Light Duty Alternative Fuel Vehicles, Advanced Transit/Transportation and Advanced Infrastructure. He explained the Board authorized \$2 million for the New Light Duty Alternative Fuel Vehicles which was spent rapidly and have pending applications that would receive funding as a result of today's Board approved budget.

Mr. Sadredin explained the District evaluation process for all the projects which included different categories: air quality benefit, public benefit, innovation, potential for replication and regional applicability, leveraging and matching funding, environmental justice benefit and projecting readiness. He requested the Board consider staff's funding recommendations for projects, or direct staff to return with new projects and scoring and funding criteria as this is the first competitive RFP for Public Benefit grants that are being considered by the District.

Mr. Sheikh explained District staff made efforts for extensive outreach to encourage participation from Valley jurisdictions. He commented there were 24 proposals received requesting \$26 million in funding assistance. Mr. Sheikh noted there are 9 projects that are being recommended for \$4.8 million. Mr. Sheikh briefly reviewed each project:

- City of Fresno – FAX Bus Rapid Transit System
- City of Stockton – Bus Rapid Transit System
- City of Stockton Adaptive Traffic Control Systems
- Reedley College – Bicycle Access and Storage
- City of Tracy – Adaptive Traffic Controllers
- Kern COG – Bicycle Synergy Alternative Transportation Enhancement Project
- County of Kern – Adaptive Traffic Controllers
- City of Tulare – Electric Vehicles and Energy Management System

Mr. Sheikh reported 15 projects were not selected but may be considered as alternate projects if others cancel. He explained that many projects not selected are better suited for existing grant programs and upcoming solicitation. Mr.

Sheikh briefly reviewed the projects not selected.

Mr. Sheikh reported District staff will continue working with Valley jurisdictions to secure funding under other programs and through future RFPs. He commented there will be an invitation for additional proposals through upcoming Public Benefit Grants RFP for Advanced Transportation Infrastructure. He added District staff would continue efforts to expand collaboration endeavors with Valley jurisdictions.

Supervisor Watson expressed his concern regarding the disparity in the effectiveness of the projects cost. He commented his understanding is the mission of the Board is to clean the air, reduce emissions, and not to re-distribute monies for social programs. Supervisor Watson recommended staff re-evaluate the criteria and present the scoring criteria for each project prior to final selection.

Supervisor O'Brien noted he supports regional equality as DMV funds are paid for by all areas of the San Joaquin Valley.

Supervisor Watson clarified he is not suggesting to allocate monies to the areas that experience the end result of the pollution but allocation on the basis of the source of pollution and how to get the best results for the money spent.

Mr. Sadredin explained the projects proposed represent approximately \$5 million out of \$20 million that is available.

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

- Bob Smith, Bike Bakersfield
- Ken Hamm, City of Fresno
- Kevin Hall, CVAQ

Supervisor Dominici made a motion to reject all project selections and direct staff to return to the Board with a revised scoring and funding criteria to be used to select projects for the District's Public Benefit Grants Program.

Moved: Dominici
Seconded: Barba
Ayes: Baines, Barba, Barwick, Dominici, Hanson, Ornellas, Worthley, Vierra, Watson, O'Brien
Nays: None

Motion unanimously carried to reject all project selections for the District's Public Benefit Grants Program and direct staff to return to the Board for further evaluation of criteria used to select projects for the District's Public Benefit Grants Program.

Ms. Bomprezzi left at 12:38 p.m.

14. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES - This item was tabled as Dr. Sherriffs had already left the meeting.
15. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin reported the District did receive the final award offer by EPA to fund \$400,000 worth of air monitoring stations. He added Senator Feinstein introduced an amendment to the Farm Bill to add air quality which passed in the Senate. He stated the Study Session highlights are forthcoming to Board members including action items.
16. GOVERNING BOARD MEMBER COMMENTS – None
17. CLOSED SESSION: None

ADJOURN

Meeting adjourned at 12:52 p.m.

NO GOVERNING BOARD MEETING IN JULY. *The next scheduled meeting of the Governing Board is: Thursday, August 16, 2012. 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 video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.*