

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 20, 2013
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, Councilmember Barwick called the meeting to order at 9:04 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

Oliver L. Baines III, Councilmember	City of Fresno
Tony Barba, Supervisor	Kings County
Skip Barwick, Councilmember, Chair	City of Tulare
Sally Bomprezzi, Councilmember	City of Madera
Dennis Brazil, Mayor*	City of Gustine
Judy Case, Supervisor	Fresno County
D Bob Elliott, Supervisor*	San Joaquin County
David Couch, Supervisor**	Kern County
Harold Hanson, Councilmember**	City of Bakersfield
William O'Brien, Supervisor*	Stanislaus County
Dr. Alexander Sherriffs	Appointed by Governor
Tom Wheeler, Supervisor	Madera County
J. Steven Worthley, Supervisor	Tulare County

* Attended meeting in Northern Region Office

**Attended meeting in the Southern Region Office

Absent:

Hub Walsh, Supervisor, Vice Chair	Merced County
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3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 17 - 23) *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.*

17. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT SPECIAL PUBLIC HEARING REVIEW OF 2013-14 RECOMMENDED BUDGET ON THURSDAY, MAY 16, 2013
18. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MAY 16, 2013
19. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2013
20. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR MAY 2013
21. RECEIVE AND FILE BUDGET STATUS REPORT AS OF MAY 31, 2013
22. APPROVE EXTENSION OF AGREEMENT WITH CALIFORNIA AIR RESOURCES BOARD (ARB) FOR DISTRICT ENFORCEMENT OF STATE ANTI-IDLING REGULATIONS FOR TRUCKS AND BUSES
23. APPROVE CONTRACT WITH HINES EDM, INC. FOR DOCUMENT CONVERSION SERVICES FOR COMPLIANCE DOCUMENTS FOR AN AMOUNT NOT TO EXCEED \$63,886.50

Public Comment: None

Moved: Case
Seconded: Barba
Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to approve Consent Calendar Items 17-23.

4. PUBLIC COMMENT: *The following persons commented during this item:*

- Ashley Warner, CA Rural Legal Associates
- Clannie Miller, Concerned Citizens of West Fresno
- Mary Curry, Fresno Resident
- Dr. Bernice Curry
- Gloria Ponce Rodriguez, Concerned Citizens of West Fresno
- Maricela Mares Alatorre
- Bob Mitchell, Concerned Citizens of West Fresno
- Phoebe Seaton, CA Rural Legal Associates
- Marlea Frazer, Fresno Resident

5. ADOPT THE DISTRICT'S 2013-14 RECOMMENDED BUDGET – Seyed Sadredin, Executive Director/APCO presented this item which proposed adoption of the District's 2013-14 Recommended Budget. He stated an extensive presentation of the Recommended Budget took place at the May 16, 2013 Public Hearing. He expressed appreciation to the Governing Board Budget Ad Hoc Subcommittee for their guidance in the development of the Recommended Budget.

Public Comment: None

Moved: Hanson
Seconded: Wheeler
Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to adopt the District's 2013-14 Recommended Budget.

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Mayor Amarpreet Dhaliwal, Chair of the Citizens Advisory Committee (CAC), gave the presentation on this item which highlighted activities from the June 4, 2013 CAC meeting. He reported the CAC endorsed the new District SIP Credit Rule by a unanimous vote. He also reported that Derek Williams, CAC representative to EJAG, was recently elected Chair of that group.

7. ACCEPT \$143,421 IN REVENUE FOR THE CARL MOYER MEMORIAL AIR QUALITY STANDARDS ATTAINMENT PROGRAM MULTIDISTRICT SOLICITATION – Mr. Sadredin gave the presentation on this item, which proposed to accept Carl Moyer Program Multidistrict funds in the amount of \$143,421, to replace heavy duty logging trucks, and authorize the APCO to execute a grant agreement with ARB to administer the funds.

Supervisor Worthley commented he was hopeful to find participants to be able to utilize these funds, particularly in the timber industry.

Public Comment: None

Moved: Worthley
Seconded: Barba
Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to accept \$143,421 in revenue for the Carl Moyer Memorial Air Quality Standards Attainment Program multidistrict solicitation.

8. CONTRACT WITH UC DAVIS TO CONDUCT AIRCRAFT-BASED RESEARCH ON TRANSBOUNDARY OZONE – Mr. Sadredin introduced Dr. David Lighthall, the District's Health Science Advisor, who gave the presentation on this item which proposed approval of an 18-month research contract with UC Davis for \$99,747 that will employ aircraft monitoring to measure long distance (transboundary) flows of ozone into San Joaquin Valley.

Dr. Sherriffs commented on the need to understand the source of transboundary ozone. Mr. Sadredin responded the researchers use a form of particulate as a tracer to link the source of this pollution to determine if they are compatible with coal combustion in China. He also asked about the expected follow up needed to gain appreciation for the results of this study. Mr. Sadredin responded that El Paso, Texas was able to convince EPA that they had pollution imported from Mexico that was negatively impacting their air quality. He noted it was a much easier association to make, due to the fact they are in the same airshed. He noted in this case a much more robust and technical justification is needed. He stated good science is necessary to back up any assertions that are made. Councilmember Baines voiced his appreciation for the study and asked what actions could be taken to urge reduced emissions from Asia. Mr. Sadredin responded a possibility is that the results could lead to discussions and possibly a treaty between the U.S. and China.

Supervisor Worthley commented on the even-more stringent standards soon to be required by EPA, while the Valley is already struggling to achieve the current ones. He noted reducing transboundary ozone is just one of many steps needed to meet the air quality standards.

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

- Kenneth Bork, Bakersfield Resident
- Manuel Cunha, Nisei Farmers League

Moved: Wheeler

Seconded: Case

Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick

Nays: None

Motion unanimously carried to approve contract with UC Davis to conduct aircraft-based research on transboundary ozone.

9. OPTIONS FOR STREAMLINING THE ATTAINMENT PLANNING PROCESS FOR NEW AIR QUALITY STANDARDS – Jessi Fierro, Program Manager/Legal Specialist for the Strategies and Incentives Department, gave the presentation on this item which reviewed proposed administrative actions that can be taken by the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the District to help streamline implementation and effectiveness of the federal Clean Air Act.

Mr. Sadredin clarified that the District's criticism is not directed at EPA Region IX, and that Kerry Drake, one of Region IX's Management team, has been very supportive of the District's efforts to improve air quality in the Valley. Supervisor Case noted one of the challenges is relating air quality to global warming concerns. Supervisor Worthley voiced support for this item. He suggested coordinating a plethora of letters from air agencies across the nation. Mr. Sadredin responded through legislative efforts and his work on the California Air Pollution Control Officers Association (CAPCOA), progress is being made in this area.

Supervisor Case asked if the decision must be made in Washington, D.C. or can be made at the regional level. Mr. Sadredin responded progress can be made at the regional level in areas relating to various EPA processes in reviewing and approving the planning and regulating actions by the District. She also voiced appreciation to staff for their work on strengthening relationships between the District, EPA and ARB. Supervisor Elliott stated this is clearly a common sense approach which should be taken. Supervisor Barwick asked about congressional interest in the District's work. Mr. Sadredin stated he is contacted often by the Valley's Congressional delegation, including a recent visit by Congressman Valadao. He also noted that Tom Jordan, the District's Legislative Analyst, was recently in Washington, D.C. to meet with the delegation and with Janet McCabe, a key official at EPA.

Dr. Sherriffs asked about increasing allowable reliance on yet to be adopted controls. Mr. Sadredin responded currently EPA limits amount of reductions from measures not yet adopted to 10%.

Supervisor Case made a motion to approve the proposed actions and authorize the APCO to send letters to EPA and ARB urging execution of the suggested actions, and commended staff for all of their hard work on these issues.

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

- Kenneth Bork, Bakersfield Resident
- Colby Morrow, Southern CA Gas Co.
- Manuel Cunha, Nisei Farmers League

Moved: Case

Seconded: Worthley

Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick

Nays: None

Motion unanimously carried to approve options for streamlining the attainment planning process for new Air Quality Standards.

10. ADOPT PROPOSED RULE 9610 AND RECEIVE AND FILE THE 2013 ANNUAL DEMONSTRATION REPORT – Samir Sheikh, Strategies and Incentives Director, gave the presentation on this item, which proposed adoption of Rule 9610 (State Implementation Plan Credit for Emission Reductions Generated through Incentive Programs) and to receive and file the 2013 Annual Demonstration Report, and authorize the APCO to submit the report to ARB and EPA.

Mr. Sadredin introduced Carlos Suarez, State Conservationist at NRCS; Sylvia Vanderspek, Chief of Planning and Technical Division at ARB; and Kerry Drake, Associate Director – Air Division at EPA, who commented on their work with the District on the development of this Rule.

Dr. Sherriffs thanked everyone for their hard work, perseverance and persistence on this Rule. He asked about public access to contract information. Mr. Sadredin responded contracts have inspection and accountability requirements, and Catherine Redmond, District Counsel, commented that executed contracts are publicly accessible under the Public Records Act. Councilmember Barwick commented that the economic and air quality impacts on Valley communities as a result of these programs are huge.

Supervisor Worthley commented that it is exciting for the District to finally receive SIP credits for emissions reductions. Councilmember Barwick commented it was refreshing to see multiple agencies work together toward the common goal of improving air quality.

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

- Kevin Abernathy, Milk Producers Association
- Amanda Carbajal
- Tom Orvis, Stanislaus County Farm Bureau
- Manuel Cunha, Nisei Farmers League
- Curtis Tarber, USDA-NRCS

Moved: Worthley

Seconded: Case

Ayes: Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Barwick

Nays: None

Motion unanimously carried to adopt Proposed Rule 9610 and receive and file the 2013 Annual Demonstration Report.

11. QUANTIFICATION OF CONTINGENCY REDUCTIONS FOR THE 2008 PM 2.5 PLAN – Jessi Fierro gave the presentation on this item, which proposed the Board authorize submittal of the “Quantification of Contingency Reductions for the 2008 PM2.5 Plan” to EPA, and authorize the Chair to sign the resolution for

“Quantification of Contingency Reductions for the 2008 PM2.5 Plan”. She explained that sufficient contingency reductions are available for PM2.5 and NOx.

Public Comment: None

Moved: Wheeler
Seconded: Barba
Ayes: Barba, Bomprezzi, Brazil, Case, Couch, Elliott, Hanson, O’Brien, Sherriffs, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to approve quantification of contingency reductions for the 2008 PM 2.5 Plan.

Councilmember Baines left the meeting at 11:50 a.m.

Councilmember Baines returned to the meeting at 12:00 p.m.

12. CONSIDER OPTIONS FOR REDUCING SCHOOL-BASED VEHICLE-IDLING EMISSIONS – Jaime Holt, Chief Communications Officer, gave the presentation on this item which proposed the Board consider available approaches and strategies for reducing school-based vehicle idling emissions; select approaches and strategies that are deemed feasible for further pursuit and development; and approve a work plan to be pursued by District staff to engage interested and affected parties, as well as the general public, to solicit input in formulating final recommendations for consideration by the District Governing Board.

Supervisor Case commented that parents drive their children to school for multiple reasons, including safety and convenience. She suggested utilizing the focus groups to gain more information on these behaviors. She also suggested looking at structural issues, including lack of available parking at local schools. Supervisor O’Brien commented the District is on the right track with this program, noting it could become a regulatory issue at some point in time. Supervisor Wheeler commented he received a request from the Yosemite Sequoia Resource Conservation and Development Council for a staff presentation regarding wildfires. He also suggested looking at idling caused in highway construction zones.

Dr. Sherriffs asked about timing of emissions and ozone spikes. Mr. Sadredin responded that ozone formation and its relation to sources of NOx emissions is complex. He noted that it may take approximately an hour for emissions to register on ozone monitoring sites. He also noted that NOx emissions may deplete ozone when emitted near monitors due to the ozone scavenging effect. He commented on the fact that 43% of those children dropped off at school live within a mile of the location. Mr. Sadredin commented staff believes there would be a greater impact on parental attention to this matter by highlighting health impacts to their children. He noted this topic requires a lot of education and communication with schools and parents. He noted this program would

encompass a year-long process of school and parent outreach, with a return to the Board with recommendations that make sense. Councilmember Barwick stated there is a huge health risk to children and commented if these emissions were caused by a business, they would be regulated and fined. Supervisor Barba commented on the idling cars lined up at the railroad crossings in the City of Hanford and the number of student cars at the high school and college level.

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

- Colby Morrow

Moved: Barba

Seconded: Baines

Ayes: Baines, Barba, Bomprezzi, Brazil, Case, Hanson,
O'Brien, Sherriffs, Wheeler, Worthley, Barwick

Nays: None

Motion unanimously carried to approve options for reduction school-based vehicle-idling emissions.

Supervisor Elliott left at 12:05 p.m.

Supervisor Couch left at 12:06 p.m.

13. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin stated the Washington D.C. advocacy trip has been tentatively scheduled for October 8th – 11th, 2013. He also announced today was the last Governing Board meeting appearance for retiring Administrative Services Director, Cindi Hamm and thanked her for exemplary service to the District, noting she would truly be missed. He also announced this may be the last in-person meeting for District Counsel, Catherine Redmond, who as a part of the District team for over 10 years, has continued the tradition of never losing a legal case while defending the Board's policy actions. Ms. Redmond moving out of the area yet will stay on board as a part-time District employee for the time being and would be working on various upcoming legal issues. Councilmember Barwick wished both well and noted they would be missed.
14. GOVERNING BOARD MEMBER COMMENTS – None
15. CLOSED SESSION – District Counsel, Catherine Redmond, announced the Board would move to Closed Session pursuant to Section 54957 and 54956.9(d)(4) of the Government Code (Ralph M. Brown Act) to discuss the following item, and reconvene to vote on the final Agenda item:
 - Public Appointment/Employment – Title: District Counsel

Councilmember Baines and Mayor Brazil left at 12:31 p.m.

Supervisor Case left at 2:08 p.m.

16. AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE CONTRACT FOR DISTRICT COUNSEL POSITION WITH BOARD CHAIR SIGNATURE – Mr. Sadredin stated this item proposed to authorize the Executive Director/APCO to negotiate and execute a contract for the District Counsel position with the applicant selected by the Governing Board. He noted this item was necessary as no Board meeting would be held in July.

Public Comment: None

Moved: Wheeler
Seconded: Sherriffs
Ayes: Barba, Bomprezzi, Hanson, O'Brien,
Sherriffs, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to authorize the Executive Director to negotiate and execute contract for District Counsel position with Board Chair signature.

ADJOURN

Meeting adjourned at 2:17 p.m.

The next scheduled meeting of the Governing Board is: Thursday, August 15, 2013. 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.