

## 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, December 20, 2018**

**9:00 a.m.**

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

***This meeting was webcast.***

1. CALL MEETING TO ORDER – The Chair, Supervisor Mendes, called the meeting to order at 9:16 a.m.
2. ROLL CALL – was taken and a quorum was present.

*Present:*

|   |                       |
|---|-----------------------|
| Drew M. Bessinger, Councilmember                  | City of Clovis        |
| John Capitman, Ph.D                               | Appointed by Governor |
| David Couch, Supervisor*                          | Kern 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         |
| Monte Reyes, Councilmember                        | City of Porterville   |
| Dr. Alexander Sherriffs                           | Appointed by Governor |
| Tom Wheeler, Supervisor                           | Madera County         |
| J. Steven Worthley, Supervisor, <b>Vice Chair</b> | Tulare County         |

*Absent:*

|                            |               |
|----------------------------|---------------|
| Craig Pedersen, Supervisor | Kings County  |
| Chris Vierra, Mayor        | City of Ceres |

*\*attended in Southern Region Office*

*\*\*attended in Northern Region Office*

3. PLEDGE OF ALLEGIANCE

4. RECOGNITION OF OUTGOING BOARD MEMBER – MAYOR DAVID AYERS – Samir Sheikh, Executive Director/APCO, recognized Mayor Ayers who has served on the Board for a number of years and has done a great job of staying up to date on air quality issues, as well as doing a great job of bringing the city perspective into the mix. He thanked Mayor Ayers for his service on the Board and for his support and guidance over the years. Chairman Mendes commented that Mayor Ayers has been a great contributor to the Board and said he enjoyed serving on the Board with him. Supervisor Worthley voiced appreciation for Mayor Ayers' support and the way he has represented his community by being very insightful and always deliberative and thoughtful about his approach to actions taken by the Board. He wished him the very best and said he would be missed. Dr. Capitman said he appreciated working with Mayor Ayers and said it was important how he brought the local perspective on implementation of District rules to the Board. Supervisor Wheeler said it was a pleasure to work with such great Board members, who always treat each other with kindness and respect and said he appreciated Mayor Ayers' cool and calm demeanor. He said it would be wonderful if more public agencies could visit the District to see how to run a positive work environment. Supervisor Elliott thanked Mayor Ayers for his great work ethic, calm demeanor, and commonsense approach on the Board and wished him well in the future.

5. RECOGNITION OF OUTGOING BOARD MEMBER – SUPERVISOR J. STEVEN WORTHLEY – Mr. Sheikh recognized Supervisor Worthley for his service and mentorship to him over the 15 years that he has served on the District's Governing Board. He said thinking back on the air quality journey that this agency has gone through, there have been a number of accomplishments that Supervisor Worthley has been integral to helping lead the agency through. He added as the second-longest serving Board member in District history, Supervisor Worthley has brought a wealth of knowledge and wisdom to the Board and agency with a lot of interesting perspectives along with tough questions and insight into everything the District has accomplished over the years. For example, he said in 2003, the District had a \$10 million incentive program and through the advocacy of the Board and Supervisor Worthley's efforts in Washington, D.C., to push the message that the Valley needs resources and funding, the District now has an over \$400 million incentive program. He said a lot of the credit goes to Supervisor Worthley's leadership and making a difference by telling the story of the District and making folks listen and understand that the assistance is needed here to address the Valley's air quality challenges. In addition, he has played a huge role in developing the innovative regulations that the District has in place and has always demanded that they are developed in a way that Valley businesses remain viable and the economy is strengthened in the process. He added that Supervisor Worthley has been a huge champion of advocating for District resources and also of the District's work culture and keeping staff motivated by emphasizing the importance of keeping a positive attitude and customer service orientation.

Lastly, he thanked Supervisor Worthley for his mentorship and guidance throughout his many years on the Board. He said the Valley owed Supervisor Worthley for his leadership and everything he has done to help create the strategies to improve air quality in the Valley, and said his retirement would be a great loss for the Board.

Chairman Mendes said he served on multiple boards with Supervisor Worthley and said he might be one of the greatest public officials who has ever served in the Valley, on any level. Supervisor Wheeler agreed, saying Supervisor Worthley has served as a mentor to him. He said his expansive knowledge and experience on the Board would be truly missed. Supervisor Elliott said he agreed with all of the comments about Supervisor Worthley, and said he appreciated his points of view. He added that Supervisor Worthley's reasoned, consistently measured, and well thought out approach was also appreciated by District stakeholders and the public. Supervisor Elliott said Supervisor Worthley has always been a voice of common sense and he appreciated the variety of topics that Supervisor Worthley was an expert on and that he would truly be missed. Dr. Sherriffs thanked Mayor Ayers and Supervisor Worthley for their service on the Board. He said Supervisor Worthley's expansive history on the Board and his breadth of public service has been huge for the District, and that other Board members learned from him. He said during Supervisor Worthley's tenure as Chairman of the Board, he set a fine example of efficiency and at the same time ensured that all were heard in a respectful fashion. Dr. Capitman voiced agreements for all of the previous comments and said it was a pleasure to work with Supervisor Worthley. Councilmember Reyes said he truly appreciated Supervisor Worthley's leadership on the Board and said it was clear that a lot of the District's progress was due to his efforts. Supervisor Pareira concurred with all of the previous comments and added that he serves on a couple of boards with Supervisor Worthley and said he has a tremendous amount of wisdom and conviction to do what is right and wished him well in his future endeavors.

6. ELECTION OF OFFICERS FOR 2019 – Mr. Sheikh said pursuant to the Governing Board Officer Selection Policy, at the October 2018 Board Meeting, Supervisor Couch, Dr. Capitman, Councilmember Reyes, Supervisor Pareira, Councilmember Fugazi, and Supervisor Mendes were appointed to an Ad Hoc Subcommittee to consider candidates to nominate to serve as Chair and Vice Chair for 2019. In evaluating candidates for the 2019 Chair and Vice Chair, the Board directed the Ad Hoc Subcommittee to consider guiding principles specified within the Officer Selection Policy and District priorities for 2019. Mr. Sheikh said after careful consideration, the Subcommittee unanimously recommended that the Governing Board elect Supervisor Mendes to serve as Chair for a second term and Supervisor Pedersen to serve as Vice Chair for 2019.

Public Comment: None

Moved: Wheeler  
Seconded: Elliott  
Ayes: Bessinger, Couch, Elliott, Fugazi, Olsen, Pareira,  
Reyes, Sherriffs, Wheeler, Worthley, Mendes  
Nays: None  
Absent: Capitman

**Motion unanimously carried to elect Supervisor Mendes as Chair and Supervisor Pedersen as Vice Chair for 2019**

7. APPROVAL OF CONSENT CALENDAR – Item Numbers (19 – 24): *These matters are routine in nature and are usually approved by a single vote. Prior to any action by the board, the public was given the opportunity to comment on any consent item.*

19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, NOVEMBER 15, 2018

20. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2019

21. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARIES FOR NOVEMBER 2018

22. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF NOVEMBER 30, 2018

23. RECEIVE AND FILE DISTRICT'S FINAL REVISED ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

24. APPROVE ASSIGNMENT OF PORTION OF VOLUNTARY EMISSION REDUCTION AGREEMENT FROM MG3 PARTNERS, LLC TO WESTERN PACIFIC HOUSING, INC.

Public Comment: None

Moved: Wheeler  
Seconded: Elliott  
Ayes: Bessinger, Capitman, Couch, Elliott, Fugazi, Olsen,  
Pareira, Reyes, Sherriffs, Wheeler, Worthley, Mendes  
Nays: None

**Motion unanimously carried to approve Consent Calendar Item Numbers 19 – 24**

8. PUBLIC COMMENT – *The following persons provided comment during this item:*

- Connie Young, Citizens Climate Lobby
- Don Gaede, M.D.
- David Cehrs, M.D.

9. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Industry/Agriculture Primary member from Fresno County, reported on the highlights from the CAC meeting held on December 4, 2018.

Public Comment: None

10. S.T.A.R. EMPLOYEE OF THE YEAR AWARDS – Chenecua Dixon, Personnel Director, formally acknowledged 21 individuals who were recognized this past year as STAR Employees of the Year for their outstanding performance and achievement.

**Administration**

See Thao, Operations Support Supervisor  
Diseree Alvarez, Senior Office Assistant  
Jose Gonzalez, Accounting Technician  
Cathy Benenati, Accounting Assistant  
Jan Rothenfluh, Senior Office Assistant  
My Dang, Network Systems Analyst  
Chris Mora, Programmer/Analyst  
Jaime Holt, Chief Communications Officer  
Tom Jordan, Senior Policy Advisor  
Cassandra Melching, Air Quality Education Representative

**Compliance**

Jacob Felton, Supervising Air Quality Inspector  
Ify Mordi, Air Quality Inspector  
Sarah Hasan, Air Quality Specialist  
Erin Scott, Air Quality Inspector

**Permits**

Brian Clements, Program Manager  
Mark Montelongo, Senior Air Quality Specialist  
Stephanie Pellegrini, Air Quality Specialist  
Homero Ramirez, Air Quality Engineer

**Strategies & Incentives**

Megan Cox, Senior Air Quality Specialist

Jessica Coria, Senior Air Quality Specialist  
Ashley Ross, Air Quality Specialist

11. AUTHORIZE EXECUTIVE DIRECTOR/APCO TO ENTER INTO AGREEMENTS WITH SAN JOAQUIN VALLEY CHAMBERS OF COMMERCE TO IMPLEMENT ENERGY EFFICIENCY PROGRAMS FOR A TOTAL AMOUNT NOT TO EXCEED \$50,000 – Tom Jordan, Senior Policy Advisor, presented this item which asked the Board to authorize the Executive Director/APCO, with Board Chair signature, to execute agreements with San Joaquin Valley Chambers of Commerce to implement “Green Team” programs designed to reduce operating costs by promoting recycling, energy efficiency, and air-quality education for Valley businesses and public agencies, for a total amount not to exceed \$50,000 for fiscal year 2018-19, subject to the following conditions:
1. The annual award for each chamber shall not exceed \$10,000.
  2. The chamber shall submit a work plan outlining tasks and activities and must execute a legally binding agreement. District payment shall be made at which time equivalent services have been satisfactorily rendered.

Dr. Sherriffs said this was a great program that is definitely worthy of the District’s support. He said it was also worthy of more support in the future, as this was a small contribution to a very important project. He thanked the Stockton Chamber of Commerce for their leadership. Supervisor Olsen echoed the comments about Stockton, saying they had great success with their “Green Team” programs. She asked if there were any requirements for reporting back to the District from the various chambers on the successes they have had and the activities they have engaged in using this funding. Mr. Jordan responded in the past, the chambers are asked to develop a work plan and send information to the District on the number of businesses visited to evaluate and find ways to make them more efficient. He said they also provide information on the number of meetings and events held each year. Supervisor Olsen said she wanted to ensure there was follow through on work plan commitments associated with the funding.

Dr. Capitman said he was very supportive of these programs and efforts. He said it has been 8 or 9 years since the District developed the Regional Energy Efficiency Strategy and said he believed there have been sufficient technological changes to warrant revisiting that strategy. Mr. Sheikh said staff has used the platform adopted by the Board to pursue various initiatives as there is an obvious nexus to air quality. Dr. Capitman said he would love to see staff develop additional ways to invigorate or extend this important program.

Councilmember Reyes said that when organizations who are particular advocates for small businesses or emerging industry are able to carry the District’s message, it becomes more compelling for those who are regulated and can help make strides in gathering information for the District in a less bureaucratic way. Supervisor Elliott acknowledged the success of the “Green

Team San Joaquin” program and the hard work of Frank Farrell, of the San Joaquin Valley Chambers of Commerce. Councilmember Fugazi echoed Supervisor Elliott’s comments and said when looking at businesses, it truly is a win-win situation when they are educated on opportunities for efficiency. She said she was very proud of this program’s success in Stockton and voiced hope that more chambers up and down the Valley would participate. Dr. Sherriffs emphasized that small businesses save money with these measures, and can help spread the District’s message to the public.

Public Comment: None

Moved: Worthley

Seconded: Fugazi

Ayes: Bessinger, Capitman, Couch, Elliott, Fugazi, Olsen,  
Pareira, Reyes, Sherriffs, Worthley, Mendes

Nays: None

***Motion unanimously carried to authorize Executive Director/APCO, with Board Chair signature, to enter into agreements with San Joaquin Valley Chambers of Commerce to implement energy efficiency programs for a total amount not to exceed \$50,000 subject to a \$10,000 per chamber cap, the requirement to submit a work plan outlining tasks and activities, and the execution of a legally binding agreement***

12. ADOPT PROPOSED AMENDMENTS TO RULE 2280 (PORTABLE EQUIPMENT REGISTRATION) – Morgan Lambert, Deputy APCO, presented this item to the Board which recommended the Board amend Rule 2280 (Portable Equipment Registration) for the inclusion of air curtain burn boxes to dispose of wood waste materials as a cleaner alternative to open burning. In addition, there are a number of other administrative changes, including the removal of relic language and outdated requirements. In particular, the diesel engine requirements listed in the current rule were superseded in 2011 by the state’s Airborne Toxic Control Measure (ATCM) for Diesel Particulate Matter from Portable Engines. He added during the amendment process, the District was proposing to replace the outdated diesel engine requirements with a reference to the applicable requirements from the state ATCM. These changes would have no impact on existing registration holders, who are already required to meet state ATCM requirements.

Chairman Mendes pointed out there was a limited number of days that agricultural burning was allowed in the Valley due to poor air quality. Supervisor Worthley added that the District has a very strict rule that regulates open burning and said much like the way that efforts are underway to deal with controlled burn in national forests, the fact that these air curtain burn boxes are 80% cleaner than open burning is notable. He asked if the District would allow folks to use the air curtain burn boxes on days where open burning is not allowed. Mr. Lambert responded that equipment registered under the District’s portable equipment

program is not subject to the daily curtailments declared for open burning. However, he added there are provisions in the rule that limit the total daily emissions from a project using portable equipment at one location to prevent short term impacts in the area. Mr. Sheikh added that in opening this option up, the District would allow for a market to develop and to serve as one in a suite of different measures to address open burning. As an observation, Supervisor Worthley said giving growers the option to dispose of wood waste in the air curtain burn boxes when open burning would not be allowed may make this a viable option for growers.

Dr. Sherriffs clarified this measure was initially driven by the concerns of how to manage agricultural waste, but in fact it has been expanded so it can also help with the problem of forest management. Mr. Lambert responded affirmatively, and said they are currently being used for the tree mortality issues due to the Governor's emergency proclamation. He said this measure would allow a path for this equipment to continue to legally operate when the emergency proclamation expires. Dr. Sherriffs asked if the District needs to look at providing incentive dollars for this program down the line. Mr. Sheikh responded staff would keep an eye on this program and if they find that extra attention is needed that would be a potential option.

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

- Manuel Cunha, Nisei Farmers League
- Ted Strauss, NRCS
- Hector Lara Jr., Rio Bravo
- Kevin Abernathy, Dairy CARES and Milk Producers Association.

*Moved:* Worthley

*Seconded:* Sherriffs

*Ayes:* Bessinger, Capitman, Couch, Elliott, Fugazi, Olsen,  
Pareira, Reyes, Sherriffs, Worthley, Mendes

*Nays:* None

***Motion unanimously carried to adopt proposed amendments to Rule 2280 (Portable Equipment Registration)***

13. APPROVE EXPEDITED BARCT IMPLEMENTATION SCHEDULE AS REQUIRED UNDER AB 617 – Dave Warner, Deputy APCO, presented this item and recommended that the Governing Board adopt a Best Available Retrofit Control Technology (BARCT) implementation scheduled as required by Assembly Bill (AB) 617 (C. Garcia). In addition to community monitoring and emission reduction program requirements, AB 617 also requires air districts located in non-attainment areas to perform a BARCT analysis for all categories of units at facilities subject to the state Cap-and-Trade program. According to AB 617, the District must adopt an expedited schedule by January 1, 2019, for performing further determination of BARCT requirements.

Supervisor Elliott clarified there is a long list of facilities that are subject to the state's Cap-and-Trade program and asked who developed the list. Mr. Warner said those facilities were determined by the state to meet one of several criteria that would trigger their inclusion in the state's greenhouse gas Cap-and-Trade program. Supervisor Elliott asked if the BARCT analysis schedule and implementation schedule were one in the same. Mr. Warner responded affirmatively, and said it is all one schedule.

Public Comment: None

*Moved:* Sherriffs

*Seconded:* Bessinger

*Ayes:* Bessinger, Capitman, Couch, Elliott, Fugazi, Olsen,  
Pareira, Reyes, Sherriffs, Worthley, Mendes

*Nays:* None

***Motion unanimously carried to approve expedited BARCT implementation schedule as required under AB 617***

14. RECEIVE REPORT ON 2018 OZONE AIR QUALITY – Jon Klassen, Director of Strategies and Incentives, presented a report on 2018 ozone air quality to the Board. He said for more than two decades, the District has developed and implemented numerous air quality plans to reduce NOx and VOC emissions from stationary sources, adopted nearly 650 of the most stringent rules in the nation, and has put in to place a strong voluntary incentive program that has invested more than \$2.2 billion of public and private funds into clean air projects. These incentives have resulted in more than 145,000 tons of emission reductions throughout the region, assisting the Valley make progress toward attaining the health-based federal ozone and PM2.5 standards.

With respect to addressing ozone, he said the Board has demonstrated leadership and commitment in reducing ozone concentrations throughout the Valley by approving and implementing numerous attainment strategies for the 1979, 1997 and 2008 federal ozone standards. As a result of these extensive emissions reduction efforts, he said Valley residents have experienced measurable and sustained improvements in ozone air quality, with 2018 recording historic improvement across a number of key metrics.

Supervisor Worthley commented that this was an amazing achievement and a wonderful demonstration of how far the District has come and how far we are going to improve air quality and meet the new standards. He said the Board has talked about forest management in the past and its correlation to the wildfires that the state has experienced. He said this is a critical issue for the District to be engaged in, when thinking about the District's mission to improve public health. He added in looking at how much the District has cleaned up the air, emission transport from other regions becomes more important and suggested working

with these other regions as transport emissions become a larger percentage of the Valley's emissions inventory.

Supervisor Elliott voiced agreement with Supervisor Worthley's comments and said they were well stated. He reconfirmed that the emissions from wildfires are considered exceptional events by EPA and will not be counted in determining the number of days and the amount of exceedances in regards to demonstrating attainment with the federal ozone standards. Mr. Sheikh responded the short answer is yes, these events would qualify as exceptional events. He added the numbers presented during this item were the raw numbers and would actually look better with those exceptional events taken into account. He said staff flags these events and submits the appropriate documentation when necessary to ensure the Valley is not penalized for qualifying exceptional events. Supervisor Elliott clarified that when the Valley is on the verge of meeting these standards, these events would be factored out. Mr. Sheikh responded affirmatively.

Public Comment: None

15. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES - Dr. Sherriffs reviewed highlights from the Air Resources Board meeting of November 15 and 16, 2018.
16. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh informed the Board that staff swiftly moved on two programs approved by the Board at their last meeting with the alternatives to on-field open burning and low-dust nut harvester equipment programs being launched last week. Lastly, he wished everyone a happy Holiday season and hoped they enjoyed their time with friends and family. He added staff looked forward to working with the Board in the coming year.

GOVERNING BOARD MEMBER COMMENTS – Dr. Capitman said although there seemed to be some confusion with the Governor's office, as far as he understood this was his last Governing Board meeting as he selected to not be reappointed to his position on the Board.

Councilmember Reyes said he appreciated the time spent with Dr. Capitman on the Board and his contributions to a balanced conversation. He also mentioned that GreenPower Motor Company, which produces electric buses at their facility in Porterville, has recently leased a new facility to begin producing 15 to 20-passenger all electric vans to double down on the process of providing clean transportation.

Councilmember Bessinger said he has worked in the public sector for over 40 years across federal, state, and municipal agencies. He said he is very impressed with how the District operates. He said the employees are top notch and he is looking forward to engaging even further in 2019.

Dr. Sherriffs thanked Dr. Capitman for his service and advocacy on the Board and for reminding him that although we are not a land use agency, land use is air quality and that is health. He said it is a critical nexus for what the District is trying to achieve. Lastly, he said Dr. Capitman's clarity and contributions to informing the actions of the Board would truly be missed and thanked him for his service on the Board.

Mr. Sheikh thanked Dr. Capitman for his service and said officially he is still on the Board. He said with the Chair's permission, an official item to recognize Dr. Capitman would be added to a future meeting agenda if feasible based on Dr. Capitman's schedule. Chairman Mendes concurred and said the departing Board members would be missed.

17. **CLOSED SESSION** – District Counsel, Annette Ballatore-Williamson, announced the Board consider the following items in Closed Session and asked for public comment.

- Public Employee Performance Evaluation pursuant to Government Code Sections 54957 and 54957.6 for the following:
  - a. Executive Director/APCO
  - b. District Counsel

Public Comment: None

## **ADJOURN**

*The Chair adjourned the meeting to Closed Session at 11:53 a.m.*

*The next scheduled meeting of the Governing Board is: January 17, 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.*