

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, September 19, 2019
9:00 a.m.

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

This meeting was webcast.

1. CALL MEETING TO ORDER – The Chair, Supervisor Mendes, called the meeting to order at 9:06 a.m. He announced that due to the number of speakers who wanted to address the Board, each member of the public would be allowed two minutes for public comments, and there may be a variation for AB 617 Steering Committee members.
2. ROLL CALL – was taken and a quorum was present.

Present:

David Couch, Supervisor	Kern County
Kuyler Crocker, Supervisor	Tulare County
Bob Elliott, Supervisor*	San Joaquin County
Christina Fugazi, Councilmember**	City of Stockton
Buddy Mendes, Supervisor, Chair	Fresno County
Lloyd Pareira, Supervisor***	Merced County
Craig Pedersen, Supervisor, Vice Chair	Kings County
Alvaro Preciado, Councilmember	City of Avenal
Dr. Alexander Sherriffs	Appointed by Governor
Chris Vierra, Mayor	City of Ceres
Tom Wheeler, Supervisor	Madera County

Absent:

Drew M. Bessinger, Mayor	City of Clovis
John Capitman, Ph.D	Appointed by Governor
Kristin Olsen, Supervisor	Stanislaus County
Monte Reyes, Councilmember	City of Porterville

**Attended in the Northern Region and arrived at 9:10 a.m.*

***Attended in the Northern Region and arrived at 9:19 a.m.*

****Attended in the Northern Region and arrived at 9:24 a.m.*

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (16 – 22): *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.*

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, AUGUST 15, 2019

17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2019

18. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR AUGUST 2019

19. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF AUGUST 31, 2019

20. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS & CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF TOXIC ORGANIC COMPOUNDS

21. APPROVE CONTRACT WITH CHESTER LABNET TO PROVIDE LABORATORY SPECIATION ANALYSIS OF PARTICULATE MATTER 2.5 SAMPLES

22. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH CONTANDA TERMINALS LLC TO MITIGATE AIR QUALITY IMPACTS FROM THE CONTANDA RENEWABLE DIESEL BULK LIQUID TERMINAL DEVELOPMENT PROJECT IN THE PORT OF STOCKTON

Public Comment: None

Moved: Wheeler

Seconded: Pedersen

Ayes: Couch, Crocker, Pedersen, Preciado, Sherriffs,
Vierra, Wheeler, Mendes

Nays: None

Motion unanimously carried to approve Consent Calendar Item Numbers 16 – 22

Supervisor Elliott arrived at 9:10 a.m.

5. PUBLIC COMMENT – *The following persons provided public comment at this meeting:*
 - Connie Young, Citizens Climate Lobby
 - Lisa Flores, South Central Fresno Steering Committee member

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Fresno County Industry/Agriculture member, gave the report on highlights from the Citizens Advisory Committee meeting of September 3, 2019.

7. RECEIVE THE GOVERNMENT FINANCE OFFICERS' ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – Samir Sheikh, Executive Director/APCO, introduced Mehri Barati, Director of Administrative Services. Ms. Barati said the Government Finance Officers' Association (GFOA) is an internationally recognized organization that offers guidance and support to local and state government budget and finance professionals throughout the United States and Canada. She recognized the Board as GFOA has awarded the District the "Certificate of Achievement for Excellence in Financial Reporting," its highest form of recognition in governmental accounting and financial reporting, for the latest Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-18. Ms. Barati said this award represents a significant recognition by an expert independent authority of the Board's commitment to meeting the highest principles of governmental reporting and transparency to the public, and excellence in exercising fiduciary responsibilities.

Mr. Sheikh thanked the Board for raising the bar in terms of their expectations for the District's budgeting process and the reporting provided throughout the year, including the CAFR. He said this award represents the District's commitment to transparency in financial reporting. He also thanked the District's Finance team led by Ms. Barati who have worked very hard throughout the year to make sure the District's budget and expenditures are transparent to the public.

Supervisor Wheeler gave kudos to staff for their achievement. Chairman Mendes congratulated Ms. Barati and the Finance team for their outstanding work.

8. ADOPT PROPOSED COMMUNITY EMISSIONS REDUCTION PROGRAM FOR AB 617 COMMUNITY OF SHAFTER – Mr. Sheikh said staff would provide a detailed presentation on the proposed Community Emissions Reduction Program (CERP) for the AB 617 community of Shafter that includes a range of regulatory, incentive, enforcement, outreach, exposure reduction, and partnership-based strategies for reducing air pollution and improving public health in this impacted community. He recognized a number of people who have been involved with the District throughout the past year to put this program together. Mr. Sheikh also recognized Steering Committee members who met monthly, and times more

frequently, with District staff in the evenings and took time away from their families to help develop this plan. In addition, he recognized the agency partners who have been a part of the process including California Air Resources Board (CARB) staff who have attended every single meeting and worked with District staff in between meetings to understand the issues and find ways to respond to the questions and interests from the community, as well as the City of Shafter, Kern County, Department of Pesticide Regulations for their collaboration and working very hard in these communities.

Mr. Sheikh introduced Jon Klassen, Director of Air Quality Science and Planning, and Dave Warner, Deputy APCO, who provided an overview on the proposed CERP, which builds upon and supports existing and new efforts under the District's recently adopted 2018 PM2.5 Plan. The proposed CERP details an investment of \$38 million in Shafter in emission reduction incentives for a variety of community clean air projects. These efforts are projected to achieve approximately 265 tons of PM2.5 reductions and 1,718 tons of NOx reductions in Shafter.

Supervisor Elliott left at 10:42 a.m.

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

- Gustavo Aguirre, Jr., Steering Committee member
- John Guinn, Steering Committee member
- Gabriela Gonzales, Latina Leaders of Kern County and Steering Committee member
- Mark Hanson, Steering Committee member
- Felipa Trujillo, Steering Committee member
- Byanka Santoyo, Center on Race, Poverty & Environment and Steering Committee member
- Tracy Leach, Kern Citizens for Energy
- Linda Urata, Kern COG
- Christine Zimmerman, WSPA
- Lupe Martinez, Center on Race Poverty & Environment
- Lisa Flores
- J.P. Cativiela, Dairy CARES
- Lois Henry, Bizfed CV
- Brian Pellens, CA Resources Corp
- Manuel Cunha, Nisei Farmers League

Councilmember Fugazi asked what the next steps would be to ensure these plans come to fruition. Mr. Sheikh responded that through a formal approval process, CARB would next consider the plan for adoption. Upon adoption, the measures in the plan would become enforceable. He said as individual measures were developed and adopted under the authority of each particular agency, there would be different levels of corresponding actions that would

occur, which would be tracked and reported in adherence to the state's AB 617 blueprint.

Supervisor Wheeler thanked staff for the extensive planning and amount of work required to develop this plan. He commented it was great to see such a high level of community participation. He asked if District staffing levels would need to be increased to accommodate the increased workload. Mr. Sheikh responded during the recent budget adoption process, the Board has ensured there are resources in place to implement the program using dedicated AB 617 implementation funds provided by the state.

Supervisor Elliott stated his support for the CERP's for both Valley AB 617 communities. He said he would need to leave the meeting before the Board took action, and added that he wanted to state his support for the upcoming community recommendation for the selection of Southwest Stockton as an AB 617 community for year two, along with additional consideration for the Arvin/Lamont area.

Councilmember Fugazi asked if there was a contact for Shafter residents on the implementation of the different proposed measures. Mr. Sheikh responded that the District is the main contact for the particular measures included in the CERP and said there would be ongoing regular meetings held in the Shafter community throughout the implementation phase, to keep residents informed of plan progress.

Supervisor Couch said he had some trepidation that this process could devolve into a "food fight" which it did not because of the people that were involved. He thanked and congratulated District staff and the community members that got together and worked alongside the District. He congratulated community members and said it made him proud to be from Kern County and to represent them. Supervisor Couch made a motion to approve staff recommendations.

Supervisor Pedersen thanked staff for their thorough approach and thanked all who took part in the process. He said he supported the CERP as presented today as it contains a lot of great programs. He said he would like to see the importance of water addressed along with all other aspects that affect the communities.

Dr. Sherriffs added to the recognitions and congratulations and said while everyone comes in with skepticism, this seems to be an extraordinary framework that has been dependent on neighbors working together regardless of their backgrounds with important guidance and support from the District to make this work and come up with a remarkable plan. He asked about the project lifetimes used to determine the expected PM2.5 and NOx reductions. Mr. Sheikh responded that there are generally accepted project lifetimes depending on the type of project. He said staff has used those lifetimes to estimate what the total benefit of these different measures are, but individual expectations are

dependent on the project.

Dr. Sherriffs said this plan represented the development of new programs, along with focusing and expanding a number of successful programs the District already has underway. He asked if there were ways to measure how this expanded and focused application of these programs compares to the more general regional approach that the District normally takes. Mr. Sheikh said when looking at the quantified emissions reductions as a relative proportion of what is occurring in the community, it is a very big piece of that total, somewhere in the order of magnitude of 10-15 percent. He cautioned though that this is very difficult to determine precisely due to the complexity of emission sources and movement of pollutants on a regional level. For example, PM2.5 concentrations in Shafter are a function both of what is happening in the community and also what is happening on a regional level. He added it could be argued that big portions of PM2.5 concentrations are from emissions that occur within other parts of the county, upwind counties, etc. He said that is where it gets trickier to try and reach the larger conclusions. He said there would be a lot more information generated over time that would help illuminate the effectiveness not only of this program but also the recently adopted PM2.5 Plan that has numerous measures that would contribute to the improvement in that community.

Councilmember Preciado thanked everyone who has participated in the AB 617 process, including community members, businesses, agriculture, and the oil industry for coming together to be a part of this very important plan to reduce air quality emissions in the Central Valley. He noted that many community members may not be aware of how much their actions are impacting the air quality in their communities and suggested education and information should be made available to them in English, Spanish and Hmong languages. He voiced his belief that informed residents will make a big difference in their communities.

Supervisor Pareira acknowledged that he appreciates this process and how impactful this will be for the community. He gave accolades to staff and community members for coming together to accomplish so much in a short period of time. He commented on the matching funds available for converting to solar power and said he appreciates that the District always uses science and facts to evaluate potential solutions based on emissions reductions. He asked about the nexus between solar conversions for homes and emission reductions. Mr. Sheikh responded that from a cost-effectiveness perspective, this measure does not rise to the top of the list. He said the quantified emissions from that program would come from any of the auxiliary conversions from combustion to electric appliances that take advantage of the energy generated by solar, including electric vehicles. The District developed this measure as a leveraging program in terms of the state funds that would be made available from the utility companies. He said this would be a relatively small contribution on part of the District while taking credit for all of the reductions. He also made it clear that staff would return to the Board for program and funding approvals before moving forward. Supervisor Pareira said it would be helpful if solar conversion was tied

to a reduction in wood burning as well.

Moved: Couch
Seconded: Wheeler
Ayes: Couch, Crocker, Fugazi, Pareira, Pedersen,
Preciado, Sherriffs, Vierra, Wheeler, Mendes
Nays: None

Motion unanimously carried to adopt proposed Community Emissions Reduction Program for AB 617 community of Shafter

9. ADOPT PROPOSED COMMUNITY EMISSIONS REDUCTION PROGRAM FOR AB 617 COMMUNITY OF SOUTH CENTRAL FRESNO - Mr. Klassen and Mr. Warner presented the proposed Community Emissions Reduction Program (CERP) for South Central Fresno that included a range of regulatory, incentive, enforcement, outreach, exposure reduction, and partnership-based strategies for reducing air pollution and improving public health in this impacted community. These measures build upon and support existing and new efforts under the District's recently adopted *2018 PM2.5 Plan*. The proposed CERP details and investment of \$44 million in South Central Fresno in emission reduction incentives for a variety of community clean air projects. These efforts are projected to achieve approximately 278 tons of PM2.5 reductions and 1,662 tons of NOx reductions in South Central Fresno.

Mr. Sheikh thanked the Steering Committee members from South Central Fresno for working closely with District and CARB staff, along with agency partners for their collaboration on this comprehensive plan.

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

- Lisa Flores, Steering Committee member
- Ivanka Saunders, Steering Committee member
- Estela Ortega, Steering Committee member
- Kimberly McCoy, Steering Committee member
- Isabel Vargas, Steering Committee member
- Nyamin Martinez, Steering Committee member
- Libby Perez, City of Fresno
- Tim Tyner, Central California Asthma Collaborative
- Monica Limon, Central Valley Air Quality Coalition
- Manuel Cunha, Nisei Farmers League

Moved: Wheeler
Seconded: Preciado
Ayes: Couch, Crocker, Pareira, Pedersen, Preciado,
Sherriffs, Vierra, Wheeler, Mendes
Nays: None

Motion unanimously carried to adopt proposed Community Emissions Reduction Program for AB 617 community of South Central Fresno

10. DISTRICT COMMUNITY RECOMMENDATION FOR CARB UNDER SECOND-YEAR IMPLEMENTATION OF AB 617 – Jessica Olsen, Program Manager, said under state law, CARB is required to select additional communities each year for action under AB 617, with year two communities being selected by January 1, 2020. CARB has indicated that the state will choose up to a maximum of three additional communities for this second year of community identification and prioritization in order to maximize limited financial and staff resources, with no more than one community anticipated for selection in the Valley. CARB has asked air districts to submit their recommendations for communities by September 2019 to ensure a robust public process ahead of their final community selection in December 2019.

Councilmember Fugazi left at 11:36 a.m.

Ms. Olsen said in developing the District's year two community recommendations, an extensive public engagement process was undertaken to seek input from Valley residents, businesses, agencies, and other stakeholders. She summarized the District's identification and prioritization analysis and a detailed description of community recommendations for second-year action under AB 617. Based on the District's analysis, she said staff proposed that Southwest Stockton be considered by the Board to recommend for CARB selection for both community air monitoring and emissions reduction programs under AB 617.

Ms. Olsen said the District has also received significant interest in prioritizing and nominating the Arvin/Lamont area in southern Kern County as an additional community for CARB consideration. A number of residents, community organizers, the City of Arvin, and the County of Kern submitted written nominations and provided verbal support for these communities during District workshops and meetings. The Valley portion of Kern County, including the Arvin and Lamont communities, has long been recognized as one of the most air quality impacted areas of the Valley. Should more funding become available that would allow CARB's selection of more communities without diluting the necessary resources for implementation of AB 617 programs in the existing communities, the District recommends strong consideration for Arvin/Lamont as our second community in addition to Southwest Stockton.

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

- Jonathan Pruitt, Catholic Charities
- Esperanza Vielma, Café Coop and Environmental Justice Coalition for Water (EJCW)
- Cynthia Lao, Café Coop and EJCW
- Veronica Tovar, Catholic Charities

- Gustavo Aguirre, Jr., Steering Committee member
- Byanka Santoyo, Arvin Resident
- Juan Flores, Center on Race, Poverty and the Environment
- Ana Rivera, Central CA Asthma Collaborative
- Madeline Harris, Leadership Council for Justice and Accountability
- Nyamin Martinez, Central CA Environmental Justice Network

Deputy Clerk of the Boards, Michelle Franco, read a statement of support for staff's recommendations on behalf of Councilmember Fugazi. Dr. Sherriffs said the two communities put forth for selection were both excellent choices. He said the advice to put both communities forward with equal support was good advice as at the end of the day there would only be 3 communities selected statewide and it was very important that the Valley be well-represented regardless. He commended staff for thinking carefully about the distinctive needs of the Valley. He commented on the added benefit of the AB 617 process as sensitizing our thinking to local and neighborhood effects which will only improve the quality of work that we do. Chairman Mendes reiterated that the final decision will be made by CARB.

Moved: Wheeler

Seconded: Pedersen

Ayes: Couch, Crocker, Pareira, Pedersen, Preciado,
Sherriffs, Vierra, Wheeler, Mendes

Nays: None

Motion unanimously carried to approve District community recommendation for CARB under second-year implementation of AB 617.

11. APPROVE ADDITIONAL FUNDING FOR ON-FIELD ALTERNATIVES TO THE OPEN BURNING OF AGRICULTURAL MATERIALS INCENTIVE PROGRAM – Morgan Lambert, Deputy APCO, said in November, 2018, the Board created the Alternatives to Open Burning of Agricultural Burn Materials Pilot Program to demonstrate the feasibility of utilizing chipped agricultural material for soil incorporation or as a surface application as an alternative to open burning. Since opening the program in December 2018, the level of interest from the agricultural community has been very strong. To meet the demand in the program, the Board had twice authorized additional funding for the program, bring the total program funding to \$3.5 million. The District has received eligible applications requesting up to \$3.47 million in incentive funding representing nearly 6,700 acres of orchard and vineyard removals. He said the purpose of this item was to seek the Board's approval to again increase funding for this pilot program by an additional \$1,500,000 in order to respond to the level of interest for the program.

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

- Manuel Cunha, Nisei Farmers League
- Chris McGlothlin, Western Agricultural Processors Association

- Kevin Abernathy, Dairy Cares

Moved: Pedersen

Seconded: Preciado

Ayes: Couch, Crocker, Pareira, Pedersen, Preciado,
Sherriffs, Vierra, Wheeler, Mendes

Nays: None

Motion unanimously carried to approve additional funding for on-field alternatives to the open burning of agricultural materials incentive program

12. REVIEW AND SET AGENDA FOR THE OCTOBER 2019 GOVERNING BOARD STUDY SESSION FOR AGRICULTURAL MATERIALS INCENTIVE PROGRAM

– Mr. Sheikh reported the Governing Board Study Session is scheduled for October 16 and 17, 2019, at the Pines Resort at Bass Lake. He said the Study Session is a great opportunity for the Board to weigh in on a number of items of strategic interest and provide policy direction to staff on key issues. Staff has compiled a comprehensive agenda based on a number of important issues in the Valley, including an item on the District’s research priorities that will take a close look at the impacts of the Sustainable Groundwater Management Act (SGMA).

Supervisor Pedersen said SGMA was a timely topic as it would affect the Valley’s air quality along with the health of small communities. He said it was important for the Board to weigh in on this issue, as it could potentially dry up water supplies in small communities in the Valley. Supervisor Couch suggested the Board could discuss the potential funding of grade separations projects. Mr. Sheikh responded there was an item on the agenda to broadly talk about the District’s incentives programs in the context of outreach and potential enhancements and said he would be happy to incorporate Supervisor Couch’s suggestion into that discussion.

13. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES –

Dr. Sherriffs reviewed upcoming matters before the California Air Resources Board (CARB). He added currently CARB was reviewing an informational progress report on the implementation of the District’s 2018 PM2.5 Plan. He also expressed concern about the Administration’s plan to revoke California’s waiver regarding auto emission standards and said this action has created a lot of uncertainty within the auto industry, and if it moves forward, would have a critical impact on the work of CARB and the District. He said the CARB and the District would have to look at other areas to get those reductions, if that truly does move forward.

14. EXECUTIVE DIRECTOR/APCO COMMENTS –With regard to EPA’s recent announcement on that it is withdrawing the Clean Air Act waiver previously issued to CARB, Mr. Sheikh said this is something of interest as the Board has long advocated for national standards to deal with mobile sources and emissions reductions because of our Clean Air Act attainment challenges and the tough

mandates that we as a region have to meet. In looking for equitable distribution of responsibility with stationary source measures in place for decades now, the Board has advocated for making sure that we do get the mobile source reductions that we need. Without these reductions, there ends up being a shift of responsibility to stationary sources which are already very strictly controlled in the Valley. He said there are ramifications that come out of the revocation of that waiver. Transportation conformity could be impacted, which could result in the inability to get federal transportation projects approved and funded. In addition, the District's Ozone and PM2.5 Plans would be impacted and that could lead to sanctions and penalties for the Valley under the Clean Air Act. He said he would be happy to answer any additional questions related to the revocation of the federal waiver and said more information would be provided to the Board and it is important for the District and any other agencies to be clear about the impacts from the revocation of the waiver. He added the Metropolitan Planning Organizations and Councils of Governments were actively talking about the impacts to transportation funding.

15. GOVERNING BOARD MEMBER COMMENTS – Supervisor Wheeler commented said his jurisdiction was really concerned about potential loss transportation funding as a result of this action and said this could really jeopardize some of their key projects. Chairman Mendes thanked Board members who were still in attendance at the meeting.

ADJOURN

The Board adjourned at 12:23 p.m.

The next scheduled meeting of the Governing Board is: Thursday, September 19, 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.