

**Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board Meeting, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.**

**Thursday, June 17, 2004
9:00 a.m.**

<p>The Meeting was held in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.</p>
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1. **CALL TO ORDER** – The Vice Chair, Supervisor Thomas W. Mayfield, called the meeting to order.
2. **ROLL CALL was taken and a quorum was present.**

Mike Maggard, Councilmember (*)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor (**)	Merced County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Dan Prince, Councilmember (**)	City of Ripon
Thomas W. Mayfield, Supervisor, Vice Chair	Stanislaus County
Barbara Patrick, Supervisor, Chair (absent)	Kern County

(*) **Attended meeting in Southern Region Office, Bakersfield**

(**) **Attended meeting in Northern Region Office (Modesto)**

The Vice Chair on behalf of the Governing Board of the San Joaquin Valley Unified Air Pollution Control District presented a plaque of appreciation to outgoing Governing Board Member Supervisor Judith G. Case, Fresno County. Supervisor Case served on the District's Governing Board from 1999 to 2004.

The Vice Chair read into the record correspondence to Board Member Case from the Chair (Supervisor Barbara Patrick). The Chair commended Board Member Case for the important role she played in improving the Valley's air quality and wished her continued success as a Fresno County Supervisor.

The Board expressed their appreciation to Supervisor Case.

Colby Morrow, Southern California Gas Company, thanked Supervisor Case for her service on the Board.

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-22)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item).
13. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Special Public Hearing Review of 2004-05 Recommended Budget and Governing Board Meeting of Thursday, May 20, 2004.
 14. Receive and file List of Scheduled Meetings for 2004.
 15. Receive and file Operations Statistics Summaries for May 2004.
 16. Receive and file Budget Status Report as of May 31, 2004.
 17. Approve changes to the District's Compensation Plan and Cafeteria Contribution for Management and Administrative Employees.
 18. Approve Amendment No. 3 to Agreement PM10-002 with Melvin D. Zeldin to extend the term of agreement to November 30, 2004.
 19. Approve Amendment No. 2 to Agreement with Local Government Commission to extend the term of agreement to December 31, 2004 for the Environmental Protection Agency Fiscal Year 2002 Mobile Source Outreach Grant Project.
 20. Approve and authorize the Chair to execute an agreement with Sonoma Technology Inc. for an amount not to exceed \$71,139 for development of forecasting tools and analysis of hydrocarbon measurements.
 21. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of carbonyl samples for \$54,000.
 22. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of non-methane organic compounds for \$140,000.

APPROVED AS RECOMMENDED – *Board Member Case made the motion to approve the Consent Calendar as submitted. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:*
Ayes: *Sieglock, Nelson, Dominici, Worthley, Armentrout, Case, Barba, Maggard, Prince and Mayfield.*
Absent: *Patrick.*

Action: The Board approved Consent Calendar Items 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as submitted.

4. **PUBLIC COMMENT** – No Public Comments.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Les Clark, Industry/Agriculture, Primary Member, Kern County and Chair of the CAC, made the CAC Report.
6. **VERBAL PRESENTATION: CHOOSING A PATH TO CLEARING THE AIR IN THE SAN JOAQUIN VALLEY** – Presentation by Dr. Adrian Moore, Vice President, Reason Foundation.

The Board took a short break at 10:05 a.m.

The Board reconvened from break at 10:10 a.m.

The Board thanked Dr. Moore for his presentation.

7. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2004-05 RECOMMENDED BUDGET** – Approve and authorize Chair to sign resolution establishing the District 2004-05 Budget. Presentation made by David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services and Fred Bates, Controller.

No Public Comments received.

APPROVED AND AUTHORIZED – Board Member Case made the motion to approve the recommended 2004-05 Budget. Seconded by Board Member Dominici and carried unanimously.

Ayes: Case, Dominici, Barba, Prince, Nelson, Armentrout, Sieglock, Maggard, Worthley and Mayfield.

Absent: Patrick.

Action: The Board approved and authorized the Chair to sign resolution establishing the District's 2004-05 Budget.

8. **VERBAL REPORT: THE CALIFORNIA HYDROGEN HIGHWAY** – Presentation made by Ms. Eileen Tutt, California Air Resources Board. After Ms. Tutt made her presentation she encouraged the Board to comment and noted that she would be providing those comments to the Governor.

The Board thanked Ms. Tutt for her presentation. There were several comments from the Board regarding the need to focus on current technologies that already exist. There was also a comment that there is a need to invest in new areas and new technologies.

The following person provided comments during the public comment portion of this item:

Jenny Huntsman, Air Quality Coordinator for Caltrans, stated we need to work on technologies that already exist.

Ms. Huntsman made additional comments in regards to: the need to utilize solar cells, mitigating truck traffic coming into the San Joaquin Valley, adding additional inspectors for PM10 inspections with the appropriate field training to the Compliance Division.

Dr. Adrian Moore, Vice President Reason Foundation, stated the Reason Foundation will be releasing a study on the air quality impacts of hydrogen vehicles. Dr. Moore stated that based on all of the computer assimilations that we've done hydrogen fuels will greatly increase emissions in this state.

Les Clark, Independent Oil Producers Agency (IOPA), stated that during the presentation a comment was made that the oil industry is harmful to the economy of Kern and Fresno Counties and the State of California. Mr. Clark stated that as far as he is concerned that comment is unacceptable.

9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District.

The Board thanked Mr. Ramalingam for his report.

10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – Seyed Sadredin, Deputy Air Pollution Control Officer, made comments on behalf of David L. Crow.

Mr. Sadredin stated we are at the beginning stages of implementing the new requirements for agricultural sources that were the result of new state law and some of the regulations that the Board adopted.

Mr. Sadredin noted that as we've said in the past outreach and education is the key component of our implementation strategies. Towards that end, the District, in cooperation with the agricultural industry representatives conducted thirty-five workshops to aid farmers in compliance with the new requirements.

Mr. Sadredin noted that District staff received a great deal of positive feedback from the workshop attendees. Mr. Sadredin also complimented the ag industry representatives, and in particular the Nisei Farmers League, the Cotton Ginners Association and all the farm bureaus throughout the Valley, especially Karla Kay Fullerton of the Fresno County Farm Bureau for their time, assistance and hard work in making those workshops a success. Mr. Sadredin announced that approximately three thousand farmers attended the workshops and approximately two thousand applications were received ahead of the statutory deadline.

Mr. Sadredin thanked the District staff that were involved in the workshops.

Mr. Sadredin reported that in opposition to SB 999, the District has received quite a bit of support from a wide cross section of the stakeholders. Mr. Sadredin noted that a number of opposition letters have been sent to the legislature and at this point the bill needs to get a hearing in the Appropriations Committee before it goes to the Assembly for a vote. Mr. Sadredin noted that to date a hearing date has not been set and we need to remain vigilant with our efforts.

11. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Case made comments in respect to continued problems with pine needle disposal in the Shaver Lake area. Board Member Case stated that prescribed burns are allowed in the mountain areas to reduce fuel loads and she believes the prescribed burn program could be utilized to dispose of pine needles. Board Member Case asked if the Board would have an interest in pursuing a legislative solution to this law to make some exception. Board Member Case asked the Board to provide direction to staff to come back to the Board to maybe consider finding other ways of solving this issue.

Seyed Sadredin, Deputy Air Pollution Control Officer, stated that Board Member Case is absolutely right in terms of identifying the problem and pointing out the legislative legal hurdles that we face. Mr. Sadredin stated that it may make sense to have a central place where pine needles could be burned as long as its done properly. Mr. Sadredin stated that if it is the Board's desire the District could pursue both regulatory and legislative changes at the state level. Mr. Sadredin stated that if that's the desire of the Board we could pursue discussions with the Air Resources Board and come back to the Board with a plan of action to deal with the necessary regulatory and legislative changes.

Board Member Dominici stated that the Bass Lake area is in the same situation. Board Member Dominici stated that the Board should go forward with Board Member Case's suggestion.

Board Member Worthley stated that this is not an action item, but he thinks there is a consensus of the Board that we asked the staff to pursue this issue.

The Vice Chair asked staff to pursue this issue at the regulatory level with ARB and legislative changes at the state level.

Board Member Maggard stated that he is sure his colleagues, as well as he, are receiving numerous pieces of correspondences stating that the Board should not implement the mandate we have from Senator Florez's bills to put in place the Indirect Source Mitigation Fee, particularly from Building Industry Association (B. I. A.). Board Member Maggard noted that in B. I. A.'s correspondence they are heartfelt, thorough, and very, very methodical in their argument. Board Member Maggard noted that District staff has told the Board there is a clear unequivocal responsibility we have to implement this rule.

Board Member Maggard asked staff to put together some information that we might be able to send in response to B. I. A.'s correspondence, because they are expending so much effort he wants to make sure their effort will help us to get the best results.

Mr. Sadredin stated staff will prepare a board briefing report for the Board on this issue.

Board Member Nelson stated he attended a CMP workshop that was held in Merced. Board Member Nelson stated that staff did an excellent job of dealing with a somewhat hostile crowd.

Board Member Nelson stated he received notification of the upcoming symposium in Bakersfield. Board Member Nelson encouraged the Board to attend and noted it would be well worth their effort.

OTHER BUSINESS - No Other Business.

Philip M. Jay, District Counsel, made the following announcement:

12. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54956.9** of the Government Code (Ralph M. Brown Act) as follows:

Conference with legal counsel – Existing Litigation

Names of Cases

- **Latino Issues Forum v. EPA;**
9th Circuit Court of Appeals # 04 – 72736
- **Association of Irrigated Residents v. EPA;**
9th Circuit Court of Appeals # 04 – 72650

- Western United Dairymen v. SJVUAPCD;
Fresno Superior Court # 04 – CECG01596
- Association of Irrigated Residents v. SJVUAPCD;
Fifth District Court of Appeals # F045200

The Board adjourned the meeting to Closed Session at 11:37 a.m.

Philip M. Jay, District Counsel, returned to the Board Room from Closed Session and made the following announcement:

In the

- Association of Irrigated Residents v. EPA;
9th Circuit Court of Appeals # 04 – 72650

and the

- Latino Issues Forum v. EPA;
9th Circuit Court of Appeals # 04 – 72736

The Board voted unanimously to authorize the District to intervene on the side of the EPA.

The Board adjourned from Closed Session at 12:00 p.m.