

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

**Thursday, October 20, 2005
9:00 a.m.**

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| <p>The Meeting was held via video teleconference (VTC) in the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).</p> |
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1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:05 a.m.

2. **ROLL CALL was taken and a quorum was present.**

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

(*) **Attended Meeting in Southern Region Office (Bakersfield)**

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

3. **APPROVAL OF CONSENT CALENDAR – Item Numbers (17-24).** (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).

17. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, September 15, 2005.

18. Receive and file List of Scheduled Meetings for 2005 and 2006.

19. Receive and file Operations Statistics Summary for September 2005.

20. Receive and file Budget Status Report as of September 30, 2005.

21. Approve and authorize application for Carl Moyer Memorial Air Quality Standards Attainment Program Funds.
22. Citizens Advisory Committee (CAC) recommendation to appoint new Hearing Board Primary and Alternate Members.
23. Approve Contract for Executive Director/APCO.
24. Approve Contract for District Counsel.

No Public Comment received.

APPROVED AS RECOMMENDED – *On motion by Board Member Prince to approve the Consent Calendar as submitted. Seconded by Board Member Sieglock and unanimously carried with the following roll call vote:*

Ayes: Sieglock, Nelson, Dominici, Worthley, Anderson, Barba
Watson, Prince, Maggard and Mayfield.

Absent: Armentrout.

Governing Board Action: *The Board approved Consent Calendar Items 17, 18, 19, 20, 21, 22, 23 and 24 as submitted.*

4. **PUBLIC COMMENT** – Jim Tillison, Executive Director, Alliance of Western Milk Producers, speaking on behalf of Dairy CARES, briefed the Board on the various air emission studies currently taking place. Mr. Tillison noted that these studies will help all of us better understand volatile fatty acids (VFAs). These studies are being conducted on California dairies under California conditions.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kelly Deming, Environmental Primary Member, Kings County, presented the CAC Report to the Governing Board from the October 4, 2005 CAC Meeting. Ms. Deming thanked the CAC Hearing Board Subcommittee Members that worked on the Hearing Board recommendations that the Governing Board approved on Consent Calendar Item Number 22. Ms. Deming announced that the members of the CAC Hearing Board Subcommittee consisted of: Mary-Michal Rawling, Christine Foster, Les Clark, Dean Wilson, Kevin Hamilton and herself.
6. **REQUEST FROM VALLEY TRANSPORTATION PLANNING AGENCIES TO SUPPORT THE SAN JOAQUIN VALLEY REGIONAL BLUEPRINT PROJECT**
Presentation by David L. Crow, Executive Director/APCO, Terri Lewis, Merced County Association of Governments, and Barba Stephanie, Great Valley Center.

Several Governing Board Members expressed support for this project, but were concerned about the expectations for additional funding from the District in future

years. Several Governing Board Members indicated they would like to see other participants solicited for funding in addition to the District

No Public Comments received.

APPROVED AS RECOMMENDED – On motion by Board Member Sieglock to approve the request as recommended. Seconded by Board Member Prince and unanimously carried with the following roll call vote:

**Ayes: Anderson, Dominici, Barba, Watson, Nelson, Sieglock, Prince
Worthley, Maggard and Mayfield.**

Absent: Armentrout.

Governing Board Action:

- 1. Authorized staff to send a letter to Caltrans committing the District to provide matching funds in the amount of \$500,000 for the San Joaquin Valley Regional Blueprint project grant.**
- 2. Approved Budget Resolution increasing the 2005-06 Budget \$500,000 to provide funding for the Regional Blueprint project.**
- 3. Authorized the Chair to execute any necessary documents required to disburse matching funds should the Caltrans grant be awarded.**

7. **INFORMATIONAL REPORT RE: DISTRICT'S PURSUIT OF ALTERNATIVE COMPLIANCE STRATEGIES** – Presentation made by David L. Crow, Executive Director/APCO and Seyed Sadredin, Deputy Air Pollution Control Officer. Mr. Sadredin's report consisted of the following:

- Alternative compliance options
- Why alternative compliance options for the Valley
- Requirements
- Potential strategies
- Potential difficulties
- Recommendation

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

Mark Stout, member of the public, Fresno, provided the Governing Board with two brochures:

- Fresno Solar Homes Tour Guidebook, Saturday, October 1, 2005
- Solar Energy Resource Guide, 6th Edition, September 2005.

Caroline Simunovic, Fresno Metro Ministry, spoke in support of the District's pursuit of Alternative Compliance Strategies.

8. **PUBLIC HEARING: ADOPT PROPOSED RULE 3135 (DUST CONTROL PLAN FEE)** – Presentation made by David L. Crow, Executive Director/APCO and Rick McVaigh, Director of Compliance.
No Public Comments received.

ADOPTED AS RECOMMENDED – *On motion by Board Member Worthley to adopt proposed Rule 3135 as recommended. Seconded by Board Member Sieglock and unanimously carried with the following roll call vote:*

Ayes: *Worthley, Prince, Nelson, Sieglock, Watson, Dominici, Anderson, Barba, Maggard and Mayfield.*

Absent: *Armentrout.*

Governing Board Action:

1. ***Adopted the Proposed Rule 3135 (Dust Control Plan Fee)***
2. ***Authorized the Chair to sign the resolution.***

9. **PUBLIC HEARING: ADOPT REVISED PROPOSED RULE 4308 (BOILERS, STEAM GENERATORS AND PROCESS HEATERS – 0.075 MMBtu/hr TO 2.0 MMBtu/hr)** – Presentation made by David L. Crow, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

Mr. Heinen provided the Governing Board with an Addendum to the revised Proposed Rule 4308 and a revised resolution. Mr. Heinen noted that based on comments from affected sources District staff recommends to the Governing Board the following clarifications to Proposed Rule 4308:

Section 3.0, Definitions 3.7

Section 4.0 Exemptions for 4.1 and 4.2

No Public Comments received.

ADOPTED AS REVISED - *On motion by Board Member Sieglock to adopt the revised Proposed Rule 4308 as recommended. Seconded by Board Member Prince and unanimously carried with the following roll call vote:*

Ayes: *Watson, Worthley, Dominici, Barba, Anderson, Sieglock, Prince, Nelson, Maggard and Mayfield.*

Absent: *Armentrout.*

Governing Board Action:

1. ***Adopted Revised Proposed Rule 4308 (Boilers, Steam Generators and Process Heaters – 0.075 (MMBtu/hr to 2.0 MMBtu/hr)***
2. ***Authorized the Chair to sign the revised resolution.***

10. **PUBLIC HEARING: ADOPT PROPOSED RULE 4905 (NATURAL GAS-FIRED FAN-TYPE RESIDENTIAL CENTRAL FURNACES)** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer and George Heinen, Supervising Air Quality Engineer.

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

Colby Morrow, Southern California Gas Company, spoke in support for Rule 4905. Ms. Morrow also noted that the gas companies are mounting a huge campaign to advise the public of the funds available for energy efficient programs.

ADOPTED AS RECOMMENDED – *On motion by Board Member Sieglock to adopt Rule 4905 as recommended. Seconded by Board Member Prince and unanimously carried with the following roll call vote:*

Ayes: *Barba, Watson, Prince, Dominici, Nelson, Worthley, Sieglock, Anderson, Maggard and Mayfield.*

Absent: *Armentrout.*

Governing Board Action:

1. ***Adopted Proposed Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces)***
2. ***Authorized the Chair to sign the resolution.***

11. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO THE 2004 EXTREME OZONE ATTAINMENT DEMONSTRATION PLAN** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer and Don Hunsaker, Planning Manager.

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

Arthur Unger, member of the Sierra Club, stated that the tone of the amendments bothered him. Mr. Unger spoke in opposition to changes to Table 4 - 1 and language pertaining to description of rules regarding emission reductions listed in Appendix A.

Mark Stout, Fresno Metro Ministry, spoke in opposition of removing the 2008 commitments in Table 4 - 1.

Mary-Michal Rawling, spoke in opposition of removing the 2008 commitments in Table 4 - 1.

ADOPTED AS RECOMMENDED – *On motion by Board Member Sieglock to adopt the proposed amendments to the Extreme Ozone Attainment Demonstration Plan as recommended. Seconded by Board Member Prince and unanimously carried with the following roll call vote:*

Ayes: *Prince, Anderson, Sieglock, Watson, Nelson, Barba, Worthley, Dominici, Maggard and Mayfield.*

Absent: *Armentrout.*

Governing Board Action:

- 1. *Certified the Negative Declaration for the Proposed Amendments to the 2004 Extreme Ozone Attainment Demonstration Plan.***
- 2. *Adopted the Proposed Amendments to the 2004 Extreme Ozone Attainment Demonstration Plan.***
- 3. *Authorized the Chair to sign the resolution***
- 4. *Directed staff to forward the adopted Amendments to the 2004 Extreme Ozone Attainment Demonstration Plan and the signed resolution to the California Air Resources Board for submittal to the U.S. Environmental Protection Agency.***

12. **APPROVE VOLUNTARY AIR QUALITY MITIGATION AGREEMENT WITH PB VENTURES, LLC, TO RECEIVE FUNDS FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF PROPOSED OLD RIVER RANCH DEVELOPMENT PROJECT** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, and Dave Mitchell, Planning Manager.

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

Gordon Nipp, member of the Sierra Club, commented that he has concerns with the URBEMIS programs assumption with a default number for trips per day per household. Mr. Nipp stated that it is wonderful that the developer has proposed the agreement.

Arthur Unger, member of the Sierra Club, noted that the issue of utilizing air quality mitigation fees locally has been discussed by previous speakers. Mr. Unger raised the issue of whether it might be more efficient, in terms of emission reductions, to spend the fees, paid in one jurisdiction, in a different jurisdiction.

Mike Petrini, applicant for PB Ventures, thanked staff for their work on the agreement. Mr. Petrini encouraged the Governing Board to approve the agreement.

Mark Stout, Fresno Metro Ministry, echoed Mr. Nipp's comments and congratulated the developer for stepping forward with the agreement. Mr. Stout stated he thinks it sets a very good standard for the forthcoming ISR rule.

Caroline Simunovic, Fresno Metro Ministry, spoke in support of the Governing Board approving the agreement. Ms. Simunovic stated that the public should be involved in making decisions on how to use these funds and on the design of the ISR rule.

Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition, stated that although she has mixed feelings about these types of contracts she is getting more comfortable with them. Ms. Rawling suggested dialogue be opened up to the community for the specific development so the District can have some dialogue with the public on how that money should be spent.

Several Governing Board Members expressed support for this agreement and praised the developer for this voluntary action.

Governing Board Member Anderson expressed some concerns regarding the possibility of mitigation funds being used for projects that would directly benefit the developer.

APPROVED AS RECOMMENDED – On motion by Board Member Prince to approve the agreement as recommended. Seconded by Board Member Worthley and carried with the following roll call vote:

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

Noes: Anderson.

Absent: Armentrout.

Governing Board Action:

- 1. Approved and authorized the Chair to sign the Air Quality Mitigation Agreements with PB VENTURES, LLC**
- 2. Authorized staff to identify, fund and manage air quality projects that will mitigate the net project criteria pollutant impacts determined in the approved Air Quality Impact Assessment for the proposed project.**
- 3. Approved the Budget Resolution which increases the estimated revenues and appropriations in the 2005-06 District Budget in the amount of \$4,239,000 to facilitate the receipt of Development Mitigation Funds and authorized expenditure of those funds in accordance with the Air Quality Mitigation Agreements**

13. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Jeff Lindberg, ARB District Liaison, briefed the Governing Board on the most recent ARB Board activities. Mr. Lindberg reported that the California Business Transportation & Housing Agency and ARB are developing a plan called “Goods Movement” pertaining to improving the movement of goods and reducing its environmental impacts in California. Mr. Lindberg indicated the “Goods Movement” plan will focus on Interstate 5.

Board Member Worthley stated that Mr. Lindberg indicated the working group is focusing on the Interstate 5 corridor, but the California State Route 99 corridor is a huge corridor for transportation of goods, and the rail system that comes through the State of California is not on the Interstate 5 corridor. Board Member Worthley indicated that this is a tremendous disservice to the Valley because there is no rail service on the Interstate 5 corridor and the California State Route 99 corridor is a major transportation route. Board Member Worthley stated he would encourage the working group to consider looking at the Eastern side of the San Joaquin Valley corridor for moving goods.

14. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced that the Governing Board Members will not have the video teleconference (VTC) system available in the Northern Region for the November 17, 2005 Governing Board Meeting. Mr. Crow explained that the District is in the process of moving in to new facilities in the Northern Region so the Governing Board Members presence for the November 17, 2005 meeting will be mandatory in the Central Region Office, Fresno. will be required.

Mr. Crow announced that the Dairy Permitting Advisory Group (DPAG) is continuing to meet for the purposes now focused on Best Available Control Technology (BACT) for dairies. Mr. Crow noted that the District re-configured the DPAG and we are pleased that's it's a very energetic and comprehensive group of folks that are looking at these issues. Mr. Crow explained that DPAG's mission is to complete BACT requirements as it pertains to dairies and make their recommendations to the APCO by December 2005.

Mr. Crow announced that Operation Clean Air (OCA) will be holding their annual meeting on October 27, 2005 in Fresno.

Jaime Holt, Public Education Administrator, announced that the thirteen winners have been selected for the Kids Calendar Contest this year. Ms. Holt noted the calendars will be available for the Governing Board Members at their November 17, 2005 meeting.

Ms. Holt thanked Councilmember Prince for attending the Ripon Teachers Workshop for the District's curriculum-based air quality education program for

teachers last Saturday. Ms. Holt announced that thirty-two teachers attended the workshop regarding the District's Middle/High School Curriculum.

Ms. Holt announced that Public Education has started sending the Governing Board Highlights out immediately after the Governing Board Meeting. Ms. Holt explained that Public Education's goal is to have the highlights in the Governing Board Member's email box by the time they get back to their offices. Ms. Holt noted that the District also has all of the Governing Board's contemporaries, both the Board of Supervisors and Councilmembers, on our list. Ms. Holt noted that the Governing Board should feel free to forward the District Highlights and the Valley Air News to interested parties.

15. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Barba thanked Dave Crow and staff for attending a meeting in Kings County to explain Rule 9510 and 3180.

OTHER BUSINESS – No Other Business.

16. **NO CLOSED SESSION**

ADJOURN – The Chair adjourned the meeting at 11: 36 a.m.