

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

**Thursday, February 16, 2006
9:00 a.m.**

Meeting held via video teleconference (VTC) system with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).

1. **CALL TO ORDER** – The Chair, Councilmember Mike Maggard, called the meeting to order at 9:06 a.m.

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

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

(*) Arrived during Item 13

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

3. **INTRODUCTION OF CALIFORNIA AIR RESOURCES BOARD (ARB)
CHAIRMAN, DR. ROBERT F. SAWYER** – Item moved down on the agenda.

4. **APPROVAL OF CONSENT CALENDAR – Item Numbers (14-20).** (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).

14. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, January 19, 2006.

15. Receive and file List of Scheduled Meetings for 2006.

16. Receive and file Operations Statistics Summary for January 2006.
17. Receive and file Budget Status Report as of January 31, 2006 and Cash Balance Report as of December 31, 2005.
18. Citizens Advisory Committee (CAC) recommendation to appoint new Public Alternate Hearing Board Member.
19. Approve and authorize the Chair to sign San Joaquin Valley Implementation Protocol with Union Pacific Railroad and BNSF Railway.
20. Authorize Executive Director/APCO to exercise option for a two-year lease extension with Kern County for the Bakersfield Regional Office.

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

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

Absent: Armentrout.

The Governing Board:

Approved Consent Calendar Item Numbers 14, 15, 16, 17, 18, 19 and 20 as submitted.

5. **PUBLIC COMMENT** – Jim Tillison, Dairy CARES, updated the Governing Board on the dairy industries efforts to reduce dairy air emissions. Mr. Tillison noted that District staff is currently working on implementing one of the most important sections of Senate Bill 700 by developing a proposed new rule aimed at controlling emissions from existing dairies in the San Joaquin Valley. Mr. Tillison stated the dairy industry looks forward to reviewing and commenting on the proposed new rule when it is released in the next few weeks.
6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Dennis Tristao, City Primary Member, Kings County, and the Chair of the CAC, briefed the Governing Board regarding the February 7, 2006 CAC Meeting. Mr. Tristao stated that there was general support from the CAC in support of the Governing Board adopting the 2006 PM10 Plan and the Proposed Natural Events Action Plan today.
7. **PUBLIC HEARING: ADOPT 2006 PM10 PLAN** – Presentation made by Seyed Sadredin, Deputy APCO and Don Hunsaker, Supervising Air Quality Planner.

The Chair asked the Board if they were comfortable utilizing a three-minute time limit for public comment during the Public Hearing. The Board concurred with a three-minute time limit for public comment during the Public Hearing.

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

Manuel Cunha, Nisei Farmers League, spoke in support of the Board adopting the 2006 PM10 Plan, and he thanked District staff for their inclusion of the agriculture component.

Brent Newell, Center on Race, Poverty and the Environment, made comments about the District's commitment in 2004 to re-evaluate ammonia as a PM10 precursor. Mr. Newell stated that under Section 189E of the Clean Air Act stationary sources of ammonia are supposed to be regulated if they significantly contribute to PM10 levels that exceed the standard. Mr. Newell stated that he is disappointed that the proposed 2006 PM10 Plan is not dealing with ammonia as a PM10 precursor.

Les Clark, Independent Oil Producers Association (IOPA) , and Citizens Advisory Group of Industries (CAGI), stated he echoed Mr. Cunha's comments pertaining to the 2006 PM10 Plan. Mr. Clark stated that IOPA and CAGI urge the Governing Board to adopt the proposed 2006 PM10 Plan.

Governing Board Member Patrick requested staff respond to Mr. Newell's comments regarding ammonia for the record.

Don Hunsaker responded by stating that in regards to ammonia in the 2006 PM10 Plan staff did two things. We added an entire new appendix that was not in the previous plan that gives a bibliography of the research papers that have come out of the California Regional Particulate Air Quality Study and selected papers that deal with particulate matter in the San Joaquin Valley Air Basin. Mr. Hunsaker stated staff also added in Section 7.3 a discussion of a subset of all of the papers that deal with ammonia and they are on pages 7-12. Mr. Hunsaker stated there are seven papers listed that talk about how ammonia control is not an effective way to reduce ammonium nitrate levels in the San Joaquin Valley Air Basin.

Mr. Hunsaker stated that probably one of the best and most current research papers is by *Kleeman, Ying and Kaduwela (2005)*. Mr. Hunsaker stated Dr. Kaduwela, who supervised the modeling for this plan, published a paper in 2005 in the *Atmospheric Environment* which is a peer review scientific journal that concluded that a reduction in ammonia emissions would not give us much of a reduction in ammonium nitrate levels and it would not be an effective strategy for reducing ammonium nitrate.

Philip M. Jay, District Counsel, noted that the whole ammonia issue was litigated in the Ninth Circuit Court case. Mr. Jay stated the Ninth Circuit Court rejected Mr. Newell's contentions that Rule 189E of the Clean Air Act requires the District to regulate ammonia, and so far as the District is concerned it is a dead issue.

The Governing Board complimented District and ARB staff and all of the people who have been working on this plan.

APPROVED AS RECOMMENDED – On motion by Board Member Patrick to adopt the 2006 PM10 Plan as recommended. Seconded by Board Member Barba and unanimously carried with the following roll call vote:

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

Absent: Armentrout.

The Governing Board:

- 1. Adopted the Proposed 2006 PM10 Plan, and***
- 2. Authorized the Chair to sign the resolution, and***
- 3. Directed staff to file a Notice of Determination, and***
- 4. Directed staff to forward the adopted 2006 PM10 Plan and the signed resolution to the California Air Resources Board (ARB) for approval and submittal to the U.S. Environmental Protection Agency (EPA).***

The Chair stated that the District might want to contemplate on whether or not to do a press tour, as well as appropriate press releases along with Valley talk shows for media exposure.

Seyed Sadredin explained that as a result of today's Governing Board Action we will take this information to the appropriate press venues, and that the District's submittal of its formal re-designation request to EPA will provide another opportunity for public education.

8. PUBLIC HEARING: ADOPT PROPOSED NATURAL EVENTS ACTION PLAN

Presentation by Seyed Sadredin, Deputy APCO and Jessica Hafer, Air Quality Specialist.

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

Paul Cort, Earthjustice, stated he wanted to urge the Board to adopt the Natural Events Action Plan (NEAP) today. Mr. Cort stated there is some confusion on the part of staff, and most likely on part of the Board as well, on what the NEAP Plan means regarding the District's ability to claim attainment. Mr. Cort stated that Earthjustice does not believe the Corcoran dust event qualifies for flagging

by EPA. Mr. Cort noted that this claim that the District has attained is dependent on ignoring other monitors in the Valley, because other monitors in the Valley for the past three years have shown eight days of exceedances.

Ms. Hafer responded that the District is allowed the equivalent of one exceedance per year in a three year period. The monitors in Corcoran are sampled once every three days. Under this schedule, one data point reflecting an exceedance is equivalent to three exceedance days. The flagged natural event data was the only exceedance measured by a federal reference method monitor in Corcoran for the three year period of 2003-2005. These three exceedance days are equivalent to one exceedance per year for 2003-2005. Therefore, even if EPA had not concurred with the data flagging request, Corcoran's federal reference monitors would still show attainment of the PM10 standard.

The Governing Board stated that Ms. Hafer's presentation was excellent and very professional.

ADOPTED AS RECOMMENDED – *On motion by Board Member Barba to adopt the plan as recommended. Seconded by Board Member Dominici and carried unanimously with the following roll call vote:*

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

Absent: *Armentrout.*

The Governing Board:

- 1. *Adopted the Proposed Natural Events Action Plan, and***
- 2. *Authorized the Chair to sign the resolution, and***
- 3. *Directed staff to file a Notice of Exemption, and***
- 4. *Directed staff to forward the adopted Natural Events Action Plan and the signed resolution to the California Air Resources Board (ARB).***

3. **INTRODUCTION OF CALIFORNIA AIR RESOURCES BOARD (ARB)**
CHAIRMAN, DR. ROBERT F. SAWYER – Board Member Patrick introduced Dr. Sawyer the new Chairman of the ARB Board and Lynn Terry, with the Executive Office of ARB, to the District's Governing Board.

Dr. Sawyer stated he was delighted to be appointed as Chair of the ARB Board which in his opinion is the premier air quality agency in the world. Dr. Sawyer stated he wanted to commend the District's Governing Board for some of the actions they have taken recently. Dr. Sawyer noted he thinks the District's land use planning efforts in trading air quality mitigation for development shows real innovation and he hopes what the District is doing here spreads to rest of the State.

Lynn Terry commented in respect to Dave Crow's retirement and indicated that it has been a pleasure to work with Dave Crow over the years. Ms. Terry congratulated Mr. Crow on his retirement.

9. **APPOINT GOVERNING BOARD AD-HOC BUDGET SUBCOMMITTEE** – The Chair noted that as a rule the Chair participants in the Ad-Hoc Budget Subcommittee, but unfortunately, he has prior commitments.

The Chair asked for volunteers and the following Governing Board Members volunteered: Tony Barba

J. Steven Worthley
Ronn Dominici
Barbara Patrick
Thomas W. Mayfield

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Jeff Lindberg, ARB District Liaison, briefed the Governing Board on the most recent ARB activities.

The Chair made the following comments before Item 11.

The Chair announced that David L. Crow, Executive Director/APCO, is retiring from the District on February 24, 2006. The Chair, on behalf of the Governing Board presented a plaque to Mr. Crow that reads "...With Great Appreciation for Service and Leadership, 1991 – 2006 from the Governing Board San Joaquin Valley Unified Air Pollution Control District..."

Mr. Crow stated that he is very proud of the Governing Board and all of the Governing Boards over the many years. Mr. Crow stated "... you have never failed to step up and show political leadership where it was called for... you truly led..." Mr. Crow thanked District staff and stated that they are the finest staff that he has ever worked with. Mr. Crow also acknowledged the stakeholders for their participation in District efforts.

The Governing Board commended Mr. Crow and congratulated him for his years of service to the citizens of the San Joaquin Valley and noted that he has been a "tremendous leader".

11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, commented that on February 15, 2006 he attended a meeting in Sacramento with the Senate Select Committee on Air Quality and we talked about the proposed PM standards. The District is in the process of developing our analysis of those standards, and it appears it is critically important to the San Joaquin Valley. Mr. Crow noted the Governing Board will be receiving a briefing report in the next few days on this issue. Mr. Crow indicated that District

comments regarding the proposed PM standards to the EPA Administration are due in April.

Mr. Crow announced that last week the EPA Administrator was in the Central Office visiting with us. We covered some really important ground including the Valley's PM10 attainment quest and a lot of things that are important to the future.

Mr. Crow stated that it is our understanding that Congressmen Costa and Nunez, who hosted a Valley wide meeting on dairy issues a number of months ago, had indicated at that time they wanted to have another meeting on dairy issues. Mr. Crow noted he believes that on February 27, 2006 Congressmen Costa and Nunez are planning on having another opportunity for the dairy industry in the District to interact on the several key issues associated with dairies.

12. **GOVERNING BOARD MEMBER COMMENTS** – No Governing Board Member Comments.

The Chair requested Philip M. Jay, District Counsel, craft an agenda item for a future meeting that would deal with the issue of a policy regarding a limitation on speaking time for public comment. The Chair explained that it would be worthwhile to have a discussion on whether or not we should entertain a policy for individual members of the public and to have a discussion regarding whether or not we want to adopt a policy regarding time limitations in total over a specific item.

OTHER BUSINESS – No Other Business.

Philip M. Jay, District Counsel, announced the Closed Session and stated the Governing Board will adjourn the Governing Board Meeting from Closed Session.

13. **CLOSED SESSION** - The Governing Board will hold a Closed Session pursuant to Sections **54957.6, 54957 and 54956.9** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with labor negotiator – Agency negotiator: Carolyn Rose; Employee Organization: SEIU, Local 700; pursuant to Government Code Section 54957.6.
- Public Employee Appointment:
Title: Executive Director/APCO; pursuant to Government Code Section 54957 (b)(1).
- Conference with Legal Counsel – Anticipated Litigation: significant exposure to litigation pursuant to Governing Code Section 54956.9 (b)(3)(B)

The Governing Board adjourned to Closed Session at 10:30 a.m.

The Governing Board adjourned the Governing Board Meeting from Closed Session at 11:40 a.m.