

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

**Thursday, April 25, 2002
9:00 a.m.**

Meeting held via video conferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

1. **CALL TO ORDER** – The Chair, Councilmember Sam Armentrout, called the meeting to order at 9:12 a.m.
2. **ROLL CALL was taken and a quorum was present.**

Barbara Patrick, Supervisor	Kern County
Mike Maggard, Councilmember	City of Bakersfield
William Sanders, Supervisor (absent)	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Jerry O'Banion, Supervisor	Merced County
Nick W. Blom, Supervisor	Stanislaus County
Tom Applegate, Councilmember (*)	City of Newman
Jack A. Sieglock, Supervisor (*)	San Joaquin County
Ronn Dominici, Supervisor, Vice Chair	Madera County
Sam Armentrout, Councilmember, Chair	City of Madera

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(14-24)**. (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.)
 14. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, March 21, 2002 and the Special Governing Board Meeting of Friday, April 12, 2002.
 15. Receive and file List of Scheduled Meetings for 2002.
 16. Receive and file Operations Statistics Summary for March 2002.
 17. Receive and file Budget Status Report as of March 31, 2002.

18. Approve and authorize the Chair to execute Amendment No. 1 to the REMOVE Program Contract # 98-039 with the City of Reedley to extend the term of the contract to June 5, 2003.
19. **Receive and file the Proposed 2002 and 2005 Rate of Progress Plan (ROP). Set May 16, 2002 for the Public Hearing to consider approval.**
20. Approve agreement with Foam Experts Roofing, Inc. in the amount of \$126,368.00 for the sprayed polyurethane roofing project in the Central Region Office building.
21. Accept funds from the California Technology, Trade and Commerce Agency (CTTCA) Agricultural Biomass-To-Energy Incentive Grant Program October 2001 in the amount of \$6,596,592 and application to the CTTCA for Biomass-To-Energy Incentive Grant Program March 2002 funds.
22. Receive and File Proposed Rule 3170 (Federally Mandated Ozone Nonattainment Fee). Set May 16, 2002 for the Public Hearing to consider the proposed rule.
23. Receive and file proposed Rules 4313 (Lime Kilns), 4610 (Glass Coating Operations), 4693 (Bakery Ovens) and amendments to Rule 4661 (Organic Solvents). Set May 16, 2002 for the Public Hearing to consider the proposed rules and amendments.
24. Approve agreement with Melvin D. Zeldin in the amount of \$40,000 to provide technical assistance in preparing the PM 10 Plan.

Staff requested Item # 19 be removed from the Consent Calendar for modification.

APPROVED AS RECOMMENDED – Board Member O'Banion made the motion to approve the Consent Calendar as recommended minus Item # 19. Seconded by Board Member Blom and carried unanimously with the following Roll Call Vote:

Ayes: O'Banion, Maggard, Blom, Barba, Applegate, Case, Patrick, Sieglock Dominici and Armentrout.

Absent: Sanders.

The Board approved Consent Calendar items 14, 15, 16, 17, 18, 20, 21, 22, 23 and 24 as submitted.

19. Receive and file the Proposed 2002 and 2005 Rate of Progress Plan (ROP). Set May 16, 2002 for the Public Hearing to consider approval.

Staff provided the Board with a revision to Appendix C

APPROVED AS RECOMMENDED – Board Member Blom made the motion to approve Consent Calendar Item # 19 as recommended. Seconded by Board Member O'Banion and carried unanimously with the following **Roll Call Vote:**

Ayes: Maggard, Case, Sieglock, Barba, O'Banion, Patrick, Blom, Applegate, Dominici and Armentrout.

Absent: Sanders.

The Board approved Consent Calendar Item # 19 as recommended.

4. **ADOPT CLEAN AIR MONTH PROCLAMATION**

The Clean Air Month Proclamation was read into the record by Josette Merced Bello, Public Education Administrator.

ADOPTED CLEAN AIR MONTH PROCLAMATION – Board Member Case made the motion to adopt the proclamation. Seconded by Board Member Barba and carried unanimously with the following **Roll Call Vote:**

Ayes: Applegate, Barba, Maggard, Patrick, Sieglock, O'Banion, Case, Blom, Dominici and Armentrout.

Absent: Sanders.

The Chair presented the Clean Air Month Proclamation to Charles Sant'Agata, Executive Director, American Lung Association of Central California

Charles Sant'Agata, Executive Director, American Lung Association of Central California, thanked the Board for proclaiming May as ***Clean Air Month***.

Mr. Sant'Agata stated that the quality of the air we breathe is important to the citizens of this particular air basin and in all air basins. We applaud your effort to clean our air. Your efforts promote lung health while reducing the suffering of thousands of lung disease victims. We appreciate all that you continue to do to educate our community in the Central San Joaquin Valley to the dangers of air pollution and the benefits of sound clean air practices. Mr. Sant'Agata stated that he was pleased to accept the proclamation on behalf of the American Lung Association of Central California.

The Chair on behalf of the Governing Board and the District thanked Mr. Sant'Agata and the American Lung Association.

5. **PUBLIC COMMENT – Kevin Hall, Sierra Club**, read the following petition into the record: “... *The San Joaquin Valley Air Pollution Control District has failed to adhere to environmental law as specified in the Clean Air Act. We petition the board to act immediately and effectively to bring our valley into compliance with the Federal 8-hour ozone standard, which most rigorously protects the health of its citizens*”. Mr. Hall provided the petition to the clerk.

Mr. Hall commended Kings County for implementing a transit service for farm workers. Mr. Hall noted that this is a profoundly important and positive program. Mr. Hall stated that he thinks that Kings County has set a very significant example for us. Not just in terms of public safety but public health in terms of air quality.

6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – The Chair of the CAC, Lee Smith, Environmental, Primary member, Madera County, reported on the April 2, 2002 meeting activities. The Chair noted that the CAC set up a Technical Rules Subcommittee to look at rules under development and provide input to the Board. The Chair stated that the CAC set up a subcommittee to review client incentives to reduce emissions to assist District in meeting goals.
7. **VERBAL REPORT: POSSIBLE RECLASSIFICATION TO EXTREME OZONE NONATTAINMENT DESIGNATION** – Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Philip M. Jay, District Counsel, David Jones, Planning Manager and Seyed Sadredin, Director of Permit Services.

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

Mary Kay Kirn, Merced County DPW, has concerns in respect to reclassification from severe to extreme.

David Farabee, representing the San Joaquin Valley Air Quality Coalition – stated that members of the coalition supports reclassification from severe to extreme.

Suzanne Noble, Western States Petroleum Association (WSPA), stated that her associates supports reclassifying to extreme. Ms. Noble stated that the District should acknowledge their intent to reclassify by next month.

Phil Newell, Guardian Industries, Inc., stated that his company would be hurt by reclassifying to extreme and they could not support reclassifying to extreme.

Reese Martin, Sempra Energy and Southern CA. Gas Company, stated that his company has not made a decision at this time and at this point they don't like either path.

Manuel Cunha, Nisei Farmers League, spoke in support of reclassification from severe to extreme.

Kevin Hall, Sierra Club, stated that we have no position.

Karla Kay Fullerton, Fresno County Farm Bureau, stated that the Fresno County Farm Bureau does not have a position on this issue.

Amy Zimpfer, U.S. Environmental Protection Agency (EPA), thanked the Board for taking this decision seriously. Ms. Zimpfer stated that are a couple of messages she wanted to send the Board's way. (1) this decision on whether to go from severe to extreme is a local decision (2.) in order to remove that Federal Implementation Plan (FIP) obligation EPA believes they must take action on the bump up to extreme and again the schedules that have been before the Board would allow EPA to do so. Ms. Zimpfer asked the Board to keep that in mind that EPA would need to take action on the bump up to extreme before that FIP obligation goes away.

Ms. Zimpfer noted that in terms of the timing for the Board's action and sending the signal that the Board is interested or that the Board is going to be committed to go to extreme, the sooner the better that's what EPA can say.

Ms. Zimpfer stated that she was in attendance today to say to the Board this is a partnership. The Board has direct control over certain sources. EPA has direct control over certain sources and ARB has direct control over certain sources. It's by it's nature a partnership. Coming together as a community that is how the problem is going to be solved.

Brent Newell, Center on Race, Poverty and the Environment (CRPE), asked the Air District to conduct an analysis to evaluate which path, severe versus extreme, would result in clean air the quickest.

The Board directed staff to put together a comprehensive public outreach campaign on severe versus extreme and provide them with an outline of that campaign. The Board also directed staff to hold more workshops on this issue.

Mr. Crow stated that this item will appear on the June 20, 2002 Governing Board Agenda for action with a possible continuation to August 15, 2002 pending the outcome of Public Workshops and a Public Outreach Campaign.

Correspondence received:

From: Ann Lincoln DeLollis, Ph. D., To: Governing Board Chair, Sam Armentrout, Dated: April 20, 2002, Re: severe versus extreme

From: Michael P. Kenny, Executive Officer, California Air Resources Board, To: Governing Board Chair, Sam Armentrout, Date: April 24, 2002, Re: severe versus extreme

Handouts received:

From: (1) San Joaquin Valley Air Quality Coalition, Fact Sheet (3 pages)
(2) Comparison of Schedules: Bump-up to Extreme vs. Maintain Severe (1 page)

This item was moved up on the Agenda

Philip M. Jay, District Counsel, announced the following Item:

13. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54957.6** of the Government Code (Ralph M. Brown Act) as follows:
- ❖ Conference with labor negotiator – Carolyn Rose; Employee Organization; SEIU, Local 700.

The Board adjourned to Closed Session at 12:10 p.m.

The Board reconvened from Closed Session at 1:10 p.m. No announcements were made regarding Closed Session.

The Vice Chair, Supervisor Ronn Dominici, chaired the remainder of the Meeting. The Vice Chair announced that the following Governing Board Members did not return to the Meeting from Closed Session:

**Chair, Councilmember Sam Armentrout
Supervisor Jack A. Sieglock
Supervisor Jerry O'Banion**

Vice Chair, Supervisor Ronn Dominici, chaired the remainder of the Meeting

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 2201 (NEW AND MODIFIED STATIONARY SOURCE REVIEW) AND RULE 2530 (FEDERALLY ENFORCEABLE POTENTIAL TO EMIT)** – Staff presentation made by Seyed Sadredin, Director of Permit Services.

No Public Comments received on this item.

ADOPTED AS PROPOSED – Board Member Blom made the motion to adopt Rule 2201 and 2530 as proposed. Seconded by Board Member Patrick the motion carried unanimously with the following **Roll Call Vote:**

Ayes: Maggard, Case, Barba, Applegate, Patrick, Blom and Dominici.
Absent: Sieglock, Sanders, O'Banion and Armentrout.

Therefore, the Board took the following action: adopted proposed amendments to Rule 2201 (New and Modified Stationary Source Review) and Rule 2530 (Federally Enforceable Potential to Emit). The Board authorized the Chair to sign the resolution.

9. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4703 (STATIONARY GAS TURBINES)** – Staff presentation made by Scott Nester, Supervising Air Quality Engineer and Mark Boese, Deputy Air Pollution Control Officer.

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

Roger Christy, Chevron/Texaco, spoke in support of Rule 4703. Mr. Christy expressed his thanks to Scott Nester and George Heinen for their efforts in respect to Rule 4703.

Darryl Gunderson, Aera Energy, spoke in support of Rule 4703. Mr. Gunderson expressed his thanks to Scott Nester and George Heinen for their efforts in respect to Rule 4703.

Reese Martin, Sempra Energy and Southern California Gas Company, recommended the Board adopt Rule 4703 as proposed.

Jeff Adkins, Sierra Research representing Modesto Irrigation District (MID), stated that MID is not opposing adoption of Rule 4703. Mr. Adkins stated that his comments are based on discussions with District staff regarding future re-opening of the rule to make some needed changes.

ADOPTED AS PROPOSED – Board Member Barba made the motion to adopt Rule 4703 as proposed. Seconded by Board Member Blom and carried unanimously with the following **Roll Call Vote**:

Ayes: Patrick, Maggard, Barba, Applegate, Case, Blom and Dominici.

Absent: Sanders, O'Banion, Sieglock and Armentrout.

Therefore the Board took the following action:

- (1) **Adopted the Negative Declaration prepared for the proposed rule amendment.**
- (2) **Adopted the proposed amendments to Rule 4703 (Stationary Gas Turbines).**
- (3) **Authorized the Chair to sign the resolution.**

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, made the ARB Board Meeting Report. Mr. Ramalingam updated the Board on the Children's Health Study that was conducted in Southern California.

Board Member Case asked Mr. Ramalingam for information on a study in Southern California in regards to pregnant women and exposure to ozone developing heart defects. Board Member Case asked if the ARB was involved in that study.

The Board commended Mr. Ramalingam for the great job he does in reporting on ARB Meeting activities.

11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reported that on April 18, 2002, Assembly Member Dennis Cardoza's Bill AB 2637 regarding Smog Check II in the Bay Area passed out of the Transportation Committee and is headed next to Appropriations Committee and then over to the Senate.
12. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Maggard thanked Philip M. Jay, District Counsel and Robert J. Kard, Director of Compliance for working with the City of Bakersfield to resolve some outstanding issues.

OTHER BUSINESS – No Other Business.

The Vice Chair adjourned the Meeting at 1:44 p.m.