

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

**Thursday, April 17, 2003
9:00 a.m.**

Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.
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1. **CALL TO ORDER** – The Chair, Supervisor Ronn Dominici, called the meeting to order at 9:15 a.m.
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
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor	Merced County
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Barbara Patrick, Supervisor, Vice Chair	Kern County
Ronn Dominici, Supervisor, Chair	Madera County

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

The Chair on behalf of the Governing Board presented a plaque to Supervisor Jerry O'Banion, Merced County, who served on the San Joaquin Valleywide Air Pollution Study Agency from 1995 to 2002.

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(15-22)**. (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).
15. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting, Thursday, March 27, 2003.

16. Receive and file list of scheduled meetings for 2003.
17. Receive and file Operations Statistics Summaries for March 2003.
18. Receive and file Budget Status Report as of March 31, 2003.
19. Receive and file the District's Annual Air Toxics Report for the year 2002.
20. Approve and authorize the Chair to execute the following Heavy-Duty Engine Emission Reduction Incentive Program Agreements:
 - Amendment No. 1 to Agreement No. C-622 with Southwest Transportation Agency to extend the term of the agreement to January 23, 2004.
 - Agreement No. N-481 with Stanislaus County Department of Public Works-Transit Division to extend the term of the agreement to August 15, 2004.
21. Approve and authorize the Chair to execute contract with Sonoma Technology, Inc., for Emission Inventory Improvements and Control Measure Assessments for Selected Source Categories not to exceed and of \$109,789.
22. Review and recommendation of reappointment / appointment of current Primary and Alternate Hearing Board Members to new terms; prospective procedures regarding same.

Supervisor Case requested Consent Calendar Item # 21 be removed for discussion.

Philip M. Jay, District Counsel requested Consent Calendar Item # 22 be removed from the Consent Calendar for the purpose of appointing an interim review committee from the Governing Board.

APPROVED AS RECOMMENDED – Board Member Patrick made the motion to approve the Consent Calendar minus Items # 21 and #22. Seconded by Board Member Case and carried unanimously with the following **Roll Call**

Vote:

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

Absent: None.

Action: Approved Consent Calendar Items 15, 16, 17, 18, 19 and 20 as submitted, minus Items 21 and 22.

Consent Calendar Item # 21, Supervisor Case – stated she would appreciate having more information included in the Agenda Item Report. Supervisor Case stated she did not have enough information to make a decision to approve contract.

David L. Crow, Executive Director/APCO, responded that future contracts will contain more in depth information.

Public Comment – Manuel Cunha, Nisei Farmers League, spoke in support of the Board approving the contract with Sonoma Technology, Inc.

APPROVED AS RECOMMENDED – *Board Member Worthley made the motion to approve the contract. Seconded by Board Member Patrick and carried with the following Roll Call Vote:*

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

Noes: *Armentrout, Maggard and Case.*

Absent: *None.*

Action: Approved and authorized the Chair to execute contract with Sonoma Technology, Inc., for Emission Inventory Improvements and Control Measure Assessments for Selected Source Categories not to exceed and amount of \$109,789.

The Chair in respect to Item # 21, directed staff to provide the Board with more clarification when items of this nature appear on the Consent Calendar.

Consent Calendar Item # 22, Philip M. Jay, District Counsel, asked for Item # 22 to be pulled from the Consent Calendar for the purpose of appointing interim committees of Governing Board Members from each region. Mr. Jay noted the committees would review and make recommendations of reappointment / appointment of Primary and Alternate Hearing Board Members whose terms have expired, and prospective procedures regarding same.

The Chair made the following appointments to the Ad Hoc Hearing Board Subcommittees:

Northern Region: consisting of San Joaquin, Stanislaus and Merced counties.
Supervisor Jack A. Sieglock, San Joaquin County
Supervisor Thomas W. Mayfield, Stanislaus County

Central Region: consisting of Madera, Fresno and Kings counties.
Councilmember Sam Armentrout, City of Madera
Supervisor Tony Barba, Kings County

Southern Region: consisting of Tulare and Kern counties.
Supervisor J. Steven Worthley, Tulare County
Councilmember Mike Maggard, City of Bakersfield

APPROVED AS RECOMMENDED – Board Member Patrick made the motion to approve the item as recommended. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote:**

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

Absent: None.

Action: The Chair appointed an interim review committee from the Governing Board consisting of two (2) members from each region for the purpose of review and recommendation of reappointment / appointment of Primary and Alternate Hearing Board Members whose terms have expired, and prospective procedures regarding same.

4. **PROCLAMATION FOR CLEAN AIR MONTH MAY 2003** – Proclaim the month of May as “Clean Air Month”

Councilmember Sam Armentrout read the Clean Air Month Proclamation into the Record. Councilmember Armentrout presented the proclamation on behalf of the Governing Board to Ms. Laurie Frye, Vice Chair of the Board for the American Lung Association of Central California (ALACV).

Laurie Frye, Vice Chair of the Board of the ALACV, thanked the Board for proclaiming May as Clean Air Month. Ms. Frye stated the quality of air we breathe is important to the citizens of our Air Basin. Ms. Frye stated ALACV applauds the Board’s efforts on cleaning our air.

The Chair stated on behalf of the Board he wanted to thank the American Lung Association of the Central Valley for all of the work they are doing for this Valley.

5. **PUBLIC COMMENT** – No Public Comment.

6. **VERBAL REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Lee Smith, Environmental Primary Member and Chair of the CAC, made the report to the Board. Mr. Smith reported the CAC put together a subcommittee to review and comment on the District’s Draft 2003 PM10 Plan.

Mr. Smith noted at the request of one of the Governing Board Members the CAC put together a subcommittee to coordinate better with the Board and the CAC would like to discuss that at some point.

Mr. Smith reported the CAC tentatively scheduled an orientation meeting for June 3. Mr. Smith noted there are several new CAC members who would benefit from an orientation meeting as well as bringing the CAC up to date with all of the air quality activities happening in the Valley.

Mr. Smith reported the CAC reviewed Senator Florez's bill SB 703 and requested the Board take a support position.

Mr. Smith reported the CAC discussed the issue of ERCs and EPA's current stance on the treatment of past ERC credits. Mr. Smith reported that the CAC would like the Board to take note that the CAC agrees with the District staff position.

Board Member Patrick noted that she did speak with Mr. Smith approximately one month ago regarding the formation of a Governing Board Subcommittee to meet with a CAC Subcommittee to discuss the role of the CAC. Board Member Patrick asked if the Chair would be willing to appoint a subcommittee of Board Members to work with a subcommittee of the CAC.

The Chair requested that an item pertaining to Supervisor Patrick's suggestion of appointing a Governing Board Subcommittee for the purpose of meeting with a CAC Subcommittee to discuss the role of the CAC be added to the May 15, 2003 Governing Board Agenda.

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENT TO RULE 4610 (GLASS COATING OPERATIONS)** – Dave Jones, Director of Planning, presented the item to the Board.

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

Phil Newell, Guardian Industries Corporation, spoke in support of the amendment.

Jerry Frost, Kern Oil, applauded the District for going in this direction and spoke in support of the amendment.

Kevin Hall, member of the Sierra Club, spoke in support of the amendment.

ADOPTED AS RECOMMENDED – Board Member Case made the motion to adopt the amendment to Rule 4610. Seconded by Board Member Barba and carried unanimously with the following **Roll Call Vote**:

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

Absent: None.

Action: Adopted proposed amendment to Rule 4610 (Glass Coating Operations) and authorized the Chair to sign the resolution.

8. **VERBAL REPORT ON EMISSION REDUCTION CREDITS (ERCs) – DISTRICT’S ERC BANKING SYSTEM AND OUTSTANDING ISSUES WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA)**

Presentation by Seyed Sadredin, Director Permit Services., David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer.

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

Kevin Hall, member of the Sierra Club, thanked staff for the report. Mr. Hall suggested a workshop be held for interested people.

Roger Christy, Chevron/Texaco, complimented staff on a good presentation on a very complicated subject.

Jerry Frost, Kern Oil, thanked District staff for putting together an excellent presentation. Mr. Frost stated he supported the District’s approach of discounting ERCs at the time of banking.

Les Clark, Independent Oil Producers Agency, made comments regarding his concerns regarding EPA and their previous action in respect to ERCs in the San Joaquin Valley.

Mike Kelly, Vector Environmental, spoke in support of the District’s position on ERCs.

David L. Crow, Executive Director/APCO, reiterated the importance of timing. Mr. Crow stated that it is important that stakeholders make their positions known to the EPA. Mr. Crow also noted it is critical that stakeholders of all interest groups make their point known to EPA as they deliberate on this.

BREAK AT 11:25 A.M.

RECONVENED FROM BREAK AT 11:35 A.M.

9. **PRESENTATION BY STAFF ON TRENDS IN OZONE AIR QUALITY AND PRECURSOR EMISSIONS BY COUNTY FOR THE SAN JOAQUIN VALLEY AIR BASIN** – Presentation by Don Hunsaker, Plan Development Supervisor, David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Dave Jones, Director of Planning.

Board Member Patrick, asked staff at some point and time in the future to provide the Board with a breakdown of mobile source emissions.

10. **APPROVE CONTRACT WITH @doc FOR ELECTRONIC DOCUMENT MANAGEMENT SYSTEM CONSULTING SERVICES FOR AN AMOUNT NOT TO EXCEED \$115,920** – Presentation by Roger McCoy, Director of Administrative Services, Ken Pretzer, Information Services Officer and David L. Crow, Executive Director/APCO.

No Public Comment received on this item.

APPROVED AS RECOMMENDED – *Board Member Barba made the motion to approve the contract as recommended. Seconded by Board Member Nelson and carried with the following Roll Call Vote:*

Ayes: ***Worthley, Sieglock, Nelson, Barba, Case, Mayfield, Patrick and Dominici.***
Noes: ***Maggard.***
Absent: ***Armentrout.***

Action: Approved and authorized the Chair to execute a contract with @doc for electronic document management system consulting services for an amount not to exceed \$115,920.

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Sylvia Morrow, ARB representative, made the ARB Board Meeting Report. Ms. Morrow reported that last month the Board heard about ARB staff's proposed amendments to the Zero Emission Vehicle (ZEV) regulation. Ms. Morrow noted the ARB Board met on March 27, the same day as the District Governing Board.
12. **EXECUTIVE DIRECTOR/APCO COMMENT** – **David L. Crow, Executive Director/APCO**, reported the ARB will be holding an ARB Board meeting in the Central Region Office on June 22, 2003.

Mr. Crow noted the ARB will be holding a state-wide control measure briefing to seek input on April 22. Mr. Crow stated the briefing will be available on the District's video teleconference (VTC) network for people in the Valley that want to make input to that presentation.

Mr. Crow noted that the District's 2003 PM10 Plan commenting deadline is Monday, April 21, 2003.

13. **GOVERNING BOARD MEMBER COMMENTS** – No Comments.

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

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

- Conference with Legal Counsel – Existing Litigation, Government Code Section 54956.9(a) Name of Case:

Medical Advocates for Healthy Air v. Whitman, (# C-025102 CRB/EOL)

Mr. Jay noted that the Board would adjourn the meeting from Closed Session.

The Board adjourned to Closed Session at 12:36 p.m.

The Board adjourned from Closed Session at 1:15 p.m.