

**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, March 27, 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 or order at 9:05 a.m.

The Chair requested a Moment of Silence for our troops in Iraqi.

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

Mike Maggard, Councilmember (absent)	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 (absent)	Kern County
Ronn Dominic, Supervisor, Chair	Madera County

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(12-18)**. (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).

12. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting, Thursday, February 20, 2003.

13. Receive and file list of scheduled meetings for 2003.

14. Receive and file Operations Statistics Summary for February 2003.
15. Receive and file Budget Status Report as of February 28, 2003.
16. Receive and file proposed amendment to Rule 4610 (Glass Coating Operations) and set April 17, 2003 for the Public Hearing.
17. Authorize ownership transfer of Air Monitoring Equipment to the California Air Resources Board.
18. Approve Amendment No. 1 to a agreement with Melvin D. Zeldin to increase compensation by \$20,000 and to extend the term of the agreement to September 20, 2003.

David L. Crow, Executive Director/APCO, noted that he had comments pertaining to Item # 13, Receive and file list of scheduled meetings for 2003. Mr. Crow suggested that the Board might consider holding a meeting in July a month for which the Board normally does not meet. Mr. Crow explained that we have a very full schedule coming forth over the next several months and we are anticipating that the July meeting would be desirable from the Board's point of view to deal with the Rule 4901 (Residential Wood Combustion). Mr. Crow stated that the reason he was suggesting July is that the Board has a September sanction clock associated with that and we want the Board to have a couple of opportunities to interact with the public on that prior to that deadline.

The Chair noted that he will meet with Mr. Crow during the month of May to determine a date that all members can be available because we may be talking in July about the woodburning issue. The Chair stated he thinks it is very important that all members should be in attendance.

No Public Comment on the Consent Calendar.

AMENDED MOTION TO APPROVE THE CONSENT CALENDAR - Board Member Sieglock made the motion to approve the Consent Calendar with a revision to Item #13 that the Governing Board will meet at a date to be determined during the month of July 2003. Seconded by Board Member Mayfield and carried unanimously with the following Roll Call Vote:

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

Absent: Maggard and Patrick.

Action: Approved Consent Calendar Items 12, 14, 15, 16, 17 and 18 as submitted with a revision to Item #13 that the Governing Board will meet at a date to be determined during the month of July 2003.

The Chair presented a proclamation in recognition to Robert Dowell, Director of Planning, retiring after serving the public for thirty years of service. The Chair on behalf of the Governing Board recognized and thanked Mr. Dowell for his thirty years of dedication, commitment and service for the citizens of Fresno and the entire San Joaquin Valley.

Robert Dowell expressed his thanks and appreciation to the Governing Board and District staff.

The Chair on behalf of the Governing Board presented a plaque to Supervisor Jerry O'Banion who served on the San Joaquin Valley Unified Air Pollution Control District from 1995 through 2002. The Chair asked Supervisor Nelson if he would accept the plaque for Supervisor O'Banion.

Supervisor Nelson stated that he would be glad to deliver the plaque to Supervisor O'Banion.

The Chair welcomed Supervisor Michael G. Nelson, Merced County, to the Governing Board.

4. **PUBLIC COMMENT – Manuel Cunha, Nisei Farmers League**, stated that he would like to congratulate Robert Dowell and thanked him on behalf of the industry and the Citizens Advisory Group of Industries (CAGI) for his many years of public service.

Mr. Cunha stated that he would like to recognize the San Joaquin Valley Air District's Governing Board for allowing District staff Tom Jordan to help us on Operation Clean Air (OCA). Mr. Cunha noted that Tom Jordan worked with OCA in developing guidelines for the guidance document for the Clean Air Action Plan. Mr. Cunha noted that a delegation went to Washington, D.C. last week to deliver the guidance document and to seek federal assistance in the Valley's effort for clean air.

Mr. Cunha announced that the Operation Clean Air Summit will be held on April 23, 2003, Fresno Convention Center, 8:00 a.m. Fresno, CA.. Mr. Cunha noted that the Clean Air Action Plan will be presented at the Summit.

Les Clark, Independent Oil Producers Agency (IOPA), echoed Mr. Cunha's congratulations to Mr. Dowell.

Sean Edgar, California Refuse Removal Council, stated that the dozens of solid waste collection and recycling companies doing business in all eight counties of the District are very excited about the opportunity to continue working with the District on discussing mobile source controls on their vehicles. Mr. Edgar noted that they have been participating in the survey that the District

commissioned several months ago and are looking forward to seeing those results coming out in the near future.

5. **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 that the CAC discussed one of Senator Florez’s bills SB 703 and hope to provide a letter of support during the Board’s April meeting. Mr. Smith reported that the CAC discussed the EPA ERC issue and will be drafting a letter to EPA opposing their ERC decision. Mr. Smith noted that the CAC also hopes to provide a report to the Board in respect to the sustainable incentives issue in the near future. Mr. Smith stated that the CAC has asked staff to put on an orientation meeting to bring everybody on the CAC up to speed.

Supervisor Case reported that Fresno County has appointed Paul Betancourt and Jeff Harris to the CAC as the Industry/Agriculture Primary and Alternate members. Supervisor Case stated that publicly we need to thank Roger Isom and Bill Sparks. Supervisor Case stated that those two gentlemen have worked long and hard on the CAC.

Supervisor Nelson reported that Merced County is looking at appointing several new members to the CAC both for the Environmental and City Interest Groups.

6. **PUBLIC HEARING: ADOPT PROPOSED RULE 4313 (LIME KILNS)** – Staff presentation made by Scott Nester, Planning Manager.

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

Steve Bonaker, Imperial Sugar, stated they appreciate the high degree of cooperation received from the District in developing this rule.

Supervisor Case thanked Spreckels Sugar for working hard on this rule.

ADOPTED AS RECOMMENDED – Board Member Case made the motion to adopt as recommended. Seconded by Board Member Armentrout and carried unanimously with the following **Roll Call Vote**

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

Absent: Maggard and Patrick.

Action: Adopted proposed rule 4313 (Lime Kilns) and authorized the Chair to sign the resolution.

7. **APPROVE CHANGE TO THE DISTRICT'S POSITION CONTROL LIST EFFECTIVE APRIL 1, 2003** – Staff presentation made by David L. Crow, Executive Director/APCO. Mr. Crow noted that this item has been reviewed by the Board's Budget Ad Hoc Subcommittee and they agreed it would be timely to move forward with this position at this point and time.

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

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

Absent: Maggard and Patrick.

Action: Amended the District's Position Control List by adding one (1) Senior Office Assistant (Salary Range 27/\$2,110 – 2,566/mo.)

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative, and District Liaison made the ARB Board Meeting Report. Mr. Ramalingam noted that in January 2003 ARB staff put out proposed amendments to the Zero Emission Vehicle Program (ZEV) Regulation. Mr. Ramalingam stated that the Executive Officer of ARB postponed the hearing on this item from February 27, 2003 to March 27, 2003. Mr. Ramalingam reported that ARB received a lot of feedback from stakeholders at that time and staff has come out with a new proposal which is what the ARB Board would be hearing today.

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

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced the release of the District's Draft 2003 PM10 Plan. Mr. Crow noted a series of workshops:

Monday, April 7, 2003 1:00-4:00 p.m.	General Workshop	Originating from: Governing Board Room 1990 E. Gettysburg Avenue, Fresno, CA.
Monday, April 7, 2003 6:30-9:30 p.m.	General Workshop	Available through Video Conferencing (VTC) at Modesto and Bakersfield Offices
Wednesday, April 9, 2003 1:30-4:30 p.m.	General Workshop	Originating from: Bakersfield Office 2700 "M" Street, Suite 275 Bakersfield, CA. by VTC at Fresno and Modesto Offices
Thursday, April 10, 2003 9:30 a.m.-12:00 p.m.	General Workshop	Originating from: Modesto Office 4230 Kiernan Avenue, Suite 130, Modesto, CA.
Thursday, April 10, 2003 1:30-3:30 p.m.	Technical Workshop	by VTC at Fresno and Bakersfield Offices

Mr. Crow stated that there has been heightened interest in air pollution in the San Joaquin Valley and legislative involvement in Sacramento to address that. Mr. Crow noted that over the last month staff have made a number of trips to Sacramento meeting with the Valley delegation and others with respect to the Board's Legislative Platform and the measures that the Board has over the years consistently supported.

Mr. Crow reported that the Senate Select Committee has conducted a number of meetings with a total of thirteen meetings planned over the next several months focusing on air pollution issues in the San Joaquin Valley. Mr. Crow reported that we have been invited to participate with Senator Florez and his key staff as they develop ideas as they hold the very important dialogue among folks in the Valley looking at what would be workable. Mr. Crow reported that the general theme of what District staff has suggested to the Senator and others on that committee is to seek out and listen to stakeholders input across the spectrum because these are issues that people have long been engaged with in the Valley and we are asking the legislature to really pay careful attention to all stakeholders in terms of their interest in these matters.

Mr. Crow mentioned Operation Clean Air (OCA) an effort that the Board supported a number of months ago both financially and on a policy level. Mr. Crow noted that, that effort is moving along very well. Mr. Crow noted that the first phase of OCA's efforts will culminate on April 23, 2003 at the Operation Clean Air Quality Summit here in the Valley that will take place at the Fresno Convention Center.

Mr. Crow announced that there is a possibility that the Governing Board Room will be utilized by the California Air Resources Board (ARB) for their June 26 and 27, 2003 Board Meeting. Mr. Crow noted that one of the agenda items the ARB Board will be addressing is the District's Draft 2003 PM10 Plan.

10. **GOVERNING BOARD MEMBER COMMENTS** - **Board Member Nelson**, stated that he is sure that Supervisor Jerry O'Banion will be very happy to receive the plaque presented to him for his service on the District's Governing Board from 1995 to 2002.

Board Member Nelson noted that there were two representatives in the audience today from the Asthma Coalition of Merced County: Ms. Alicia Bohlke, Director of the Program and Mary-Michal Erwin-Loschke who is going to be appointed by the Merced County Board of Supervisors next week as the Environmental Primary Member on the Citizens Advisory Committee (CAC).

Board Member Armentrout expressed concern regarding the tactics of an individual that works for a consulting firm the District hired to survey Heavy-Duty

Mobile Source Fleets in the Valley. Board Member Armentrout requested the Executive Director look into this issue.

Board Member Case, stated that she wanted to comment on the Budget Ad Hoc Subcommittee. Board Member Case stated that she was out of town when that meeting occurred but she received a really good briefing from our staff on Monday. Board Member Case stated that she hopes the Board will agree with one of the directions out of that Budget Ad Hoc Subcommittee meeting to enhance our budget for public outreach.

Board Member Barba stated that Board Member Case must have read his mind because he thinks we are going to have to get more money for public education. Board Member Barba stated the only way we are going to make an in-road is by educating the public.

Other Business – No Other Business.

Karen Morris, Administrative Analyst, Northern Region Office (Modesto) announced that Stanislaus County Supervisor Thomas W. Mayfield's Alternate Supervisor Jeff Grover, was in attendance to observe today's meeting.

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

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

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

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

UPF Corp. v. District, (Kern Superior # 249568)
- Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section **54956.9(b)**: one potential case.
- Initiation of Litigation pursuant to Government Code Section **54956.9(c)**: two potential cases.

The Board adjourned to Closed Session at 10:23 a.m.

Philip Mr. Jay, District Counsel, returned to the Governing Board Room from Closed Session at 11:07 a.m. and made the following announcement under the Brown Act: The Board authorized the District to appear and

defend in the UPF case and anybody who wants any particulars can contact Mr. Jay.

Mr. Jay stated the Board also directed the District to file an action and once it has been filed anyone who has any interest can contact Mr. Jay for information.

Mr. Jay stated that the Board adjourned the meeting at 11:10 a.m.