

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board

Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Thursday, May 17, 2007
9:00 a.m.

Meeting held via teleconferencing (VTC) with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). This meeting was webcast.

1. CALL MEETING TO ORDER

The Chair, Supervisor Worthley, called the meeting to order at 10:06 a.m.

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

Present

Tony Barba, Supervisor	Kings County
Raji Brar, Councilmember **	City of Arvin
Judith G. Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Jon McQuiston, Supervisor	Kern County
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor *	Stanislaus County
Henry T. Perea, Councilmember	City of Fresno
Chris Vierra, Councilmember *	City of Ceres
Leroy Ornellas, Supervisor, Vice Chair *	San Joaquin County
J. Steven Worthley, Supervisor, Chair	Tulare County

* Attended meeting in Northern Region Office (Modesto)

**Attended meeting in Southern Region Office (Bakersfield)

3. APPROVAL OF CONSENT CALENDAR – Item numbers 14-18. These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.

14. Approve Action Summary Minutes for the Governing Board Meeting of Monday, April 30, 2007

15. Receive and File List of Scheduled Meetings for 2007

16. Receive and File Operations Statistics Summary for April, 2007

17. Receive and File Budget Status Report as of April 30, 2007

18. Receive and File Proposed Rule 1177 (Gasoline Dispensing Facility Tester Certification) and Rule 3147 (Fees for Certification of Gasoline Dispensing Facility Testers)

Public Comment: None.

Moved: Nelson

Seconded: Perea

Ayes: Barba, Brar, Case, Dominici, McQuiston, Nelson
O'Brien, Perea, Vierra, Ornellas, Worthley

Nays: None

Motion unanimously carried to approve Items 14-19 as recommended.

4. PUBLIC COMMENT

Roger Isom, California Cotton Ginners & Growers Association, stated PG&E filed with the Public Utilities Commission to extend the deadline for Ag ICE applications to December 31, 2007. He stated the program funds diesel to electric engine conversion. He noted that the diesel engines must be destroyed unless Tier II or better. Tier II diesel engines may be utilized elsewhere.

Melissa Kelly-Ortega noted that two-thirds of the attendees of the April 30, 2007 Public Hearing on the 2007 Ozone Plan opposed the Plan. She thanked Councilmembers Brar and Perea for their votes.

Alvin Valeriano stated he resigned his position with the District and wanted to thank his colleagues. He would like the District to investigate the potential of emerging technologies such as retrofitting diesel engines to reduce emissions in the future. He suggested the fleets in Arvin could be used as a test for these products.

5. REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)

There was no report from the Citizens Advisory Committee as they did not meet in May.

6. DISTRICT SUPPORT OF THE SAN JOAQUIN VALLEY REGIONAL BLUEPRINT PLANNING PROJECT

Tom Jordan presented the report. He noted the Blueprint Planning Project provides long-term air quality benefits, and suggests the District provide up to \$250,000 with three conditions: there be a \$1 to \$1 match from other participants; the District be granted a seat on the San Joaquin Valley Policy Council; and Transportation Planning Agencies provide a written commitment

that they will backfill forgone short-term emissions reductions through the expenditure of CMAQ funds. Supervisor McQuiston noted that he was glad to see the requirements added.

Supervisor O'Brien noted that the dual path proposed in the Ozone Plan noted a "long-term planning of smart growth," so he believes the District should provide funds with no conditions required. Mr. Sadredin stated the Blueprint Planning Project coordinators had reviewed and accepted the conditions.

Public Comment:

Jess Brown, Merced County Association of Governments, stated he had reviewed the recommendations and supports them.

Liza Bolanos, Central Valley Air Quality Coalition, stated she is excited about the funding and encouraged the Board to use the Blueprint as a way of reaching the public.

7. **CONTRACT AWARD TO JEFFREY/SCOTT ADVERTISING (JSA) FOR ADVERTISING AND MARKETING AGENCY REPRESENTATION: COMPREHENSIVE, MULTI-LINGUAL PUBLIC OUTREACH CAMPAIGNS**

Jaime Holt, Public Information Administrator, presented the report. Ms. Holt explained the competitive process which included an RFP released in February, written proposals, evaluation of proposals, one-hour in-house presentations focusing on agency qualifications, budget allocation, and overall campaign approach. At the end of the process, JSA was selected. The contract's total expenditure is \$680,000.

Public Comment: Mark Astone, Astone Agency, which did not get the contract stated he felt the oral process was flawed. He stated his team turned in the strongest written package, and their value-added marketing added \$4.5 million for three years. He stated that Astone secured meaningful financial promotional commitments from the business community on behalf of the District. Mr. Astone felt the instructions for the oral process were ambiguous as compared to the written proposal process. He stated that the rankings were subjective in nature.

Ms. Holt presented a PowerPoint detailing the oral selection process. She stated Astone's overhead charges were 12% higher than JSA's overhead charges. She also detailed Astone's "value added" advertising and explained that proposed partnerships may not be the best fit for the District. She listed the direct comments on JSA's oral presentation and Astone's oral presentation. Ms. Holt stated the panel used forced rankings, and JSA was ranked number one unanimously.

Supervisor O'Brien asked if the budget was a part of the oral or written proposal. Ms. Holt stated the budget was part of the written. Supervisor O'Brien asked how Astone ranked higher than JSA in the written proposal. Ms. Holt stated in using the medium of written communication, their words and graphics were scored slightly higher than JSA. The oral presentation showed their knowledge of the District was challenged. Supervisor O'Brien asked if the District had advertised with Taco Bell. Ms. Holt stated that several years ago the District did have a campaign with Taco Bell.

Moved: Case
Seconded: Barba

Ayes: Barba, Brar, Case, Dominici,
McQuiston, Nelson, Perea, Worthley
Nays: O'Brien, Ornellas, Vierra

Motion carried with the above roll call vote to award contract to Jeffery/Scott Advertising for advertising and marketing agency representation and comprehensive, multi-lingual public outreach campaigns

At 11:34 a.m., the Chair called for a ten-minute break. The meeting was reconvened at 11:42 a.m.

8. ADOPT PROPOSED AMENDEMENTS TO RULE 4103 (OPEN BURNING)

George Heinen, Supervising Air Quality Engineer, presented the proposed rule, which prohibits the burning of most materials from orchard removals.

Supervisor Case asked how the District can give someone an alternative to burning such as research and development of smaller sized chippers. Seyed Sadredin, Executive Director/APCO, stated the District is working with a number of entities including the University of California to find alternative means to get rid of waste product without burning them. Mr. Sadredin stated the emissions generated by trucking small amounts of biomass to chippers can sometimes generate more pollution than burning. He noted field crop burning was previously eliminated by the Board.

Councilmember Perea asked where the 2010 deadline came. Mr. Sadredin stated SB705 had various timelines. He noted that burning would only be permitted on days where it will have minimal impact on air quality and won't create any exceedences.

Supervisor Nelson asked if we had the percentage of what would be chipped versus burned. Mr. Heinen stated there are a lot who are chipping and selling the chips if there is a market for them. The chipper will give the farmer a cost

break if he can sell the chips. On the smaller acres, the District will not allow burning at all if it may impact their neighbors. Mr. Sadredin stated that even when burning is allowed, only people making a livelihood from farming can apply for a permit to burn.

Supervisor McQuiston asked if the District has an ability to tailor the amendments on a less than regional basis, and would like the District to target incentives in areas where pollution is the worst. Mr. Sadredin stated burn permits are not allowed when the air quality is poor, or if burning may result in public nuisance.

Supervisor Ornellas asked if there was a way for the District to encourage small acreage farms to work with large acre farms in order to process their orchard removal more efficiently. Mr. Sadredin stated we need to work with all stakeholders to form a strategic plan to move biomass from the farm to the chipping facility in an efficient manner

The Chair stated that in his experience, chipping businesses will often contact farms where they notice the trees are dead if they are in the area to process other orchards.

Councilmember Brar asked what happens in 2010. Mr. Sadredin stated the District will put together a recommendation that is in the best interest for air quality and is economically feasible. He noted the deadline was moved from the original proposed deadline of 2015 to 2010. He also noted the District will support research and encourage creative solutions in order to ban burning altogether. Councilmember Brar stated she wants the District to be proactive in creating a solution to the problem.

The Chair stated the District is moving the deadline from 2015 to 2010, so we are pressuring the marketplace to find a solution in order to make the deadline the District gives them. He stated this has been effective in the past.

Public Comment:

Sarah Sharpe, Coalition for Clean Air, clarified that the 20 acre exemption can apply to larger farm owners as long as they limit their burning to no more than 20 acres. She also wanted to ask why the District isn't asking for proof of disease before they burn. George Heinen stated the limit is 20 acres per year no matter the size of the farm. He stated that the disease affecting pome fruit is prevalent in the Valley, and it would not be effective or feasible to test each tree.

Gary Corkle, Tulare Agriculture Commissioner, supports the fire blight exemption. Supervisor Case asked if there was a chemical suppressant. Mr.

Corkle stated there is a treatment to minimize the spread, but the diseased portion still needs to be burned.

Todd Standers, California Apple Commission, stated they are funding research to treat fire blight with streptomycin, but EPA doesn't support using human antibiotics in widespread use. He supports the exemption.

Paul Cort, EarthJustice, stated SB 705 set criteria for exemptions, and those exemptions are not met in this rule. He apologized for not participating in the public process and for submitting late comments one day before the hearing. He opposes the exemptions

Shirley Batchman, California Citrus Mutual, stated the chippers will take the tree, but not the roots of the citrus tree. She hopes the technology will be there by 2010 to chip the citrus tree roots. She noted that wood from out of the Valley (urban wood) is being brought in to burn in the Valley because it's cheaper for biomass facilities. Only about 40% of the wood burned in biomass facilities is required to be "local" wood. The remaining can come from an urban source in the Valley or from urban sources in Los Angeles/Bay Area. She stated a middle-man is paid by urban sources to haul away their wood. That middle-man trucks the wood into the Valley to a biomass facility and then sells that wood to the facility at a cheaper rate than local sources because he was already paid. Ms. Batchman stated the biomass facilities then sell their electricity to the utility companies for about \$.05/KWh. She stated at that rate, they are operating in the red.

Mr. Sadredin stated that one of the planks of the Legislative Platform adopted by the Board includes supporting legislation to compel biomass facilities in taking crop wood rather than the cheaper municipal waste. Supervisor Case suggested the District could create a surcharge for out-of-area urban wood.

Gabrielle Kirkland, California Grape and Tree Fruit League, supported the exemptions.

Don Patrick, Nisei Farmer's League, stated he represents a group of growers of the 20-40 acre range. He supports the exemption.

Alvin Valeriano asked if the economic analysis was based on a 20 acre farm or 20 acres of a 100 acres farm. George Heinen stated they took the cost of set up for the chipper and divided it by number of acres, to get the per acre cost.

Michael Becker, Sierra Nevada Earth First, stated that they hung banners on the District's fences, and the District removed them. He spoke in opposition to the rule.

Larry Steve, F & J Chippers, stated that his company will take citrus wood. He also stated that small farms should be exempt, but bigger farms have the resources and should not be exempt.

Supervisor Case asked if we could look at ways to help growers join together when they have small amount of acreage to dispose of. Mr. Sadredin stated that staff could add a step to the burn authorization to look for opportunities to consolidate acres between growers.

The Chair stated if the utility companies paid biomass facilities more money, they would pay the chippers more money for the wood fuel, and the chippers would be able to charge less to go to smaller acres.

Councilmember Perea stated he doesn't want to create a loophole for large farmers to take advantage, and wants to exempt small farms only.

Councilmember Perea wanted the District to ensure a large farmer doesn't burn 20 acres of a 40 acre removal.

Mr. Sadredin stated that language can be added that if more than 20 acres are being removed, no portion of the total acreage can be burned.

Supervisor Nelson confirmed that the 20 acres or less is for all tree crops.

Moved: Nelson
Seconded: Case

Ayes: Barba, Case, McQuiston, Nelson
O'Brien, Perea, Vierra, Ornellas, Worthley
Nays: Brar
Absent: Dominici

Motion carried with the above roll call vote to adopt Proposed Amendments To Rule 4103 (Open Burning) with the clarification that if orchard removal exceeds 20 acres, no portion can be burned.

9. **VERBAL REPORT ON U.S. DISTRICT COURT CASE 2:06-CV-01416, ASSOCIATION OF AMERICAN RAILROADS ET AL VS. SOUTH COAST AQMD**

Seyed Sadredin, Executive Director/APCO, briefed the Board on a recent Court ruling that restricts local air districts' ability to impose operational controls that interfere with interstate commerce. The Court also ruled that while the State has some authority to regulate mobile sources, local jurisdictions do not, unless the State grants it.

Public Comment: Paul Cort, Earth Justice, stated the ruling was narrow and applied only to locomotives and does not extend to other mobile sources.

Phil Jay, District Counsel, stated the Court ruled South Coast did not have the authority to regulate railroads based on the interstate commerce theory.

10. **EXECUTIVE DIRECTOR/APCO COMMENTS**

Seyed Sadredin, Executive Director/APCO, noted it was National Health and Fitness Week and the District had a number of events including Bike to Work, and District employees biked over 200 miles combined.

11. **GOVERNING BOARD MEMBER COMMENTS**

Supervisor Case asked if the District could work with local law enforcement to cite people who violate the Rules. Phil Jay, District Counsel, stated the District treats most violations as a civil matter, but they are also misdemeanors, so law enforcement officers could write them a citation with a promise to appear in court.

Supervisor Nelson thanked Mr. Sadredin for making a presentation to the Merced County Board of Supervisor, and thanked Northern Region Staff, notably Jami Aggers.

12. **NO CLOSED SESSION**

13. **Other Business**

None

14. **ADJOURN**

The Chair adjourned the meeting at 1:17 p.m.

The next meeting is scheduled for Thursday, June 21, 2007. Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconferencing (VTC), with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC. Governing Board Meetings are webcast.