

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

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Thursday, June 21, 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 9:04 a.m.
2. **ROLL CALL** was taken and a quorum was present.

Present

Tony Barba, Supervisor	Kings County
Raji Brar, Councilmember	City of Arvin
Susan Anderson, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Jon McQuiston, Supervisor**	Kern County
Michael G. Nelson, Supervisor	Merced County
Henry T. Perea, Councilmember	City of Fresno
Leroy Ornellas, Supervisor, Vice Chair *	San Joaquin County
J. Steven Worthley, Supervisor, Chair	Tulare County

Absent

William O'Brien, Supervisor	Stanislaus County
Chris Vierra, Councilmember	City of Ceres

* Attended meeting in Northern Region Office (Modesto)

**Attended meeting in Southern Region Office (Bakersfield)

3. **APPROVAL OF CONSENT CALENDAR** – Item numbers 18-24. 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.

18. *Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control Governing Board Meeting Held on Thursday, May 17, 2007.*

19. *Approve Action Summary Minutes of the Special Public Hearing, Review of the 2007-08 Recommended Budget from Thursday, May 17, 2007*
20. *Receive and File List of Scheduled Meetings for 2007.*
21. *Receive and File Operations Statistics Summary for May 2007*
22. *Receive and File Budget Status Report as of May 31, 2007*
23. *Approve Contracts with Atmospheric Analysis and Consulting, Inc. to Provide Laboratory Analysis of Non- Methane Organic and Carbonyl Compounds for a Total of \$193,000*
24. *Approve Amendment No. 1 to Agreement C-1428 (B) for the Construction of Small Scale Liquid Natural Gas (LNG) Liquefier*

Public Comment: None.

Moved: Perea

Seconded: Dominici

Ayes: Barba, Brar, Anderson, Dominici, McQuiston,
Nelson, Perea, Ornellas, Worthley

Nays: None

Motion to approve Items 18-24 as recommended unanimously carried.

4. **PUBLIC COMMENT**

The Chair noted that Supervisor Case was appointed to the ARB Board, and therefore, unable to make today's meeting. Supervisor Anderson, the Fresno County alternate, was attending in her place.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)**

Mary-Michal Rawling, Environmental Interest Group Chair, presented the report from CAC. She noted the CAC was impressed with the success the District had with the Clean Green Yard Machine and wanted to commend Jaime Holt, Public Information Administrator, for the job her department has done informing the public about this program.

6. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2007-08 RECOMMENDED BUDGET AND ESTABLISH A FORMAL GENERAL RESERVE POLICY**

The Chair noted that they heard the report on this item last month for purposes of public hearing and asked for comments.

Public Comment: None

Moved: Nelson
Seconded: Perea

Ayes: Barba, Brar, Anderson, Dominici, McQuiston,
Nelson, Perea, Ornellas, Worthley
Nays: None

Motion to approve the District's 2007-08 Recommended Budget and establish a formal general reserve policy unanimously carried.

7. ADOPT PROPOSED RULE 1177 (GASOLINE DISPENSING FACILITY TESTER CERTIFICATION) AND RULE 3147 (FEES FOR CERTIFICATION OF GASOLINE DISPENSING FACILITY TESTERS)

Jon Adams, Director of Compliance, presented the proposed Rules. These Rules would allow the District to train and certify independent contractors that test emission controls at gas stations. The result would be better compliance with less labor for the District. The Chair asked if the District contracts with counties to perform the inspection. Seyed Sadredin, Executive Director/APCO, affirmed that in the past the District did, but with the growing complexity of the certified vapor recovery systems, the District now inspects all facilities. Councilmember Brar asked how often the tests are performed. Mr. Adams replied that it varies depending on the equipment being tested. Some tests are annual, some are every two years or every three years. Supervisor Anderson asked what the minimum qualifications are to be a tester. Mr. Adams replied that testers are required to have six months experience plus District provided training.

Public Comment:

Debbie Wass, a testing contractor based in the Bay Area, spoke in opposition to the fees associated with the Rule.

Moved: Anderson
Seconded: Barba

Ayes: Barba, Brar, Anderson, Dominici, McQuiston,
Nelson, Perea, Ornellas, Worthley
Nays: None

Motion to approve Rules 1177 and 3147 unanimously carried.

8. APPROVE CONTRACT WITH CENTRAL CALIFORNIA HEALTH POLICY INSTITUTE TO STUDY THE HEALTH AND ENVIRONMENTAL BENEFITS OF (RULE 4901) WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS

Tom Jordan, Air Quality Special Projects Administrator, presented the report. He noted that the Check Before You Burn program looks successful, but this study will look at the science behind it. Dr. David Lighthall stated the study

wants to prove scientifically that Check Before You Burn works. Tim Teiner, Associate Director of the Center for Clinical Studies at CSUF, stated he will be assisting on this study and will bring a study focused on asthma and the effects of pollution on Valley residents to the Board in a few months. Supervisor Dominici extended appreciations to the media for their coverage of Check Before You Burn, and Supervisor Barba commended Jaime Holt for her work in getting the media to cover District programs.

Public Comment: None

Moved:	Anderson
Seconded:	Barba
Ayes:	Barba, Brar, Anderson, Dominici, McQuiston, Nelson, Perea, Ornellas, Worthley
Nays:	None

Motion to approve the contract with Central California Health Policy Institute to study the health and environmental benefits of Rule 4901 unanimously carried.

9. DUAL PATH STRATEGY: FAST TRACK ACTION PLAN

Seyed Sadredin, Executive Director/APCO, noted that when the Board approved the Ozone Plan, they directed staff to return with an action plan to beat the 2024 deadline. The Fast Track Action Plan (Fast Track) is the result of this directive. Fast Track's main components are to push EPA and ARB to adopt the most effective mobile source regulations; to generate a significant increase in incentive funding, and to promote a set of innovative measures which include: Truck replacement/retrofits; short sea shipping; alternative energy; inland ports; green contracting; green fleets; high speed rail; energy conservation; and heat island mitigation. Fast Track measures will be prioritized based on potential for emission reductions, timeline for benefits, total cost, and degree of District control. Mr. Sadredin noted the Fast Track Task Force will meet on Tuesdays and is open to the public. The Task Force includes representatives from the health and environmental community, industry, academia, and Governor's Partnership for the San Joaquin Valley. The Task Force will act as an advisory group to the APCO, serve as a sounding board for new ideas, and provide outreach to the community.

Councilmember Perea stated that he liked the idea of the Community Clean Air Fund and would like cities and counties to get more involved. He stated the "carbon footprint" of each city should be determined and perhaps the cities could contribute to the Clean Air Fund to offset their carbon footprint. Councilmember Perea asked if the District could develop alternative energy measures for cities and counties. Mr. Sadredin stated the District is creating a model ordinance for cities and counties to require 10% of all new homes to include solar, and noted the District has a lot of other measures they are

pursuing. Councilmember Perea noted the Kings River Conservation District's power plant would have a significant impact on the District and wanted to know how the Plant fits into the District's plans. Mr. Sadredin noted the California Energy Commission is the permitting agency. The District will make sure the plant follows our rules and make comments in the CEQA process. He noted it will be located in one of the hot spot areas, and the District would request the plant fully mitigate their emissions.

Public Comment:

Arthur Unger stated that hydrogen fuel cells are inefficient. He added that the District needs to look at moving freight by rail for long distances.

Jerry Frost, speaking as a private citizen, supports the District prioritizing the Fast Track measures based on potential reductions. He asked if they are also prioritizing the Ozone Plan's measures based on the same criteria. Mr. Nester stated that the emission control measures in the Plan are based first on magnitude of the reductions with preference for NOx. Mr. Frost stated the District should focus on a "rail highway" to get more truck traffic off the roads, and mentioned the City of Shafter has a plan for becoming a rail center and the District should support them. Mr. Sadredin noted the City of Shafter is creating an inland port, and the District supports that in the Fast Track.

Colby Morrow, Southern California Gas Company, noted that utility companies should be included in the Fast Track planning, and that she plans to attend as many of the meetings as she can. Ms. Morrow stated that her company helped South Coast Air Quality Management District (South Coast) locate 6 tons/day of NOx and 1 ton/day of particulate reductions in their inventory based on energy efficiencies. She also stated there are funding opportunities through the Public Utilities Commission for alternative energy. She stated Liquid Natural Gas (LNG) is an alternative for long haul trucks and engines because it's naturally low in particulate and easily controlled.

Ron Silva, West Star Transport, thanked the Board and the District for their help with publicizing Short Sea Shipping. He noted that including Northbound and Southbound truck traffic, the reductions could be as high as 100 tons/day of NOx.

Manuel Cunha, Nisei Farmer's League, stated he is working to make sure ARB works with the Valley. He stated his industry wants to help clean the air for the Valley.

Alvin Valeriano congratulated the District in engaging the Fast Track plan so quickly. He stated the District should look at using hydrogen fuel cells for industrial use. He added the District should be proactive in evaluating science and technical information, and suggested Selected Catalytic Reduction (SCR) technology should be tested in demonstration projects such

as fleets in Arvin. Mr. Nester noted that the technology has to be tested on each type of truck before it can be certified by ARB and used in all the trucks in the Valley.

The Chair called for a five minute recess at 11:04 a.m. At 11:10 a.m. the meeting resumed.

10. VERBAL REPORT: HIGH SPEED RAIL—

Bob Schaevitz with the High Speed Rail Authority presented the report. He presented a short video on the High Speed Rail project. Mr. Schaevitz stated the project has received \$14 million in funding, and they are preparing for environmental studies. He noted they are seeking \$100 million for the upcoming year to conduct formal environmental studies and firm up the line from Merced to the South. He noted the section from Merced to Bakersfield will be built as a proof-of-concept construction. He introduced Carli Paine with Transportation and Land Use coalition. She presented the conservative reduction estimates of 10 tons/day NOx, 1 ton/day of VOC, 1 ton/day of PM10, and 21 tons/day of CO2. Additionally, 10 million fewer miles per day would be traveled in the Valley.

Supervisor Barba asked if they had decided if the track would be on the East or West of the Valley. Mr. Schaevitz stated they are working on that issue right now, but it is not final.

11. VERBAL REPORT: VALLEY CAN--TUNE IN/ TUNE UP—Tom Knox with the

Valley Clean Air Now presented the report. He stated the program objectives are to evaluate the effectiveness of remote sensing to identify possible high emitting vehicles for repair, and to calculate emission benefit and cost effectiveness of the 2005 program. Mr. Knox stated the remote sensors successfully identified high-emitting vehicles in need of repairs with a very low false failure rate. The average cost of repair per vehicle was \$567, and the average reduction in pollution was 53% reduction in NOx, 94% reduction in CO, and 65% reduction in hydrocarbons.

Public Comment: Katie Stevens, Maddy Institute, noted the Valley Can Tune In/Tune Up program supports Environmental Justice education.

12. ACTION ITEM: CONSIDER ADOPTING BOARD POSITION ON SB719 (MACHADO, D-LINDEN) AND SB240 (FLOREZ, D-SHAFTER)—The Chair

stated that the bill SB719 regarding Board reform has been seen in the past, and that SB240 is a funding bill that is tied to SB719. He noted that both bills have been revised several times, and it is now the appropriate time for the Board to express their opinion. He asked for the Board to withhold discussion until after the Public Comment period.

Public Comment:

The following spoke in support of SB719 and SB240

- Lee Snyder, retired physician
- Mary-Michal Rawling, Merced Mariposa Asthma Coalition
- Robert Mansfield, private citizen
- Melissa Kelly-Ortega, Merced Mariposa Asthma Coalition
- Nick Robinson, Merced Stop Wal-Mart Team
- Stephanie Camaroda, Latino Issues Forum
- Sarah Sharpe, Coalition for Clean Air
- Liza Balanos, Central Valley Air Quality Coalition
- Daniella Simunovic (*through Liza Balanos*)
- Carolina Simunovic, Fresno Metro Ministry
- Dr. Steve Benak, SJVUAPCD Hearing Board Member
- Arthur Unger, Retired Physician
- Senator Dean Florez

The following spoke in opposition to SB719 and SB240

- Suzanne Noble, Western States Petroleum Association
- Manuel Cunha, Nisei Farmer's League
- Mike Turnipseed
- Steve Telya
- Jerry Frost, private citizen

Councilmember Perea stated he felt having additional representation on the Board is good government and suggests supporting the bill or staying neutral because he feels taking an opposing stance would remove any say the Board has in the Bills' future. Councilmember Perea made a motion to support both Bills. It was seconded by Councilmember Brar.

Councilmember Perea asked Mr. Sadredin for his position on SB719 and whether the passage of the bill would make the Air Pollution Control Officer's job any more difficult. Mr. Sadredin responded that given the long history behind this legislation a complete answer would require consideration of a number of factors.

Mr. Sadredin stated that the bill was initially introduced as a cure for a "do-nothing" Board. If that continues to be the justification for the bill, the Board should not support it. Supporting the bill under those terms will make it more difficult for the District to impose additional costly measures that are needed to meet its difficult challenges. He added truthfully pointing to major progress in improving air quality and acknowledging the sacrifice and investments made by Valley businesses and residents is essential to building the trust and confidence necessary to ask for more.

Mr. Sadredin offered that the proper context to frame the debate on this bill

should be on good governance. On the issue of good governance, reasonable people can disagree on proper representation on a regional governmental body such as ours, he added. He stated that a great deal of energy and resources are being wasted by all sides on this legislation, and it is cluttering the communication channels that could better be used in educating the public and compelling the state and federal decision makers on doing their fair share for the Valley. Mr. Sadredin concluded by suggesting that the Valley needs to find a way to put this issue behind it and focus on measures that can provide real improvement in air quality.

Supervisor Nelson asked how many scientists are on the District staff. Mr. Sadredin replied there are numerous scientists. Supervisor Nelson stated the Bills are a solution in search of a problem, and increasing the Board size doesn't help clean the air.

Supervisor Anderson stated she supports both bills and welcomes the voice of the public members to give a different perspective.

Supervisor Dominici stated the perception that the Board has no expertise is incorrect, and that Supervisor Case is a Registered Nurse. He stated that he, Mr. Sadredin, Supervisor Nelson, and Tom Jordan, met with Senator Machado regarding SB719. He noted that as a Supervisor and Board member, he consults medical professionals as needed. He added he is disturbed that SB240 is tied to SB719.

Supervisor Barba stated he is offended to be characterized as a do-nothing person. He concurred with Supervisor Dominici that it is offensive to tie needed funding to another Bill to force the District to support SB719.

Supervisor McQuiston stated that the Board has access to the best science and medical information and opposes SB719. He also stated that adding DMV fees to Valley residents is an unfair burden when 80% of the pollution comes from mobile sources passing through the Valley.

The Chair noted his Board of Supervisors took a position opposing both bills. He stated this bill is the antithesis of good government because the Governor appointed members are not subject to the people of the Valley, whereas Supervisors and Councilmembers can be voted out of office if Valley residents dislike how the representatives are serving them. He noted the urban centers outside of the Valley dominate the State Legislature, and although the new members would be Valley residents, they will be appointed by people outside of the Valley and may not best represent the Valley. He stated the argument that a governing body needs outside appointed experts would apply to the state and federal legislatures as well, but that is not how the Country has been run for over 200 years. He declared the Governing Board represents the people who elect them. The Chair added putting

additional burden on the stationary sources when 80% of the pollution comes from mobile sources is of grave concern. He noted the Legislative subcommittee met and recommended the Board take the position of opposing SB719 and oppose unless amended on SB240. The Chair called for a vote on the original motion to support SB719 and SB240.

Motion: Perea
Second: Anderson
Ayes: Anderson, Brar, Perea
Nays: Barba, Dominici, McQuiston, Nelson, Ornellas, Worthley

Motion to support SB719 and SB240 did not pass.

Although the public hearing had been closed, the Chair recognized Senator Dean Florez (D-Shafter). Senator Florez stated the Board was taking a position prematurely and should wait until the final language has been passed by both the Assembly and Senate and goes to the Governor before they state their opinion. He encouraged the Board to table the item until the bills have passed through the Assembly and Senate. Councilmember Perea made a motion to table the item.

Motion: Perea
Second: Anderson
Ayes: Anderson, Brar, Perea
Nays: Barba, Dominici, McQuiston, Nelson, Ornellas, Worthley

Motion to table the item for later discussion did not pass.

Councilmember Perea made a motion to take a neutral position on SB719 and SB240.

Motion: Perea
Second: Anderson
Ayes: Anderson, Brar, Perea
Nays: Barba, Dominici, McQuiston, Nelson, Ornellas, Worthley

Motion to take a neutral position on SB719 and SB240 did not pass.

Supervisor Nelson made a motion to support the recommendations of the Legislative Subcommittee to oppose SB719 and oppose SB240 unless amended. Supervisor Nelson noted the process of supporting or opposing the language in bills while it can still be amended is an important part of the legislative process, and to suggest people hold their opinions until the bills are with the Governor is misguided.

Motion: Nelson

Second: Dominici
Ayes: Barba, Dominici, McQuiston, Nelson, Ornellas, Worthley
Nays: Anderson, Brar, Perea

Motion to oppose SB719 and oppose SB240 unless amended carried with a 6-3 vote.

13. APPOINT AD-HOC BUILDING SUBCOMMITTEE

The Chair noted two of the previous Building Subcommittee members are no longer on the Board. He suggested Councilmember Raji Brar (Arvin) and Supervisor Jon McQuiston (Kern County) replace them.

Motion: Dominici
Second: Perea
Ayes: Anderson, Barba, Brar, Dominici, McQuiston
Nelson, Perea, Ornellas, Worthley
Nays: None

Motion to appoint Supervisor Worthley, Supervisor McQuiston, and Councilmember Brar to the Ad-Hoc Building Subcommittee unanimously carried.

14. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)-

Jeff Lindberg, ARB representative, stated ARB met on June 14 to discuss the Ozone Plan. After five hours of public testimony, ARB approved the Plan. ARB will continue to explore options for expedited attainment. Mr. Lindberg also stated ARB reviewed the open burning exemptions passed by the District's Board and concurred with the District. He stated District staff will require economic evaluation on each orchard removal burn permit for farms over 100 acres. The District will track burn permits issued to farms over 100 acres and evaluate alternatives to burning and report back to ARB in one year.

15. EXECUTIVE DIRECTOR/APCO COMMENTS

Seyed Sadredin, Executive Director/APCO, noted a recent State audit of the District's grant program stated the District is processing grant funds the fastest, and many of our practices are being recommended as best practices to other Districts. He noted the District is doing some grant processing for other Districts on behalf of ARB based on our efficiencies. Mr. Sadredin thanked Supervisor Nelson for going with the District staff to all of the City Council meetings in Merced County. Mr. Sadredin would like the other Board Members to assist the District in scheduling appearances before their Boards and City Council meetings within their jurisdictions.

16. GOVERNING BOARD MEMBER COMMENTS

Supervisor Nelson stated the six city tour of Merced County was very informative and encouraged the other Board Members to assist with this outreach process.

The Chair adjourned to Closed Session at 1:20 p.m.

17. CLOSED SESSION—

Conference with Legal Counsel—Existing Litigation (Government Code Section 54956.9 (a): National Association of Home Builders v. SJVUAPCD Federal District Court, Eastern District #07-CV-00820LJ0-DLB

Phil Jay, District Counsel, stated the Board voted unanimously to authorize Counsel to appear and defend in this case.

Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation pursuant to Government Code Section 54956.9: One potential case.

The Board authorized the District to take necessary steps to join the State in their threatened suit against EPA concerning EPA's refusal to act on the State's request for federal waiver on greenhouse gas regulations.

18. Other Business

None

19. ADJOURN

The meeting adjourned at 1:40 p.m.

Next scheduled meeting of the Governing Board: Thursday, August 16, 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 teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.