

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, April 15, 2010

9:00 a.m.

*Meeting held via teleconferencing 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, Tony Barba called the meeting to order at 9:09 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

David G. Ayers, Councilmember	City of Hanford
Tony Barba, Supervisor, Chair	Kings County
Judy Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Henry J. Forman, Ph.D.	Appointed by Governor
Ann Johnston, Mayor*	City of Stockton
Mike Lane, Councilmember	City of Visalia
Randy Miller, Councilmember**	City of Taft
Michael G. Nelson, Supervisor*	Merced County
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor*	San Joaquin County
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember*	City of Ceres
Raymond Watson, Supervisor**	Kern County
J. Steven Worthley, Supervisor, Vice Chair	Tulare County

*Attended meeting in Northern Region Office

**Attended meeting in Southern Region Office

Chair Barba welcomed Councilmember Mike Lane from the City of Visalia to the Governing Board. Councilmember Lane stated he appreciates the opportunity to take on this important work and that he looks forward to working with the Governing Board.

3. APPROVAL OF CONSENT CALENDAR – Item numbers 16 – 20 *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.*

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MARCH 18, 2010
17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2010
18. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR MARCH 2010
19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF MARCH 31, 2010
20. APPROVE RENEWAL OF AGREEMENT WITH CALIFORNIA AIR RESOURCES BOARD (ARB) FOR PILOT PROGRAM FOR DISTRICT ENFORCEMENT OF STATE ANTI-IDLING REGULATIONS FOR TRUCKS AND BUSES

Councilmember Lane asked to pull item number 16 and stated he would abstain from the vote on that item because he was not present at that meeting. Supervisor Worthley made a motion to approve item numbers 17 through 20.

Moved: Worthley
Seconded: Dominici
Ayes: Dominici, Ayers, Case, Forman, Lane, Telles, Worthley, Ornellas, Nelson, Johnston, O'Brien, Vierra, Watson, Miller, Barba
Nays: None

Motion unanimously carried to approve Consent Calendar Items 17-20.

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MARCH 18, 2010

Moved: Case
Seconded: Telles
Ayes: Dominici, Ayers, Case, Forman, Telles, Worthley, Ornellas, Nelson, Johnston, O'Brien, Vierra, Watson, Miller, Barba
Nays: None
Abstain: Lane

Motion carried 14-0 with one abstention to approve Consent Calendar Item 16.

4. PUBLIC COMMENT – *The following persons provided testimony during the Public Comments portion of the meeting:*
 - Tom Krazan, Sanger Resident
 - Bob Poole, Western States Petroleum Association

5. **REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES** – Manuel Cunha, Chair of the CAC gave a report on the CAC meeting held on April 6, 2010. He reported that the District will set up and facilitate meetings with each CAC interest group to develop specific proposals for helping in outreach and compliance assistance efforts for the recently adopted Rule 9410 (Employer Trip Reduction). He also reported that a Policy for Waiving Copying Charges for Public Information (proposed by EJAG) was considered at the meeting, but was not approved.
6. **S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect)** – Carolyn Rose, Personnel Director, gave the presentation on this item which formally recognized the following District employees who reached a service milestone during the first quarter of 2010.

Five Years of Service

Cari Long, Air Quality Inspector
Jessi Fierro, Senior Air Quality Specialist
Jag Kahlon, Air Quality Engineer
Jessica Willis, Air Quality Specialist

Ten Years of Service

Debbie Johnson, Air Quality Specialist
Tom Martinez, General Services Technician
Samir Sheikh, Director of Strategy and Incentives

Supervisor Worthley complimented Jessi Fierro on her recent presentation to the Tulare County Board of Supervisors on Rule 9410 (Employer Trip Reduction). Supervisor Case complimented Samir Sheikh for being helpful and thanked all of the staff members for doing an outstanding job.

7. **ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4103 (OPEN BURNING)** –Supervisor O'Brien declared a conflict of interest and excused himself from this item. Supervisor Barba stated he has a Burn Permit and excused himself from this item and turned the meeting over to the Vice-Chair, Supervisor Worthley. Supervisor Ornellas stated he also has a Burn Permit and excused himself from this item. George Heinen, Supervising Air Quality Engineer, gave the presentation. He stated the proposed amendments incorporate the language of California Health & Safety Code Sections 41855.5 and 41855.6 regarding open burning of certain agricultural materials. He stated determinations required by the Health & Safety Code that could either result in changes to agricultural burning restrictions or further postpone restrictions will be presented to the Board in May, based on a report that staff has presented for public review.

Mr. Sadredin, Executive Director/APCO, clarified that issues that have been raised about this item will be addressed by the report that will come before the Governing Board in May. Supervisor Case asked if the Draft Staff Report evaluating further

burning restrictions is available to the public. Mr. Sadredin affirmed that the report is available on the District's website.

Mayor Johnston asked about the deadline for public comments on the Draft Staff Report. Mr. Sadredin explained the comment period is open until the Public Hearing on May 20th. He noted staff must meet a June deadline and allow ARB time to concur with the findings.

Public Comment – *The following persons provided testimony on this item:*

- Jeff Lustgarten, Covanta Energy
- Manuel Cunha, Nisei Farmers League
- Sarah Sharpe, Fresno Metro Ministry
- Ted Highland, Denair Resident
- Ray Arthur, City of Fresno
- Katie Patterson, San Joaquin Farm Bureau

Moved: Case
Seconded: Johnston
Ayes: Forman, Dominici, Ayers, Case, Lane, Worthley,
Telles, Watson, Miller, Nelson, Johnston, Vierra
Nays: None
Excused: O'Brien, Ornellas, Barba

Motion carried 12-0 to adopt revised proposed amendments to Rule 4103 (Open Burning).

8. REVIEW REPORT ON RE-EVALUATION OF OCTOBER 2008 AMENDMENTS TO RULE 4354 (GLASS MELTING FURNACES) AND AUTHORIZE THE APCO TO DEVELOP FUTURE RULE AMENDMENTS – Errol Villegas, Strategy and Incentives Manager, gave the presentation on this item which re-evaluates the October 2008 amendments to Rule 4354 (Glass Melting Furnaces). The report concluded with a recommendation that the Air Pollution Control Officer be authorized to develop and propose amendments to the Rule to incorporate short-term flexibility for flat glass manufacturing facilities committed to achieving more stringent long-term emission limits.

Dr. Telles asked how these amendments would apply to other glass plants besides Pilkington. Mr. Sadredin responded that if the Board adopts these recommendations they will not be aimed at a single facility. He noted any facility can take advantage of these options. Councilmember Lane asked if the decline in the economy and resulting lower production levels have also decreased emissions. Mr. Sadredin stated the emissions were lower but not proportionately.

Public Comment: *The following persons provided testimony on this item:*

- Phillip Newell, Guardian Industries
- Dave Chidester, Central Cal Transportation

In response to a comment by Mr. Newell that sources taking advantage of a Rule 4354 extension could end up paying less in Federal Clean Air Act Section 185 fees than sources that achieve early compliance with the rule, Supervisor Case asked about possible options for “leveling the playing field” within the industry. Mr. Sadredin responded that at the Board’s direction, when developing proposals to address Section 185 fees, District staff could work to ensure that no advantage is given to sources that receive any Rule 4354 extensions. Supervisor Worthley stated that ensuring that these advantages do not occur should be one of the guiding principles in developing solutions to the Section 185 fee issue. Staff was directed by the Board to ensure, in the design of Section 185 fees, that these advantages to sources with Rule 4354 extensions do not occur.

Moved: Worthley
Seconded: Telles
Ayes: Watson, Miller, Johnston, O’Brien, Ornellas, Vierra, Nelson
Dominici, Case, Forman, Lane, Ayers, Telles, Worthley, Barba
Nays: None

Motion unanimously carried to receive and file Report on Re-Evaluation of October 2008 Amendments to Rule 4354 (Glass Melting Furnaces) and authorize the APCO to develop future Rule Amendments.

9. APPROPRIATE \$4,008,099 IN FUNDING FROM THE CALIFORNIA ENERGY COMMISSION TO OPERATE THE ENERGY EFFICIENCY CONSERVATION BLOCK GRANT IN COORDINATION WITH PARTNERING JURISDICTIONS – Mr. Sadredin stated in January, the Board adopted the Regional Energy Efficiency Strategy (REES), which includes provisions to help various jurisdictions across the Valley take advantage of funding and other resources to promote energy efficiency. He reported the District has received tentative approval from the California Energy Commission for funding to be used in partnership with three counties and thirty-three cities throughout the Valley in energy efficiency projects. He reported the District will administer this program with the San Joaquin Valley Clean Energy Organization, which is a Valleywide agency that the Board helped seed through the Governor’s Partnership efforts.

Supervisor O’Brien asked about the three counties involved in this program. Mr. Sadredin responded the three counties involved right now are Kings, Tulare and Madera counties. Supervisor Case asked how the counties and cities were designated. Mr. Sadredin stated the larger counties get funding directly from the federal government. He noted CEC is only handling the funding for small jurisdictions.

Public Comment: *The following person provided testimony on this item:*

- Manuel Cunha, Nisei Farmers League

Moved: Case
Seconded: Ayers
Ayes: Dominici, Worthley, Ayers, Case, Forman, Lane, Telles,
Watson, Miller, Nelson, O'Brien, Johnston, Vierra, Ornellas,
Barba
Nays: None

Motion unanimously carried to appropriate \$4,008,099 in funding from the California Energy Commission to operate the Energy Efficiency Conservation Block Grant in coordination with partnering jurisdictions.

10. APPROPRIATE \$1,796,474 IN UNANTICIPATED REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND ON-ROAD HEAVY-DUTY TRUCK REPLACEMENTS – Mr. Sadredin reported for the last couple of years, the District has been successful in securing \$5 to \$7.5 million in earmarks for diesel emission reductions from the federal government. He noted the District and South Coast AQMD are the only two air pollution control districts in the nation that receive this kind of funding from the federal government. He stated that funding is tied to the Diesel Emissions Reduction Act Program funding that the federal government provides for the entire nation. There is an additional \$64 million dollars available for nationwide disbursement through a competitive process. He reported the District was able to secure a grant for approximately \$1.8 million dollars of the \$64 million dollars for replacing trucks. He stated this program will fund truck replacements for small businesses in California. He noted this program limits the funding provided to \$25,000 per truck for replacement. With this funding, staff estimates approximately 48 trucks can be replaced throughout the Valley.

Supervisor Worthley noted the agenda memo stated 65 on-road heavy-duty trucks were slated for replacement. Samir Sheikh, Strategy and Incentives Director, replied the District applied for funds to replace 65 trucks but was awarded enough funding to replace approximately 48 trucks.

Public Comment: None

Moved: Case
Seconded: Worthley
Ayes: Nelson, Johnston, Ornellas, Vierra, O'Brien, Case, Forman,
Lane, Telles, Ayers, Worthley, Dominici, Watson, Miller, Barba
Nays: None

Motion carried unanimously to appropriate \$1,796,474 in unanticipated revenue from the United States Environmental Protection Agency to fund On-Road Heavy-Duty Truck Replacements.

11. END-OF-SEASON REPORT ON THE 2009-10 WOOD-BURNING SEASON – Mr. Sadredin noted this report is presented to the Board annually regarding the previous wood-burning season. He presented this item along with Jaime Holt, Chief

Communications Officer and Scott Nester, Senior Projects Manager. The end of the year report on the 2009-10 wood-burning season detailed the following:

1. Revised "Check Before You Burn" outreach messages as part of the Healthy Air Living Initiative and program promoting changes to District Rule 4901 including: air quality and health impacts from wood-burning, identification and promotion of cleaner wood-burning options such as the use of EPA-certified wood-burning devices, pellet stoves, processed logs and seasoned firewood, and results of incentive grants for Valley residents.
2. Public health benefits from the implementation of Rule 4901 (Wood-Burning Fireplaces and Wood-Burning Heaters).
3. Implementation efforts including statistics and progress in compliance activities.

Councilmember Lane stated he would be happy to help with responses to Spanish language media. Supervisor O'Brien asked for information on forecasted versus actual micrograms recorded in Stanislaus County for the 2009-10 wood-burning season. He also asked for information on staff time utilized during the 2009 Thanksgiving and Christmas holidays.

Public Comment: *The following person provided testimony on this item:*

- Mary-Michal Rawling, Merced/Mariposa Asthma Coalition

Dr. Telles stated this approach has been very successful and noted compliance has been mostly voluntary because of the message that is out there. He stated staff is doing a great job with this program. He suggested an I-Phone app would be a good way to get the message out. Ms. Holt responded a smart phone app is already being considered.

12. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD ACTIVITIES – Dr. Telles reported on two items before the ARB on March 25, 2010 including the changes to Proposition 1B Goods Movement Emissions Reduction Program and the changes to Moyer and School Bus Guidelines. Supervisor Case suggested perhaps the Governing Board should write a letter to ARB detailing our concerns about compliance with the State drayage truck rule and asking for further clarification regarding the shift in Prop. 1B funding from the ports to on-road trucks. Mr. Sadredin responded at the Board's direction, staff could send a letter to ARB to address the issues of enforcement and the shifting of the drayage funding.
13. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin gave an update on the District's CEQA policy with respect to greenhouse gases and its implementation of best performance standards. He noted this policy was developed to provide a streamlined alternative to the traditional CEQA process. He stated part of the process was for staff to develop the best performance standards and noted that some stakeholders are currently going through that process. He stated staff is currently streamlining processes and that he would be happy to provide additional

updates if the Board desired. He also gave an update on Rule 9410 (Employer-Based Trip Reduction) online registration which will be operational on May 1st. He stated businesses and jurisdictions will be able to register online easily, which is one of the promises made when the Rule was adopted.

Mr. Sadredin discussed the Board retreat. He stated Supervisor Nelson made the suggestion to hold a retreat in the near future, and asked the Board members to select their preferential dates for the retreat, which will be held at Bass Lake. He also reminded them about the District's PM Conference to be held on June 9th and 10th, and asked for Board member attendance for at least a portion of those two days. He also gave a brief report on the recent trip to Washington, D.C. thanking Governing Board members Miller and Vierra for their help. He stated he is optimistic relative to the request for designated funding, however given the current political climate in Washington, he stated it may be difficult to find a vehicle for the legislation regarding enterprise zones. Councilmember Vierra agreed it was a worthwhile endeavor to travel to Washington, D.C. However, he expressed concern at the division between the Democrats and Republicans and stated he hoped they can work out their differences in the future. Councilmember Miller stated it was a nice coalition of industry, environmental groups, staff and Board members speaking with one voice.

14. GOVERNING BOARD MEMBER COMMENTS – Mayor Johnston asked how soon the dates of the retreat would be announced. Mr. Sadredin stated if all ballots are turned in today, there would be an official announcement in the next couple of days after the dates are confirmed with the hotel. Supervisor Watson asked about Rule 4103 (Open Burning). He noted the 64% reduction in PM2.5 that has occurred so far, however he asked for information on increased NOx and SOx from chipping and transportation that would be balanced against the savings in PM2.5. Mr. Sadredin stated the staff report that will be brought before the Board will have that information. He noted staff must consider emissions from the diesel engines of chippers, waste, and trucks that move the material from the farm to the biomass plants. He noted ARB also has a concurrent process and will have to concur with the District's findings.

Supervisor O'Brien stated his concern with major projects in the Valley, with jobs attached, that could be delayed due to the CEQA requirements on greenhouse gases and best performance standards. He noted the procedure needs to be streamlined and offered the Board's help if needed. He also reported there is a ride-sharing program in Stanislaus and San Joaquin Counties called Commute Connections. He stated this program gets no money from the District. He noted it appears the reason why is a District policy that states because the vans leave the District they are not eligible to receive any funding. He reported this program is now expanding into Merced County and he noted that the vans could be travelling more miles than other commute van pools in this District. He asked staff to re-evaluate this policy to find if Commute Connections would be eligible for funding. Supervisor Barba stated Kings County has 350 vans that travel throughout the District and advised Supervisor O'Brien to check with their program manager as they rely on

federal funding for their program. Mr. Sadredin stated funding allocation would be a good topic for the upcoming Board retreat. He stated he would explore this issue further at the administrative level to ensure that funding is directed toward projects that get significant reductions in emissions in the Valley. Supervisor O'Brien agreed this item could be considered at the retreat, as long as direction could be provided at that time. Mayor Johnston concurred with Supervisor O'Brien and stated this program provides a service that improves air quality. Mr. Sadredin mentioned there is an added opportunity to address this issue at the 2nd Board to Board Meeting with the Bay Area Air Quality Management District in early September. He suggested perhaps co-funding may be possible as both regions appear to benefit from this rideshare program.

15. **CLOSED SESSION** – Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Government Code 54956.9, Three Potential Cases.

District Counsel, Phil Jay announced the Governing Board in Closed Session authorized the District to file amicus briefs in the NRDC vs. EPA case and in the National Paint and Coatings vs. South Coast Air District Case.

ADJOURN

Meeting adjourned at 12:50 p.m.

*Next scheduled meeting of the Governing Board: Thursday, May 20, 2010.
Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, and 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.*