

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, October 21, 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 9:11 a.m.
2. ROLL CALL was taken and a quorum was present.

*Present:*

David G. Ayers, Councilmember	City of Hanford
Tony Barba, Supervisor, <b>Chair</b>	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
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor, <b>Vice Chair</b>	Tulare County

\*Attended meeting in Northern Region Office

*Absent:*

Chris Vierra, Councilmember*	City of Ceres
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3. APPROVAL OF CONSENT CALENDAR – Item numbers 17 – 22 *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.*
  17. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, SEPTEMBER 16, 2010
  18. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2010 & 2011

19. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR SEPTEMBER 2010
20. RECEIVE AND FILE BUDGET STATUS REPORT AS OF SEPTEMBER 30, 2010
21. APPROVE CHANGES TO THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT BUDGET AND AUTHORIZE ADVANCE PAYMENT TO THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION
22. APPROVE ADMINISTRATIVE CHANGES TO AGREEMENT WITH CJ LAKE FOR FEDERAL LEGISLATIVE ADVOCACY

Dr. Telles requested Consent Item numbers 17 and 18 be pulled for discussion. Regarding Consent Item number 18: RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2010 & 2011, he noted the December 16, 2010 SJVAPCD Governing Board meeting date conflicts with the ARB Board meeting in December, which he will attend, as they will be addressing the Truck Rule and Cap and Trade Rule.

Regarding Consent Item number 17: APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, SEPTEMBER 16, 2010, Dr. Telles asked that information be added to the discussion on Agenda Item 10: "Discuss the District's Position Concerning the Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Proposed by the California Air Resources Board (CARB) Under SB 375". He asked that wording be added to reflect that Dr. Telles requested from staff and the COGs as well as other Board Members, information on the position statements that they made that day. Mr. Sadredin stated Dr. Telles did ask for examples of regional transportation measures and, at the Board's direction, this note can be added to the Action Summary Minutes from September.

Public Comment: None

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

**Motion unanimously carried to approve Consent Calendar Items 17 – 22 and amend the Action Summary Minutes for September to reflect that Dr. Telles requested information on examples of regional transportation measures throughout the Valley.**

4. PUBLIC COMMENT – The following persons provided testimony during the public

*comments portion of the meeting:*

- Kelly Avants, Clovis Unified School District
- Shawn Edgar

5. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Chair of the CAC gave the report on items discussed at their October 5, 2010 meeting. He reported they received a verbal report on Federal Clean Air Act Section 185 fees and ARB Low and Zero Emissions Vehicles from District staff. He noted they also received an update on the proposed District Rule 4570 (Confined Animal Facilities) which will be heard by the Board today. He also stated they received an update on Environmental Justice Advisory Group (EJAG) Business and noted that the members look forward to the upcoming CAC/EJAG Collaboration Workshop to be held on November 10, 2010.
6. S.T.A.R. (Service, Teamwork, Attitude, Respect) RECOGNITION – Carolyn Rose, the District's Personnel Direction, gave the presentation on this item which recognized employees' years of service as follows:

**Five Years of Service**

Marissa Jeffers, Office Assistant II  
Resa Garcia, Air Quality Specialist II  
Georgia Stewart, Air Quality Specialist II  
Ross Badertscher, Air Quality Specialist II  
David Garner, Senior Air Quality Specialist  
Stephanie Hitchman, Senior Air Quality Specialist

**Ten Years of Service**

Brian Clements, Senior Air Quality Engineer  
Dustin Brown, Senior Air Quality Engineer  
Daniel Klevann, Senior Air Quality Engineer  
Jatt Gill, Accounting Technician II  
Jason Heerling, Senior Network Systems Analyst

**Fifteen Years of Service**

Ellyce Baldwin, Supervising Air Quality Inspector

7. ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4570 (CONFINED ANIMAL FACILITIES) – Supervisor Ornellas disqualified himself from this item as he owns and operates a dairy that will be subject to this Rule, creating a conflict of interest on this item. Errol Villegas, Strategies and Incentives Program Manager gave the presentation on this item. He noted in developing these amendments, the District has worked closely with animal researchers and industry stakeholders, and this work has yielded new scientific information that sheds new light on dairy feed

emissions and potential emission control measures. He stated the reductions required by the rule will far exceed the 2007 Ozone Plan reductions commitment of 22.9 tons of Volatile Organic Compounds (VOC) per day.

In response to demands for requiring dairy cows to be housed in enclosed warehouses, Dr. Forman stated his concern that when animals are confined in close quarters more antibiotics are required which creates a public health issue for humans. Supervisor Watson noted the cost to comply seemed high for the dairy industry. Mr. Sadredin noted that the proposed rule is extremely expensive and commended the dairy families who support this rule in an effort to do all they can to improve the Valley's air quality. Supervisor Watson commended the dairies for supporting the rule despite its enormous costs.

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

- Justin Oldfield, CA Cattlemen's Association
- J.P. Cativiela, Dairy Cares
- Sarah Sharpe, Fresno Metro Ministry
- Larry Petrowsky, Dairy Industry, Madera, CA
- Ron Kuber, Fresno, CA
- Paul Souza, Western United Dairymen
- Tessa Hall, Dairy Industry, Visalia, CA
- Tom Franz, Association of Irrigated Residents
- Robert Garcia, Committee for Better Air in Arvin
- Gustavo Aguirre, CRPE
- Joseph Airoso, Dairy Industry, Pixley, CA
- Sofia Parino, CRPE
- Charlie Peters
- David Avila

Supervisor Case stated she appreciates the diligence of the work done by staff on the proposed amendments. Supervisor Dominici noted he has visited several dairies over the years and observed first-hand how the industry has tried to reduce pollutants and help the environment. He commended staff and the industry for working closely together.

Dr. Telles questioned the need for having the rule exceed SIP obligations and noted his concern regarding potential legal exposure to the District from dairies with 500-1000 cows due to high costs to comply the rule. Mr. Sadredin suggested that the Board may wish to require staff to monitor the implementation phase of this rule and come back before the Board if hardships are incurred by businesses. Supervisor O'Brien remarked that government agencies must work together to be more efficient at cleaning the air. Mayor Johnston expressed support and stated a key piece of this rule is having the flexibility to evaluate its effect on businesses.

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

**Motion carried 13-0 with one abstention to adopt revised proposed amendments to Rule 4570 (Confined Animal Facilities) with a directive to staff to monitor the implementation phase of the rule and come back before the Board if hardships are incurred by businesses in complying with the rule.**

*Supervisor Worthley and Supervisor O'Brien left at 11:10 a.m.*

*The Governing Board took a brief recess at 11:10 a.m.  
The Governing Board reconvened at 11:15 a.m.*

8. CONSIDER ALTERNATIVES FOR THE EQUITABLE APPLICATION OF MANDATED FEDERAL NONATTAINMENT PENALTIES TO SOURCES WITHIN THE SAN JOAQUIN VALLEY THROUGH THE USE OF MOTOR VEHICLE FEES – Mr. Sadredin and Mr. Sheikh presented this item to the Board. Staff advised the Board that with recent exceedances of the now-revoked federal 1-hour ozone standard, the federal Clean Air Act mandates the imposition of nonattainment penalties on stationary source businesses in the Valley. These exceedances occurred in later summer and coincided with the back to school vehicular traffic and high temperatures. The federally mandated penalties on Valley businesses were estimated at \$29,000,000 per year until the region attains the standard. Considering enormous expenditure and sacrifice that Valley businesses have invested in clean air measures, it is the District's position that the straight application of the section 185 fees to businesses is unfair. Valley businesses have reduced NOx and VOC emissions by 80% since 1980 with over 500 regulations imposed by the District. This has resulted in significant improvement in air quality where the exceedances of the 1-hour standard have been reduced from 56 days in 1996, to only 7 days in 2010. Today, 80% of NOx emissions are from mobile sources, outside the District's regulatory jurisdiction and ozone violations largely due to mobile sources. Recent guidance issued by the federal Environmental Protection Agency (EPA) allows alternative approaches to meet section 185 requirements. Specifically, a January 2010 guidance by EPA allows imposition of section 185 fees on motor vehicles instead. With such authority granted to the District under Assembly Bill 2522 (Arambula, 2008) staff recommended imposition of a DMV fee while exempting businesses that have applied Best Available Control Technology. All funds generated will be reinvested back in the San Joaquin Valley in projects aimed at reducing air pollution and mitigating emissions from mobile sources. Projects funded by the District include replacement and retrofit of school buses, agricultural irrigation pumps and tractors, trucks, fireplace inserts and heaters, gross-polluting vehicle replacements, alternative fuel vehicles and infrastructure, electric lawn mowers, bike lanes, park and ride lots, traffic signal lights synchronizations,

locomotives, and construction equipment. Specified funding designations will be established by the Board through the District's public budgeting process.

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

- John Downs, City of Fresno
- Elizabeth Jonasson, Coalition for Clean Air
- Sofia Parino, Center on Race, Poverty and the Environment
- Jan Ennenga
- Charlie Peters
- Tom Franz, AIR
- Art Unger, Sierra Club
- Suzanne Noble, WSPA
- Jerry Frost
- Gustavo Aguirre
- Zac Griffin, Bike Bakersfield
- Phil Newell, Guardian Industries
- Sarah Sharpe, Fresno Metro Ministries
- Sean Edgar, Operation Clean Air
- Patrick Smith, Harris Ranch
- Peter Weber, CA Partnership SJV
- Manuel Cunha, Nisei Farmers League
- Roger Isom, CA Cotton Ginners

Several Board members expressed frustration with the lack of fairness with the penalty fees mandated under section 185 of the federal Clean Air Act. Board members also expressed grave concerns with the ability of Valley businesses to absorb this penalty in the current recession and economic distress, and the suffering that Valley residents would experience if Valley businesses are subjected to such penalties.

Supervisor Case asked about the disposition of the penalties if collected by the federal government. Mr. Sadredin explained that without a federally approved program, EPA would confiscate fees and all penalties will be deposited in the federal treasury. Supervisor Watson stated that as a matter of principle, he opposes fees and penalties as another form of tax. He stated this issue, however, requires practical thinking at a time when businesses are struggling to pay the bills. He noted if businesses are charged for this penalty, job loss would be a likely result. He made a motion to adopt the \$12 motor vehicle fee without an automatic increase. The motion also obligated the District to seek federal relief from the section 185 fees, and the DMV fees to sunset upon reaching attainment or revocation of section 185 requirements. Supervisor Case seconded the motion.

Dr. Telles proposed an amendment to the motion, to impose a \$12 motor vehicle fee, regardless of the Section 185 requirements. Dr. Forman seconded Dr. Telles' proposed amendment to the motion.

Moved: Telles  
Seconded: Forman  
Ayes: Miller, Telles, Forman  
Nays: Johnston, Ornellas, Watson, Nelson,  
Case, Dominici, Lane, Ayers, Barba

**Motion defeated 9-3 to impose a \$12 motor vehicle fee, without added increases. Revenues generated would have been used to satisfy the requirements of Section 185 and the fees would continue even if not used to satisfy section 185 penalties.**

Supervisor Case called for a vote on the original amended motion to adopt the staff recommendations numbered 1 through 6 with the amendment that item 1b would be a \$12 per year motor vehicle fee without an automatic escalator. Supervisor Watson clarified the intent of his motion was that the motor vehicle fees would not be imposed if they cannot be used to satisfy the penalties that are being placed on businesses.

Moved: Watson  
Seconded: Case  
Ayes: Johnston, Ornellas, Miller, Watson, Nelson, Case,  
Dominici, Lane, Telles, Ayers, Forman, Barba  
Nays: None

**Motion unanimously carried to adopt staff recommendations numbered 1 through 6 with the amendment that recommendation 1b would be a \$12 per year motor vehicle fee without an automatic escalator. In addition, a provision was added that the District will begin collecting the motor vehicle fees, but they will expire if they cannot be used to satisfy Section 185 requirements.**

As this was his last meeting, Supervisor Nelson thanked the staff for their efforts in providing the Board with a plethora of scientific facts that allow the Board to make informed decisions. He thanked the Board members for their support and the regulated community, even though they haven't always agreed. He stated he has learned a lot as a Board member and announced that Supervisor Hub Walsh will replace him as the Merced County representative on the Governing Board, effective at the end of this meeting.

*Supervisor Nelson left at 1:55 p.m.  
The Governing Board recessed for lunch at 1:55 p.m.  
The Governing Board reconvened at 2:30 p.m.*

9. DEMONSTRATION OF THE DISTRICT'S REAL-TIME AIR ADVISORY NETWORK  
– Dr. David Lighthall, the District's Health Science Advisor, gave the presentation on this item, which demonstrated the pilot Real-Time Air Advisory Network (RAAN), an important new tool for schools to obtain current, localized air-quality information that will give them the flexibility to make timely adjustments in their day-to-day outdoor

activities. He reported that the RAAN program will be officially rolled out in November. Mr. Sadredin explained that the program enhances a school's ability to allow their students to enjoy outdoor sports and activities as much as possible while protecting students' health when air quality is poor in their specific area. Mayor Johnston suggested that District staff should increase outreach efforts for this program in San Joaquin County. Supervisor Case suggested additional outreach in Sanger and Parlier.

*At the suggestion of Phil Jay, District Counsel, the Clerk called Roll Call which indicated that 11 Board Members were present, including: Mayor Johnston, Supervisor Ornellas, Supervisor Watson, Supervisor Case, Dr. Telles, Dr. Forman, Councilmember Ayers, Councilmember Lane, Supervisor Dominici, Councilmember Miller and Supervisor Barba.*

10. ADOPT PROPOSED AMENDMENTS TO RULE 4612 (MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS) – George Heinen, Supervising Engineer for the Strategies and Incentives department, gave the presentation on this item which proposed amendments to clarify existing rule language and to not impact the scope, meaning or VOC content limits of current rule language.

Public Comment - None:

Moved: Dominici  
Seconded: Watson  
Ayes: Johnston, Ornellas, Miller, Lane, Telles, Case,  
Forman, Watson, Ayers, Dominici, Barba  
Nays: None

***Motion unanimously carried to adopt proposed amendments to Rule 4612 (Motor Vehicle and Mobile Equipment Coating Operations)***

11. PRESENTATION BY REPRESENTATIVE OF FRESNO METRO MINISTRIES ON THE CALIFORNIA CLEAN CARS CAMPAIGN – Mr. Sadredin explained at the last Board meeting, Fresno Metro Ministries asked for the opportunity to make a presentation on their Clean Cars Campaign in the hopes of obtaining the Board's support. He introduced Sarah Sharpe of Fresno Metro Ministries, who gave the presentation on this item. Ms. Sharpe explained that ARB will be voting on the next phase of their Clean Cars standards this winter. She stated California is at the forefront of the Clean Cars standards and noted 13 other states have since followed suit. Ms. Sharpe asked the Board to make a resolution on this issue because cars are a big issue in air pollution and there is not enough public transportation to make up for that. She stated the Board would send a strong message to the state that they need to do all they can to clean up cars. She noted four of the cities in the top six for most ozone polluted cities in the 2010 State of the Air report are in the San Joaquin Valley. Ms. Sharpe indicated that Fresno Metro Ministries is part of a broad coalition along with the American Lung Association that supports this measure.



Supervisor Case voiced her support for this effort. Councilmember Lane expressed appreciation for the work done by Fresno Metro Ministries' staff in bringing this item to the Board. He noted everyone shares the commitment to clean up stationary sources and mobile sources are equally important. He stated it was important to have this discussion with Dr. Telles present as he will be engaging this issue at the state level. Dr. Forman stated it was a great idea to support this effort. Mr. Sadredin suggested at the Board's direction, staff could bring a resolution back before the Board at their next meeting for approval. Ms. Sharpe requested the Board's resolution address the four different components to the Clean Cars Campaign. The Board's consensus was to direct staff to bring back a resolution addressing the four different components of the Clean Cars Campaign. Councilmember Miller suggested that medium and large-size pick up trucks should also be addressed in the future.

12. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT REPRESENTATION ON THE GOVERNING BOARD OF THE CALIFORNIA AIR RESOURCES BOARD (CARB) – Supervisor Watson introduced this item which resulted from a discussion at the recent Governing Board Study Session. He stated he and Councilmember Lane were asked to address the issue resulting from a meeting at ARB on September 23<sup>rd</sup>. He reported the subject of the ARB meeting was the adoption of goals for greenhouse gases for all of the air districts within the state. He noted that ARB was recommending a 5% reduction by 2020, 10% by 2035. He stated through a lot of discussion among the organizations within the Valley and input by District staff, the District's Governing Board felt it was important to present to ARB a recommendation of 2% and 5% respectively, for the Valley. He stated there were various reasons for this recommendation, notably the Valley has already accomplished more than other regions within the state, but also some considerations in many of the MPOs that would impact their ability to achieve the higher goals proposed by ARB. He noted at the ARB meeting, each of the air districts' representatives were present, there was a public comment period and then each district was allowed to make a motion as to what their goals should be. He stated several people from the Valley participated in this meeting, including Mr. Sadredin, Supervisor Watson, District staff and other political and MPO representatives. He reported that ARB staff was in agreement with the District's position and had already prepared a press release saying the District's recommendations had been adopted. He noted the District's recommendation died for the lack of a motion and the District ended up with the higher greenhouse gas reduction goals.

Supervisor Watson indicated the discussion at this meeting centered around the unique situation with Dr. Telles, who is an ARB Board member that also serves on the District's Governing Board. He stated he knew Dr. Telles had a conscience of his own and felt obligated to vote accordingly. Supervisor Watson stated the issue at hand was how to get the District's Governing Board's wishes acknowledged and acted upon at ARB and at the same time allow the ARB representative, in this case Dr. Telles, to acknowledge his or her own beliefs.

Dr. Telles responded at the last District Governing Board meeting, he asked for more information to help him make an informed decision on this issue. He stated he did not feel the staff's presentation on this item adequately addressed his questions. Supervisor Dominici stated that when he made the motion on the greenhouse gas item at the September Governing Board meeting, he encouraged Dr. Telles to share the Board's feelings with the ARB Board. Dr. Telles stated he listened to the testimony at the ARB meeting and made a decision based on the information that he had at the time. Dr. Telles stated that he may be willing to present the District Board's position to ARB if he is given all the information that he deems necessary.

*Supervisor Ornellas left at 3:31 p.m.*  
*Supervisor Dominici left at 3:36 p.m.*  
*Dr. Telles left at 3:44 p.m.*

Mayor Johnston stated the presence of non-elected officials is valuable in that they offer a point of view and expertise that the other Board Members can use and it is an asset to have their voice on the Board. However, she explained if a District Board Member represents the Board and the Valley at a higher level, they are not representing the Board well if they do not publicly, as a Board Member, express the opinion of the Board on which they sit. She stated otherwise, the District Board has no representation at the higher level. She stated her belief that the actions taken at the ARB meeting were inappropriate.

13. REPORT ON THE SEPTEMBER 2010 GOVERNING BOARD STUDY SESSION FOR EDUCATIONAL AND STRATEGIC PLANNING PURPOSES –Mr. Sadredin stated at the request of the Board, staff prepared a summary of the items discussed at the recent Governing Board Study Session. He indicated this information is also available on the District's website. He stated it was a very beneficial discussion and staff got a lot of valuable direction and advice from the Board that will dictate how the District does business in the future.
14. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD ACTIVITIES – There was no verbal report by Dr. Telles as he had already left the meeting.
15. EXECUTIVE DIRECTOR/APCO COMMENTS - None
16. GOVERNING BOARD MEMBER COMMENTS - None

## **ADJOURN**

Meeting adjourned at 3:55 p.m.

*Next scheduled meeting of the Governing Board: Thursday, December 16, 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.*