

## 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, January 17, 2013  
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, Councilmember Barwick called the meeting to order at 9:03 a.m.
2. ROLL CALL was taken and a quorum was present.

*Present:*

Oliver L. Baines III, Councilmember***	City of Fresno
Tony Barba, Supervisor	Kings County
Skip Barwick, <b>Chair</b>	City of Tulare
Sally Bompreszi, Councilmember**	City of Madera
Judy Case, Supervisor	Fresno County
David Couch, Supervisor	Kern County
Bob Elliott, Supervisor*	San Joaquin County
Harold Hanson, Councilmember**	City of Bakersfield
William O'Brien, Supervisor*	Stanislaus County
Dr. Alexander Sherriffs	Appointed by Governor
Chris Vierra, Mayor*	City of Ceres
Hub Walsh, <b>Vice Chair</b> *	Merced County
J. Steven Worthley, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

\* Attended meeting in Northern Region Office

\*\* Attended meeting in the Southern Region Office

\*\*\* Arrived at 9:05 a.m.

*Absent:*

Dr. Henry Jay Forman, Ph.D.	Appointed by Governor
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3. 2013 STATE OF THE DISTRICT REPORT BY THE OUTGOING CHAIR: SUPERVISOR O'BRIEN – Outgoing Chair, Supervisor O'Brien, stated he has enjoyed his Chairmanship of the Governing Board for the past year. He commented that despite many challenges over the past year, the Board has continued to devise and implement innovative and effective measures that are bringing cleaner air and improved quality of life, to all Valley residents. He stated he was proud the Board's vision and ingenuity, complemented with the staffs' hard work and dedication has led to the implementation of many groundbreaking clean air strategies that now serve as the model for the rest of the state and the nation. He noted while significant challenges remain, the progress made by the District and the Board is something all can be proud of. He stated with two exceedances in 2012, the Valley had the lowest number of one hour exceedances, down from 56, ten years. During the 2012 ozone season, he stated there were only a total of 10 unhealthy days in all 8 counties, compared to 143 days in 2002. He noted the bulk of the credit of these achievements go to Valley businesses for their sacrifice and investment in clean air technology and to Valley residents for their support and participation.

Supervisor O'Brien also noted in 2012 the Board continued efforts to supplement the District's strong regulatory measures with robust and comprehensive voluntary incentive-based measures. In addition, he commented through education and advocacy, the District was able to bring millions of dollars in state and federal funds to the Valley to help expedite reductions in emissions from a variety of sources throughout the District. He reported in 2012 the Board executed over 5,000 contracts for more than \$116 million in grants which will reduce Valley emissions by 13,000 tons. As a testament to the staff's capable and efficient administration of various grant programs, the District was asked by the state to administer grants programs for 19 air districts in California. Supervisor O'Brien also reported in the District's most recent audit of its grant programs, the Air Resources Board (ARB) commended the District as the shining example for effectiveness and efficiencies. He also congratulated the Board and staff for the agency's exemplary efficiency and productivity and judicious exercise of fiduciary responsibilities. He applauded the Board's expedient actions in adopting the PM2.5 Plan last month, including the adoption of amendments to the District's Wood Burning Rule as a local mandate under the Risk-Based Strategy.

Councilmember Barwick commented he has learned a lot from Supervisor O'Brien over the past year and thanked him for his steady leadership as Chairman of the Governing Board, and for being a fair advocate of spending of District funds.

4. RECOGNITION OF THE OUTGOING BOARD MEMBER: MAYOR CHRIS VIERRA – Councilmember Barwick presented a plaque to Mayor Chris Vierra with gratitude for his service on the Governing Board from 2007 to 2013. Mayor Vierra commented that he has learned a tremendous amount during his service on the Board. He stated the Board's accomplishments during his tenure have

had a positive impact on air quality in the Valley. He thanked many people from Industry, Agriculture, Environmental and Legislative areas. In addition, he commended staff for working to ensure all interests are carefully considered. Lastly, he thanked his veteran colleagues on the Governing Board for their guidance and leadership during the past six years. Mayor Vierra also encouraged the District to continue in their outreach efforts, noting the message is getting out to Valley residents.

Supervisor Worthley commented that Mayor Vierra has been a steady hand on the Governing Board for quite some time and did a great job as Governing Board Chair during his tenure. He thanked Mayor Vierra for his great demeanor and positive attitude. Supervisor Case echoed Supervisor Worthley's comments, noting the important work done by the Board and the thanked Chair O'Brien and Mayor Vierra for their hard work on the Governing Board.

5. INTRODUCTION OF NEW GOVERNING BOARD MEMBERS BOB ELLIOTT, TOM WHEELER, AND DAVID COUCH – Councilmember Barwick introduced Supervisor Bob Elliott from San Joaquin County, Supervisor Tom Wheeler from Madera County and Supervisor David Couch from Kern County and welcomed all three as new members of the District's Governing Board.

Supervisor Elliott commented he was very pleased to serve on the Governing Board, noting air quality is a priority in San Joaquin County and all are committed to being good stewards of the environment. Supervisor Couch expressed his gratitude and noted he was looking forward to serving on the Governing Board. Supervisor Wheeler noted he has previously served as an Alternate member on the Board and noted he is looking forward to having a positive impact on the Valley's air quality as a member of the Governing Board.

6. APPROVAL OF CONSENT CALENDAR – (Item Numbers 15 - 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.*

15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, DECEMBER 20, 2012
16. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2013
17. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR DECEMBER 2012
18. RECEIVE AND FILE BUDGET STATUS REPORT AS OF DECEMBER 31, 2012

19. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 1020 (DEFINITIONS)
20. SELECT SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) AS THE DISTRICT'S NEW WORKERS' COMPENSATION INSURANCE PROVIDER FOR AN ANNUAL SAVINGS OF \$63,000
21. CONTRACT FOR EXECUTIVE DIRECTOR/APCO
22. CONTRACT FOR DISTRICT COUNSEL

Public Comment: None

Moved: Worthley

Seconded: Barba

Ayes: Baines, Barba, Bompreszi, Case, Couch, Elliott,  
Hanson, O'Brien, Sherriffs, Vierra, Walsh, Wheeler,  
Worthley, Barwick

Nays: None

- Motion unanimously carried to approve Consent Calendar Items 15 – 22.***
7. PUBLIC COMMENT – *The following persons provided testimony during the public comments portion of the meeting:*

- Manuel Cunha, CAGI and Nisei Farmers League

8. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Mr. Sadredin introduced the District's new Personnel Director, Adriana Myovich, who was recently promoted after seven years working in the District's Personnel Department. Ms. Myovich gave the presentation on this item which recognized the following individuals for their years of service to the District:

**Five Years of Service**

Jennifer Schmall, Air Quality Specialist II

Jennifer Sitton, Air Quality Assistant

**Ten Years of Service**

Robert Harris, Programmer/Analyst II

Sandra Lowe-Leseth, Air Quality Engineer II

**Fifteen Years of Service**

Jim Swaney, Permit Services Manager

**Twenty Years of Service**

Ronald Giannone, Supervising Air Quality Inspector  
Tom Jordan, Senior Policy Advisor  
Suzanne Walls-Medina, Air Quality Specialist II

9. **REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, CAC Industry/Agriculture Representative**, gave the presentation on this item which summarized the January 8<sup>th</sup> CAC meeting. He noted the meeting was Chaired by Dennis Tristao, City Representative, in Mayor Dhaliwal's absence. Mr. Cunha reported CAC members received a report on the District's new iPhone application; an update on an item regarding changes to Rule 1020 (Definitions), and a report on the Environmental Justice Advisory Group's (EJAG) Goals and Objectives for 2013. Lastly, Mr. Cunha noted there was a robust discussion on reports by ARB at future CAC meetings. He stated Mr. Sadredin and District staff are working with Lynn Terry, and staff at ARB to ensure proper ARB representation to discuss various topics at future meetings.

Public Comment: None

10. **APPROPRIATE \$50,000 IN ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND DAIRY DIGESTER TECHNOLOGY DEMONSTRATION PROJECTS IN THE SAN JOAQUIN VALLEY** – Mr. Sadredin stated technology advancement is a priority for the District because many of the available technologies have already been exhausted and there is a need to develop new ones to meet the tougher standards issued by the U.S. Environmental Protection Agency (EPA). He introduced Samir Sheikh, Strategies and Incentives Director, who gave the presentation on this item which proposed to accept \$50,000 from the EPA to fund dairy digester demonstration projects in the Valley. He reported the funds will be dispersed through the District's Technology Advancement Program, which encourages the development of emission-reducing technology, or through funding mechanisms created through ongoing collaboration with other agencies.

Supervisor O'Brien stated he was happy to see the District tackling this issue, given the number of dairies in the Valley and noting the difficult position they are placed in. Supervisor Case noted dairy operators have been greatly challenged in the environmental area. She asked if it was currently possible to get data on the emission reductions in this area. Mr. Sadredin responded the District has seen quite a bit of improvement in the digester technology and NOx emissions from digester engines were previously 25 - 50 parts per million. Today, he noted they are in the low single-digit numbers. Supervisor Case applauded the dairies that were willing to work with the District during such a tough economic time. Dr.

Sherriffs echoed the importance of this area. Supervisor Walsh complimented staff on moving this issue forward and stated he appreciated the acknowledgment of the “double-bind” that the industry often finds themselves in. Supervisor Elliott asked if the acceptance of this money includes any conditions to be met. Mr. Sadredin responded there were no regulatory requirements, however there were conditions stipulating what the money could be spent on, and requirements for documenting emission reductions and costs.

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

- Manuel Cunha, Nisei Farmers League
- Colby Morrow, Southern California Gas Company

*Moved:* Couch

*Seconded:* Case

*Ayes:* Baines, Barba, Bompreszi, Case, Couch, Elliott, Hanson, O’Brien, Sherriffs, Vierra, Walsh, Wheeler, Worthley, Barwick

*Nays:* None

***Motion unanimously carried to appropriate \$50,000 in additional revenue from the United States Environmental Protection Agency to fund dairy digester technology demonstration projects in the San Joaquin Valley.***

11. APPROVE DISTRICT’S 2013 LEGISLATIVE PLATFORM – Mr. Sadredin commented that the Board adopts a Legislative Platform every year, which serves as a guide both for District staff and Board members that are involved in advocacy efforts with the legislative and administrative branches. He noted over the past ten years, the District has experienced a ten-fold increase in incentive funding for the Valley, to help reduce air pollution and clean up some of its old fleets. He commented this is in large part due to efforts by Board members and the District’s advocates in Sacramento and Washington. He introduced Tom Jordan, Senior Policy Advisor, who gave the presentation highlighting the District’s 2013 legislative priorities as follows:

- (Federal) Seek common sense improvements to the Federal Clean Air Act.
- (State) Support for SB 11 and AB 8 that would re-authorize the Carl Moyer and AB 118 Incentive Programs and provide funding for the Clean Fuel Outlet mandate.
- (State/Federal) As the state and federal governments implement climate change programs, the District will support measures that will target a portion of any revenues generated under cap and trade programs to emissions reduction projects in areas that are already disproportionately impacted by air pollution, support measures that have co-benefits to

criteria pollutant reductions, and oppose measures that may lead to increases in criteria pollutant or toxic emissions.

- (State) Support Streamlining of the California Environmental Quality Act (CEQA).
- (Federal) Support the establishment of an Air Quality and Health Empowerment Zone designation that would provide financial assistance to regions that have significant air quality, health, and economic challenges.
- (State/Federal) Seek funding and other support from the state Air Resources Board and federal Environmental Protection Agency (EPA ) to install and operate additional air quality monitoring instruments throughout San Joaquin Valley.
- (State/Federal) Support efforts that provide for cost-effective alternatives to agricultural burning including subsidies and/or preferential utility rates for power produced from biomass and additional research to identify other technologically and economically feasible alternatives.
- (State/Federal) Support energy efficiency/alternative energy policies and initiative that will result in emissions reductions and cost effective alternatives to burning agricultural waste.
- (State/Federal) Support adequate resources and policies to reduce the impact of wildfires and their attendant public health impact.
- (Federal) Support the continuation of air quality funding in the Farm Bill that is designed to accelerate the replacement of agricultural equipment.

Mr. Jordan introduced Lynn Jacquez of CJ Lake, LLC. and Paul Yoder of Strategic Local Government Services, LLC., who gave a brief summary of their advocacy efforts in Washington D.C. and Sacramento on behalf of the District. Supervisor Worthley asked how the increasingly difficult air quality standards nationwide would impact the ability to obtain a review of the Clean Air Act in Washington, D.C. Ms. Jacquez responded as the proposed standards impact the nation, the legislative coalition to address concerns with the Clean Air Act will gain greater success. Supervisor Wheeler commented on efforts in Madera County in biomass research and the impact of wildfires. Dr. Sherriffs expressed appreciation for the updates from Washington, D.C. and Sacramento. He expressed his belief that the District's first priority should be supporting legislation that improves health and leads to cleaner air. He commented on the remarkable accomplishments of the Clean Air Act over the last 30 years. He also noted 25 percent of the Cap and Trade revenue will be spent to benefit disadvantaged communities in terms of air quality and health issues, with 10 percent to be spent directly in those communities.

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

- Manuel Cunha, Nisei Farmers League
- Moved: Worthley  
Seconded: Case  
Ayes: Baines, Barba, Bompreszi, Case, Couch, Elliott, Hanson,  
O'Brien, Sherriffs, Vierra, Walsh, Wheeler, Worthley,  
Barwick  
Nays: None

***Motion unanimously carried to approve District's 2013 Legislative Platform.***

12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin reported that ARB would hold a public hearing to consider the District's 2012 PM2.5 Plan on January 24<sup>th</sup> in Bakersfield. He stated he has met with all of the new Governing Board members and stated that staff would be contacting the new Governing Board members to schedule the first session of the District's New Governing Board Member Orientation series. He noted that staff is also working to schedule the 2013 Governing Board Study Session in Bass Lake during the first week of May.
13. GOVERNING BOARD MEMBER COMMENTS – Supervisor Walsh commented on a notice he received on EPA's Clean Environmental Assessments and asked about the District's role in the process. Mr. Sadredin stated staff would look into it. Supervisor Walsh asked Ms. Jacquez to continue to report back to the Board on impacts to District funding due to CEQA. He asked Mr. Yoder to report back on information related to CEQA streamlining and the reauthorization of the Moyer Funds. Mr. Sadredin responded he would continue to update the Board on these items through Board Briefing memos. Supervisor O'Brien commented on transport of air pollution from China and voiced concern about the effects on the Valley's air quality. Mr. Sadredin responded that Dr. Lighthall will present an update on the Transboundary Ozone Study and related issues at the February 21<sup>st</sup> Governing Board meeting. Supervisor Couch thanked Mr. Sadredin for meeting with him on Wednesday.
14. CLOSED SESSION: District Counsel, Catherine Redmond, announced the Board would adjourn to Closed Session to discuss the following item:
  - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential case).

At the end of Closed Session, Ms. Redmond announced the Board had unanimously directed District Counsel to intervene in the case Sierra Club vs. US EPA, 9<sup>th</sup> Circuit, Case Number 12-74219, followed by adjournment.



**ADJOURN**

Meeting adjourned at 10:57 a.m.

*The next scheduled meeting of the Governing Board is: Thursday, February 21, 2013. Meeting starts at 9:00 a.m., in the 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.*