

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

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

**Thursday, October 20, 2022
9:00 a.m.**

Given the international COVID-19 pandemic, and consistent with public health recommendations and Assembly Bill 361, this meeting was held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast.

1. CALL MEETING TO ORDER – The Chair, Vito Chiesa, called the meeting to order at 9:03 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor, Chair	Stanislaus County
David Couch, Supervisor*	Kern County
Christina Fugazi, Vice Mayor**	City of Stockton
Deborah Lewis, Councilmember	City of Los Banos
Buddy Mendes, Supervisor, Vice Chair	Fresno County
Lloyd Pareira, Supervisor	Merced County
Craig Pedersen, Supervisor	Kings County
Alvaro Preciado, Mayor***	City of Avenal
Robert Rickman, Supervisor	San Joaquin County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor****	Tulare County
Tom Wheeler, Supervisor	Madera County

Absent:

Tania Pacheco-Werner, Ph.D.	Appointed by Governor
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*arrived at closed session
 **arrived at 9:35 a.m.
 ***arrived at 9:39 a.m.
 ****arrived at 9:07 a.m.

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF CONSENT CALENDAR – Item Numbers (18 - 25): *These matters are routine in nature and are usually approved by a single vote. Prior to action by the board, the public was given the opportunity to comment on any consent item.*
 18. ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFRENCING UPDATE
 19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF AUGUST 18, 2022
 20. APPROVE CONTRACT WITH DESERT RESEARCH INSTITUTE TO PROVIDE LABORATORY SPECIATION ANALYSIS OF PARTICULATE MATTER 2.5 SAMPLES FOR A TOTAL OF \$167,166
 21. APPROVE CONTRACT WITH ENTHALPY ANALYTICAL TO PROVIDE LABORATORY ANALYSIS OF TOXIC ORGANIC COMPOUNDS FOR A TOTAL OF \$117,216
 22. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH MAJESTIC REALTY COMPANY TO MITIGATE AIR QUALITY IMPACTS
 23. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2022
 24. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR AUGUST 2022
 25. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF AUGUST 31, 2022

Public Comment: *None*

Moved: Wheeler
Seconded: Pedersen
Ayes: Bessinger, Chiesa, Lewis, Mendes, Pareira, Pedersen, Rickman, Sherriffs, Shuklian, Wheeler
Nays: None

Motion carried to approve Consent Calendar (Items 18-25)

5. PUBLIC COMMENT – *The following individuals provided public comments at this meeting:*

- Connie Young, Citizens Climate Lobby (CCL)
- Janet Dietz-Kamei, Resident

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Citizens Advisory Chair, reported on highlights from the CAC meeting held on October 4, 2022.

7. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Chenecua Dixon, Director of Personnel and Operations Support, recognized the following staff members for reaching a service milestone during the third quarter of 2022:

Ten Years of Service

Imtiaz Haq, Director of Information Systems
My Dang, Information Systems Manager
Shannon Moore, Air Quality Specialist
Kyle Melching, Senior Air Quality Specialist

Fifteen Years of Service

Jennifer Ridgway, Air Quality Specialist

Twenty Years of Service

John Copp, Senior Air Quality Inspector
Karen Hatfield, Air Quality Specialist

Thirty Years of Service

Leland Villalvazo, Supervising Atmospheric Modeler

8. ACCEPT THE ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES' BEST PRACTICE AWARD – Samir Sheikh, Executive Director/APCO, accepted the award that the District received for the District's Best Practice in Air Pollution Control for the District's Residential Woodsmoke Reduction Strategy.

Mr. Pareira acknowledged the recognition of District's hard work and efforts.

Mr. Bessinger acknowledged the Residential Woodsmoke Reduction program and appreciates how it helps our citizens.

9. THE VERBAL ACCEPT AND APPROPRIATE \$71,500,000 IN VOLKSWAGEN MITIGATION TRUST FUNDING FOR THE SECOND PHASE OF THE STATEWIDE INCENTIVE PROGRAM FOR ZERO-EMISSION TRANSIT, SCHOOL AND SHUTTLE BUSES – Todd DeYoung, Director of District's Grants & Incentives Department, presented to the Board and recommended the Board to accept and appropriate \$71,500,000 in statewide funding from the Volkswagen

(VW) Environmental Mitigation Trust (Mitigation Trust) for the second phase of the Statewide Incentive Program for Zero-Emission Transit, School and Shuttle buses to replace transit, school and shuttle buses throughout California.

Dr. Sherriffs suggested the next report include NOx reductions acquired due to the funding, as well as what the co-benefits have been in terms of a decrease in PM 2.5, greenhouse gas reductions and often difficult to estimate, also wanted to see the health benefits of valley residents. Mr. DeYoung committed to including that information in the next report.

Mr. Mendes questioned the electric school bus costs and range. Mr. DeYoung said the range is a challenge and the costs for these busses have slightly increased, both items are being considered.

Mr. Pedersen asked how the District is weighing the large and small jurisdictions and the opportunities to make sure that the small jurisdictions can access the funding. Mr. De Young reviewed the process of funding and reiterated the steps the District takes which ensures that small jurisdictions have access to the funding and are not inadvertently precluded from applying, allowing the smaller Districts to apply in Phase 2 of the process.

Mr. Sheikh reminded the Board of more state and federal funding being allocated for electrification.

Mr. Pederson asked if the \$400,000 per bus included some of the infrastructure required. Mr. DeYoung stated at this time, infrastructure is not included therefore that would be an additional cost to the school district.

In regards to local disadvantaged or smaller school districts, Mr. Bessinger asked if there is assistance to offer best practices for writing grants requesting the funding, hoping there is a way to help the smaller Districts that might not have the resources in requesting grants/funding. Mr. DeYoung said that with the way the program is set-up, it is very streamlined and straightforward. It's done through an online portal so the amount of information that's necessary in the initial process is minimal so it doesn't preclude the smaller Districts from applying, nor have we heard any districts having issues in applying.

Mr. Wheeler asked how many schools within our District have received the funding. Mr. De Young responded with 132 contracts have been executed with 31 of those being within the San Joaquin Valley.

Dr. Sherriffs suggested partnering with CARB and providing more education to school districts of the benefits of the program.

Ms. Fugazi and Mr. Preciado joined the meeting.

Public Comment: *The following persons commented on this item:*

- Manuel Cunha, Nisei Farmers League (NFL)
- Janet Dietz-Kamei, Resident

Moved: Mendes

Seconded: Sherriffs

Ayes: Bessinger, Chiesa, Fugazi, Lewis, Mendes, Pareira, Pedersen,
Preciado, Rickman, Dr. Sherriffs, Shuklian

Nays: Wheeler

Motion unanimously carried to (1) accept and appropriate \$71,500,000 in statewide funding from the Volkswagen (VW) Environmental Mitigation Trust (Mitigation Trust) for the second phase of the Statewide Incentive Program for Zero-Emission Transit, School and Shuttle buses to replace transit, school and shuttle buses throughout California; (2) approve the attached Budget Resolution to amend the 2022-23 District Budget to appropriate the second installment of funding, up to \$71,500,000 in unanticipated revenue, which is expected to be received in the 2022-23 fiscal year. This includes \$65,000,000 in project funds and up to \$6,500,000 (10%) to offset the District's cost to administer this statewide program. (2) adopt the proposed program enhancements for AB 617 communities of Stockton, South Central Fresno, and Shafter for woodstove change-out measures in Board approved Community Emission Reduction Programs, in consultation and coordination with the respective Community Steering Committees; and (3) authorize the Executive Director/APCO to make administrative changes to the program as necessary in order to ensure successful implementation of the program.

10. RECEIVE ACCEPT AND APPROPRIATE \$118,800,000 IN STATE FARMER PROGRAM FUNDING FOR THE REPLACEMENT OF AGRICULTURAL EQUIPMENT AND AUTHORIZE NECESSARY RESOURCE ENHANCEMENTS
– Todd DeYoung, Director of the District's Grants & Incentives Department, presented to the Board recommending the Board to accept and appropriate \$118,800,000 in state FARMER Program funds from the California Air Resources Board to fund the replacement of agricultural equipment in the San Joaquin Valley and authorize the District to administer this funding in accordance with current and future FARMER Program guidelines.

Mr. DeYoung confirmed for Mr. Bessinger that colleges and junior colleges qualify for this program.

Mr. Mendes requested clarification on the definition of "new equipment" being under 500 hours that would qualify as a "new".

Public Comment: *The following persons commented on this item:*

- Roger Isom, Western Ag Processors Association & California Cotton Ginners and Growers Association
- Manuel Cunha, NFL

Moved: Lewis

Seconded: Mendes

Ayes: Bessinger, Chiesa, Fugazi, Lewis, Mendes, Pareira, Pedersen, Preciado, Rickman, Dr. Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously to (1) accept and appropriate \$118,800,000 in state FARMER Program funds from the California Air Resources Board to fund the replacement of agricultural equipment in the San Joaquin Valley and authorize the District to administer this funding in accordance with current and future FARMER Program guidelines; (2) authorize recommended position conversions and additional regular positions as needed for successful implementation of new state funds and amend the District's Position Control List effective October 20, 2022 as necessary (attached). Authorize and direct the Executive Director/APCO to commence the hiring of new staff and procurement of necessary support resources; (3) approve the attached Budget Resolution to amend the 2022-23 District Budget to appropriate \$118,800,000 in new state funding, including \$111,375,000 in Non-Operating Appropriations, \$576,663 for Salaries and Benefits, \$24,010 for Services and Supplies, and \$65,000 for Fixed Assets; and (4) authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful program implementation.

11. ADOPT PROPOSED AMENDMENTS TO RULE 4460 (PETROLEUM REFINERY FENCE-LINE AIR MONITORING) AND RULE 3200 (PETROLEUM REFINERY COMMUNITY AIR MONITORING FEES) AND ADOPT RULE 4460 PETROLEUM REFINERY FENCE-LINE AIR MONITORING PLAN GUIDELINES – Jon Klassen, Director of the District's Science & Planning Department, presented to the Board recommending the adoption of proposed amendments to Rule 4460 and Rule 3200.

Mr. Pederson requested clarification on the cost of this requirement and the definition of a non-active and active facility. Mr. Klassen said the cost will vary depending upon what pollutants they will monitoring at the fence-line. Regarding the status of the facility will depend on whether the facility is actively engaging in petroleum refining now or holds the permits to do so, in that case, they would be subject to the rule and considered "active".

Mr. Pareira asked if other refineries in the state are subject to the state rule to which Mr. Klassen said yes and have their own rules but similar requirements.

Public Comment: *The following persons commented on this item:*

- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition (CVAQ)
- Janet Dietz-Kamei, Resident

Moved: Mendes

Seconded: Shuklian

Ayes: Bessinger, Chiesa, Fugazi, Lewis, Mendes, Pareira,
Preciado, Rickman, Dr. Sherriffs, Shuklian, Wheeler

Nays: Pedersen

Motion carried to (1) adopt proposed amendments to Rule 4460 (Petroleum Refinery Fence-line Air Monitoring) and Rule 3200 (Petroleum Refinery Community Air Monitoring Fees), and adopt Rule 4460 Petroleum Refinery Fence-Line Air Monitoring Plan Guidelines; and (2) authorize the Chair to sign the attached Resolutions.

12. APPOINT AD HOC GOVERNING BOARD SUBCOMMITTEE TO NOMINATE CANDIDATES FOR THE 2023 GOVERNING BOARD CHAIR AND VICE CHAIR – Samir Sheikh, Air Pollution Control Officer, asked the Chair to appoint an Ad Hoc Governing Board Nomination Subcommittee to nominate candidates for the 2023 Governing Board Chair and Vice Chair.

Chairman Chiesa appointed Supervisor Mendes, Supervisor Shuklian, Supervisor Pareira, Dr. Sherriffs, Councilmember Bessinger and Councilmember Lewis to the Ad Hoc Subcommittee.

Chairman Chiesa left the meeting and deemed Vice-Chair Mendes as Chair for the remainder of the meeting. Ms. Fugazi stepped away at 10:50 a.m.

13. AUTHORIZE PILOT SMALL FARMER INCENTIVE PROGRAM FOR NON-COMBUSTION ALTERNATIVES TO OPEN BURNING OF RAISIN TRAYS– Samir Sheikh, APCO, provided an overview of this pilot program and recommended providing funding to small raisin farming operations (less than 50 acres in total farmed acreage) to assist in transitioning to costlier non-combustion alternatives (e.g. recycling, landfilling) prior to the phase-out deadline for the open burning of raisin trays.

Mr. Mendes confirmed this cost is per acre and said he had received many inquiries about this and is glad this is available.

Dr. Sherriffs commented this will be helpful for small growers.

Public Comment: *The following persons commented on this item:*

- Manuel Cunha, NFL
- Janet Dietz-Kamei, Resident

Mr. Wheeler proposed a motion to approve increasing the parameter up to \$30-

\$35 per acre based on the cost of the bins.

Moved: Mendes

Seconded: Preciado

Ayes: Bessinger, Lewis, Mendes, Pareira, Pedersen, Preciado, Rickman, Dr. Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to (1) authorize the Executive Director/Air Pollution Control Officer to provide funding, up to \$30-\$35 dollars per acre depending on the total cost, to small raisin farming operations (less than 50 acres in total farmed acreage) to assist in transitioning to costlier non-combustion alternatives (e.g. recycling, landfilling) prior to the phase-out deadline for the open burning of raisin trays.

14. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Since Dr. Pacheco-Werner was absent, Samir Sheikh referenced the CARB report detailed in the Board packet.
15. EXECUTIVE DIRECTOR/APCO COMMENTS – Samir Sheikh mentioned that CARB’s recent hearing on the Community Emission Reduction Program for the ARB and Lamont’s communities was very positive and commented that our plan was one of the best plan that they’ve seen. Samir also reminded the Governing Board of the Study Session on November 9th and 10th.
16. GOVERNING BOARD MEMBER COMMENTS – Mr. Preciado thanked the community business farmers for taking time to attend the meetings. In light of equity and justice, he also recommended we continue to ensure ways to spread funding in our disadvantaged and small communities.
17. CLOSED SESSION – Annette Ballatore, District Counsel, held a Closed Session pursuant to Government Code Section 54956.9(d), regarding the following pending cases:

- 1.) *Comite Progreso de Lamont, et. al. v. SJVUAPCD, Fresno Co. Sup. Ct. Case No. 20CECG01008.*

The Board authorized acceptance of a settlement subject to execution of a final signed settlement agreement, as well as authorization to appropriate funding in the amount of \$395,402 plus costs of \$3,492.70 subject to execution again of the settlement agreement. This item was approved on a vote of eight “ayes” and three “nays.” The terms of the settlement agreement will be made available to the public upon finalization of the settlement agreement, which has not yet occurred.

- 2.) *Central California Environmental Justice Network, et. al. v. Liane Randolph, et. al., U.S. Dist. Ct. (E.D. Cal.), Case No. 2:22-at-00994. The*

Board authorized the District to defend against the case of Central California Environmental Justice Network versus CARB. The approval was unanimous.

No public comment on closed session.

ADJOURN

Meeting adjourned following Closed Session at 11:23 a.m.

The next meeting of the Governing Board is scheduled for Thursday, December 15, 2022 at 9:00 a.m.