

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, January 19, 2023  
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, Supervisor Vito Chiesa, called the meeting to order at 9:11 a.m. and welcomed two new Board members, Supervisor Macaulay and Supervisor Robinson.
- 2. ROLL CALL – was taken and a quorum was present.

*Present:*

Vito Chiesa, Supervisor, <b>Chair</b>	Stanislaus County
Deborah Lewis, Councilmember, <b>Vice Chair</b>	City of Los Banos
Drew M. Bessinger, Councilmember	City of Clovis
David Couch, Supervisor	Kern County
Robert Macaulay, Supervisor	Madera County
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, Ph.D.	Appointed by Governor
Lloyd Pereira, Supervisor	Merced County
Alvaro Preciado, Mayor	City of Avenal
Rusty Robinson, Supervisor	Kings County
Robert Rickman, Supervisor	San Joaquin County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County

*Absent:*

None

- 3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (14- 21):

14. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD STUDY SESSION OF NOVEMBER 9 AND 10, 2022
15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF DECEMBER 15, 2022
16. APPROVE CONTRACT WITH EXECUTIVE DIRECTOR/APCO
17. APPROVE CONTRACT WITH LEGAL COUNSEL
18. RECEIVE AND FILE QUARTERLY UPDATE TO THE BEST AVAILABLE CONTROL TECHNOLOGY (BACT) CLEARINGHOUSE
19. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2023
20. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR DECEMBER 2022
21. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF DECEMBER 31, 2022

Public Comment: None

*Moved:* Shuklian  
*Seconded:* Sherriffs  
*Ayes:* Bessinger, Couch, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Rickman, Sherriffs, Shuklian, Chiesa  
*Nays:* None  
*Abstain:* Robinson

***Motion carried to approve Consent Calendar (Items 14-21).***

5. PUBLIC COMMENT – *The following individual(s) provided public comments at this meeting:*

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

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

Five Years of Service

Samuel Palmquist, Senior Air Quality Inspector  
James Sanders, Senior Air Quality Inspector  
John Stagnaro, Director of Compliance  
Ye Vang, Air Quality Specialist  
Silvana Procopio, Senior Air Quality Engineer  
Evan Christensen, Audio Video Specialist

Ten Years of Service

Heather Heinks, Program Manager  
Jeff Daniels, Programmer/Analyst

Fifteen Years of Service

Michelle Franco, Deputy Clerk to the Board

Twenty Years of Service

Robert Harris, Programmer/Analyst

Thirty Years of Service

Tom Jordan, Senior Policy Advisor

Samir Sheikh, Executive Director/APCO, acknowledged the staff and commended the team for their great work.

7. RECEIVE AND FILE ANNUAL COMPREHENSIVE FINANCIAL REPORT AND SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022 – Ryan Buchanan, the District’s Director of Administrative Services, introduced Fausto Hinojosa and Anthony Gonzales from Price, Page, and Company who presented results from their audit of District financial statements for the fiscal year ended June 30, 2022. The auditors determined that the District’s financial statements present fairly, in all material respects, the financial position and the respective changes in financial position, for the fiscal year ended June 30, 2022. This determination represents a “clean report”, a positive audit outcome.

Ms. Lewis congratulated the staff for the wonderful job they do and the high level of accuracy in the District’s fiscal processes.

Dr. Sherriffs echoed the importance of a clean audit and commended the staff for their attention to detail and the great work the finance team provides.

8. ACCEPT AND APPROPRIATE \$137,428,365 IN STATE COMMUNITY AIR PROTECTION FUNDS AND REALLOCATE EXISTING FUNDING FOR VEGETATIVE BARRIERS IN THE SHAFTER AB 617 COMMUNITY – Jessica Olsen, the District’s Director of Community Strategies & Resources, presented this item recommending the Board accept and appropriate \$137,428,365 in state Community Air Protection (CAP) funding from the California Air Resources Board (CARB) to fund voluntary emission and exposure reduction projects benefitting AB 617 communities and disadvantaged communities Valley-wide. Additionally, Ms. Olsen recommended the Board reallocate \$1,000,000 in the District/CARB-approved Shafter Community Emissions Reduction Program (CERP) from Locomotive Replacements Measure HD.7 to Vegetative Barriers Measure VB.1.

Mr. Chiesa asked about the expenditure deadlines for the funding related to the CERP measures. Ms. Olson responded that the CERPs are designed to be 5-year programs so the funding needs to be expended within five years from when the CERP was adopted by CARB. The CERP was adopted in February 2020; therefore, the funds need to be expended by February 2025.

Mr. Mendes voiced concern about who would water the vegetation. Mr. Sheikh said this is a factor that the District will be mindful of in awarding grants under this program.

Dr. Pacheco-Werner asked about the reductions we could expect from vegetative barriers. Ms. Olsen responded that there are studies and quantification methodologies to determine the PM 2.5 and NOx emissions reductions from the deployment of vegetative barriers. Dr. Pacheco-Werner also wanted to make clear to our public that we are not giving up on locomotives in the Shafter area by any means and that locomotives are a priority not only for this board but also for CARB.

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

- Dora Hernandez, Resident

Moved: Couch  
Seconded: Mendes  
Ayes: Bessinger, Chiesa, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Rickman, Robinson, Sherriffs, Shuklian  
Nays: None

***Motion unanimously approved to (1) accept and appropriate \$137,428,365 in state Community Air Protection funding from the California Air Resources Board to fund voluntary emission and exposure reduction projects benefitting Valley AB 617 communities and disadvantaged communities Valley-wide; (2) approve the attached Budget Resolution to amend the 2022-23 District Budget to appropriate \$137,428,365 in new state funding, including \$128,839,092 in project funds and up to \$8,589,273 in administrative funds; (3) authorize the Executive Director/APCO to make***

**administrative changes to the program as necessary to ensure successful program implementation; and (4) reallocate up to \$1,000,000 in the District/CARB-approved Shafter Community Emissions Reduction Program from Locomotive Replacements Measure HD.7 to Vegetative Barriers Measure VB.1.**

9. APPROVE THE DISTRICT'S 2023 LEGISLATIVE PLATFORM – Samir Sheikh introduced the item by giving a brief overview and background of air quality jurisdictional roles and the need for advocacy. Tom Jordan, the District's Senior Policy Advisor, presented the District's recommended 2023 Legislative Platform, including the following priorities to provide policy guidance and recognize the unique needs of the Valley in the coming year:

1. (State/Federal) Funding for Clean Air Projects
2. (State/Federal) Support Greenhouse Gas Reduction Measures that Provide for Local Criteria and Toxic Air Emissions Benefits
3. (State/Federal) Engagement on New Climate Initiatives to Maximize Opportunities for Achieving Goals of Reducing Local Air Pollution (Criteria/Air Toxics) and Greenhouse Gas Emissions
4. (State) Supporting Impacted Communities
5. (Federal) Work with Administrative Branch Including EPA to Advance Streamlined and Efficient Implementation of the Clean Air Act Mandates
6. (Federal) National Standards for On-Road Heavy-Duty Trucks, Locomotives, and other Mobile Sources under Federal Jurisdiction
7. (State/Federal) District Policy Position on the Deployment of Near-Zero and Zero Emission Technologies
8. (State/Federal) Support Efforts that Provide for Cost-Effective Alternatives to Open Burning of Agricultural Waste
9. (State/Federal) Support Efforts that Address Drought, Water, and Air Impacts
10. (State/Federal) Support Clean Air Technology Demonstration Efforts
11. (State/Federal) Support Development of Underfired Charbroiler Technology Certification and Demonstration Program
12. (State/Federal) Support Adequate Resources and Policies to Reduce the Impact of Wildfires and their Attendant Public Health Impact

Sylvia Solis Shaw of Shaw, Yoder, Antwih, Schmelzer, and Lange (District's state legislative advocate) provided an update on state legislative efforts. Lynn Jacquez of CJ Lake, LLC (District's federal legislative advocate) provided an update on federal legislative efforts.

Mr. Bessinger shared his experience and commented on federal money that will be potentially programmed for wildfires. In the face of increasing wildfires, he said it was important to continue highlighting the importance of removing the dead and diseased fuel from forests.

Dr. Pacheco-Werner stated she was concerned about the lack of advocacy for the San Joaquin Valley with respect to electric vehicle infrastructure as we move forward towards cleaner vehicles. Samir acknowledged and agreed that without major infrastructure investments, the necessary capacity will not be present to support a significant transition to zero-emission vehicles. He suggested this could be integrated under the climate funding package section or under the funding for clean air projects section.

Mr. Macaulay echoed and appreciated the comments made by Mr. Bessinger, Dr. Pacheco-Werner, and Mr. Mendes. He asked specifically about Ag burning alternatives. Mr. Sheikh said the Board has allocated funds to support Ag burn alternatives and commented that the District will continue to be proactive to ensure that there are feasible options as the District moves forward with the phase out.

Mr. Preciado commented on the uniqueness and the needs of the Central Valley and his desire to ensure we continue to advocate for the Central Valley as much as possible.

Mr. Robinson voiced his desire to see some dialogue around interstate trucking and the possible issues surrounding the infrastructure necessary to support electric heavy-duty trucks.

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

- Janet Dietz-Kamei, Resident
- Chris McGlothlin, Western Ag Processors Association & California Cotton Ginners and Growers Associations
- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition

Mr. Chiesa thanked Ms. Solis Shaw and Ms. Jacquez for their advocacy on behalf of the District, and reiterated that the Board is also there for them if they need the support. He also urged the Board to include the District when the COGS visit DC so we can work together to accomplish our goals and benefit the Valley as a whole.

*Moved:* Mendes

*Seconded:* Preciado

*Ayes:* Bessinger, Couch, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Rickman, Robinson, Sherriffs, Shuklian, Chiesa

*Nays:* None

***Motion unanimously carried to approve the District's 2023 Legislative Platform with the addition of including language under the Policy Position on the Deployment of Near-Zero and Zero-emission Technologies advocating for the need to prioritize the San Joaquin Valley through investments and policies to develop the infrastructure necessary to address capacity and equity challenges, and to support the transition to zero-emission vehicles in the Valley.***

10. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Dr. Pacheco-Werner highlighted the collaboration between CARB and the District for the Frito Lay zero-emission fleet demonstration project in Modesto. She also mentioned that the Advanced Clean Fleet conversation is still in process and are still accepting comments on the rule. Dr. Pacheco-Werner also mentioned that at the end of January, CARB will be considering the District's 2022 Ozone Plan at a public hearing. She mentioned that CARB will soon begin the first hearing of amendments and rulemaking around the use of hexavalent chromium in operations in California. She stated that CARB is expecting another active rule making year and encouraged the District Board and staff to continue to be involved in those discussions.
11. EXECUTIVE DIRECTOR/APCO COMMENTS – Samir Sheikh reminded the Board that EPA has proposed to revise the federal PM 2.5 standard and the District will continue monitor the process and evaluate what it will mean for the San Joaquin Valley. Samir also presented an update on the progress of the Ag Burn phase-out program. As part of the program, Samir reiterated the extra incentive funding available for smaller farmers and the work staff is doing to ensure those who qualify are aware of the funds. Samir also provided a brief update on the Frito-Lay event and thanked the Board members who attended the event recognizing Chair Chiesa's speech at the event and to all involved who did a tremendous job representing the valley.

Ms. Shuklian asked about the cut in FARMER and Ag funding in the Governor's January Budget proposal and how it will affect the Valley. Samir responded that the District will continue to follow the discussion and confirmed that if we lost the funding, it would be a missed opportunity by the state. The District will continue to engage the Governor's office to advocate for the funding.

12. GOVERNING BOARD MEMBER COMMENTS – Ms. Lewis also recognized those involved in the Frito-Lay event and appreciated the opportunity to be able to attend.

Mr. Chiesa echoed the success of the event and praised the collaboration of all involved. Similarly, he mentioned an electric school bus event hosted by the City of Modesto and said both events show how working together can benefit the communities of the Valley.

*Chairman Chiesa moved the meeting into Closed Session.*

13. CLOSED SESSION – Annette Ballatore, District Counsel, held a Closed Session pursuant to Government Code Section 54956.9(d), regarding the following pending cases:

1. *SJVAPCD v. AG Land Joint Venture*, Fresno County Superior Court Case No. 21CECG02452;
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.

Public Comment: None

## **ADJOURN**

*Meeting adjourned from Closed Session at 12:38 p.m.*