

**Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board Meeting, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.**

**Thursday, August 18, 2005
9:00 a.m.**

<p>The Meeting was held via video teleconference (VTC) in the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).</p>

1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:05 a.m.

2. **ROLL CALL was taken and a quorum was present.**

Supervisor Susan B. Anderson	Fresno County
Supervisor J Steven Worthley	Tulare County
Supervisor Jack A. Sieglock (absent)	San Joaquin County
Councilmember Sam Armentrout (*)	City of Madera
Supervisor Barbara Patrick	Kern County
Supervisor Tony Barba	Kings County
Supervisor Ronn Dominici	Madera County
Councilmember Dan Prince (**)	City of Ripon
Supervisor Michael G. Nelson	Merced County
Councilmember Mike Maggard, Vice Chair (***)	City of Bakersfield
Supervisor Thomas W. Mayfield, Chair (**)	Stanislaus County

(*) Arrived during Item # 4

(**) Attended Meeting in Northern Region Office (Modesto)

(***) Attended Meeting in Southern Region Office (Bakersfield)

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-20)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item).
 11. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, June 16, 2005.
 12. Receive and file List of Scheduled Meetings for 2005 and 2006.
 13. Receive and file Operations Statistics Summary for June and July 2005.

14. Receive and file Budget Status Report as of July 31, 2005 and Cash Balance Report as of June 30, 2005.
15. Claim for damages against San Joaquin Valley Unified Air Pollution Control District.
16. Approve and authorize Chair to sign agreement with the American Lung Association for a School Flag Program in the amount of \$40,000.
17. Approve agreement with Sonoma Technology, Inc. in the amount of \$80,015 to develop emission growth factors, emission growth surrogates and activity projections.
18. Approve and authorize Chair to sign agreement with the Enterprise for Education Corporation to fund the Clean Air Challenge middle and high school curriculum program in the amount of \$20,000.
19. Receive and file listing of refunds for the fiscal year 2004/05.
20. Reclassify existing Personnel Analyst position to Senior Personnel Analyst; approve changes to the District's Position Control List.

No public comments received.

APPROVED AS RECOMMENDED – On motion by Board Member Prince, seconded by Board Member Barba and unanimously carried with the following roll call vote:

Ayes: Nelson, Dominici, Worthley, Anderson, Barba, Patrick, Prince, Maggard and Mayfield.

Absent: Sieglock and Armentrout.

Action: The Board approved the Consent Calendar Items 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 as submitted.

4. **PUBLIC COMMENT** – Miguel Donoso, Modesto, CA., announced that the community members in the area around Modesto Tallow Company will hold a demonstration in two weeks to protest the Modesto Tallow Company's refusal to pay numerous air quality violation fines and tax money. Mr. Donoso requested the Governing Board take action against Modesto Tallow Company.

Richard Cotta, Senior Vice President, California Dairies Inc. and Chairman of the Community the Reliance of Responsible Environmental Stewardship, stated the California Dairies Inc. represent about ninety percent of the milk production in the air district's area. Mr. Cotta explained that over the past year we have learned a

lot about air quality and have come to understand the need to re-establish the trust factor with the Air District so that we can progress ahead on air quality issues. Mr. Cotta noted the way to re-establish trust among stakeholders is an open straight forward line of communications, the foundation of which must be centered on credible research done by credible scientists. Mr. Cotta stated that the dairy industry in the San Joaquin Valley pledges to do it's part toward cleaning up the air and working with the District to find the proper ways of doing that.

Kevin Abernathy, Executive Director, California Dairy Campaign, and also on behalf of the Milk Producers Council and the Dairy Action Network, noted that these three organizations represent hundreds of family farms as well as buyers and processors throughout the Central Valley and in Southern California. Mr. Abernathy explained he is speaking today because of Mr. Crow's outreach. Mr. Crow asked to sit down and have a very blunt dialogue with him and his management team. During this candid meeting, both parties listened to each other's issues. As a result, we intend to be engaged with the District's advisory and regulatory process and to lobby for additional research and monies to fund the research so that together we may better understand the dairies impact on the environment and better ways to mitigate those impacts.

David L. Crow, Executive Director/APCO, stated he very much appreciated these gentlemen coming forth today on behalf of the their organizations.

Mr. Crow stated the dairy emission factor has been hotly discussed and debated. The emission factor is the initial starting point and it was completed as of August 1, 2005. Anytime we promulgate an emission factor we will continue to evaluate any new science or any credible approaches that would cause different interpretations of that. Similarly we are moving forward with promulgating the Best Available Control Technology (BACT) for new dairies coming into the Valley and in that regard we anticipate that work will progress over the portion of the fall with the ability to address the Authority to Construct permit issues for any dairy wishing to construct in the Valley.

We want to initially focus on education and outreach to the dairy industry. The District has committed at the staff level to participate in workshops throughout the Valley, bringing our technical people along with dairy industry representatives and bringing dairy families to the table so that we can engage in a very meaningful way. As you know, knowledge shared and knowledge gained is going to be instrumental as the Governing Board approaches the July 2006 timeframe for developing rules on existing dairies.

Mr. Crow noted that we all knew going into this enterprise that there was insufficient scientific understanding of many of the operations on a dairy. In following suit to the District's history over the last thirteen years we are

committing to advance the scientific understanding of what occurs on a California dairy.

Mr. Crow stated he was pleased that we have had the opportunity to engage with Mr. Cotta and Mr. Abernathy and many of their colleagues. Mr. Crow stated he believes that the District is now in a very productive mode where we can share knowledge, we can have solid participation in the activities that the District must focus on by law, and that will inevitably bring about a better set of recommendations for the Governing Board's ultimate consideration.

Manuel Cunha, Nisei Farmers League, announced that President Bush has organized a White House Conference on Cooperative Conservation to be held on August 29 and 30, 2005 in St. Louis. Mr. Cunha noted he would be in attendance to present the District's Conservation Management Practices concept.

Mary-Michal Rawling, Merced-Mariposa Asthma Coalition, applauded the Governing Board for funding the American Lung Association's School Flag Program.

Ms. Rawling expressed her appreciation to Jaime Holt, Public Education Administrator, for her assistance with the School Flag Program and stated she particularly would like to thank Stephanie McLaughlin staff member with Public Education for her outreach efforts pertaining to the School Flag Program.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Chris Savage, Environmental Primary Member, Stanislaus County and Vice Chair of the CAC, presented the CAC Report to the Governing Board for the August 2, 2005 CAC Meeting. Mr. Savage indicated the Governing Board has been provided with a copy of the CAC Technical Rules Sub-Committee Status Sheet.

Mr. Savage reported on the following items:

- CAC Technical Rules Subcommittee.

The CAC complimented District staff on the way they have handled Rule 9310 (School Bus Fleet) and the detailed investigation by staff in terms of not just looking at the emissions reductions associated with that rule but what are some of the ancillary unanticipated impacts should that rule move forward. Mr. Savage noted staff did an excellent job with that and should be commended for it.

- CAC recommendation to the Governing Board on the Alternative Emission Compliance Strategies issue.

- A CAC Ad Hoc Subcommittee was formed to review Hearing Board Applications.

Ms. Kelly Deming agreed to Chair the CAC Hearing Board Subcommittee. Ultimately the CAC will be making recommendations to the Governing Board for hearing board appointments to fill vacant positions on the three regional hearing boards.

- A Biogenic Urban Forestry presentation will be made during the September CAC Meeting.

Mr. Savage noted the CAC invited the Governing Board to attend the September CAC Meeting for the Biogenic Urban Forestry presentation.

Mr. Savage reported the CAC made a motion in respect to Alternative Emission Compliance Strategies: *The CAC requested the Governing Board direct staff to investigate an approach to develop Alternative Compliance Strategies that may involve participation of outside resources and a dedicated financial commitment from the Governing Board to the process. The CAC requests that this be done within some reasonable time period in the next forty-five to sixty days after the Governing Board approves the recommendation and that the CAC be an integral part to the development of those alternatives to be brought back to the Governing Board for ultimate action.*

Scott Nester, Director of Planning, noted the CAC Technical Rules Subcommittee Status Sheet indicates in respect to Rule 9310 (School Bus Fleets) that the rule is being delayed until 2010 because of financial concerns and the unanticipated effect of some small schools districts discontinuing bus service to its students. Mr. Nester clarified that staff is not delaying the adoption of Rule 9310 (School Bus Fleet) and it is still planned for consideration before the Governing Board by the end of 2006. Mr. Nester explained the District is looking at a phased in compliance schedule starting in 2010 and wrap up possible in 2015.

Seyed Sadredin, Deputy Air Pollution Control Officer, responded in respect to the CAC requests pertaining to the Alternative Emission Compliance Strategies. Mr. Sadredin stated the District concurs with the CAC and has a great interest in pursuing the Alternative Compliance Strategies, especially when the District has to take on the monumental task in the future of developing and implementing a PM 2.5 plan and updating the District's Ozone Plan. The District thinks there is a great need to try compliance options that would be equivalent with lower costs.

The Chair directed staff to return to the Governing Board in approximately two months with a list of ideas pertaining to Alternative Compliance Strategies.

6. **APPROVE THE 2005 EDITION OF THE AIR QUALITY GUIDELINES FOR GENERAL PLANS** – Presentation made by David L. Crow, Executive Director/APCO, Dave Mitchell, Planning Manager.

The Governing Board was provided a packet of correspondence regarding Air Quality Guidelines for General Plans from:

Ted James, AICP, Director, Planning Department, County of Kern, August 12, 2005
Timothy L. Coyle, Senior VP, California Building Industry Association, August 12, 2005
San Joaquin Valley Transportation Planning Agencies, August 15, 2005
Stanley C. Grady, Development Services Director, City of Bakersfield, August 16, 2005
Kevin B. Northcraft, City, Manager, City of Tulare, August 17, 2005
Mike Olmos, Community Dev/Public Work Director, City of Visalia, August 17, 2005
and
SJVAPCD * AQGGP Responses to Comments

The following persons provided comments:

Pamela Elisheva, City of Bakersfield, Development Services Department, on behalf of Stanley Grady, Director, requested additional time to review the document. Ms. Elisheva suggested a red-line, strike-out version of the document be provided so cities and counties can more easily assess the impact of the revisions to their General Plan Amendments.

Board Member Anderson asked staff if there was a way to provide a list of changes so that people can see where the changes were made.

Staff responded they could provide a list of changes and updates by page number.

Board Member Worthley suggested the Guidelines be updated more frequently.

CONTINUED TO SEPTEMBER 15, 2005 GOVERNING BOARD MEETING

Board Member Anderson made a motion to continue this item to the September 15, 2005 Governing Board Meeting and directed staff to provide a list of changes that have been made from the original document. Seconded by Board Member Barba and unanimously carried with the following roll call vote:

Ayes: Anderson, Dominici, Barba, Patrick, Nelson, Armentrout, Prince, Worthley, Maggard and Mayfield.
Absent: Sieglock.

Action: The Governing Board continued the approval of the 2005 Edition of the Air Quality Guidelines for General Plans to the September 15, 2005 Governing Board Meeting and directed staff to provide a list of changes that have been made to the original document.

Board Member Maggard indicated that he was in receipt of correspondence from Timothy L. Coyle, California Building Industry Association (BIA), Senior Vice President, that is very biting as well as a letter from the local BIA that has the same tone to it. Board Member Maggard asked staff if they would engage Mr. Coyle in a conversation and see if we can work out some of these misunderstandings.

Mr. Crow noted that he will definitely see if he can accomplish that request.

7. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative, reported on the mid-term 2005 Ozone Air Quality.

The Governing Board requested a copy of the mid-term 2005 Ozone Air Quality report.

8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reported the District has been watching how the summer has unfolded in respect to the smog season and it's been rather unprecedented in terms of the improved results we've seen so far.

Mr. Crow reported that the District's Permit Services staff has made tremendous progress on the backlog in permitting and the District is down to five hundred pending applications. Mr. Crow noted that is important because it gives District staff the ability to respond more timely when folks seek permit approvals.

Mr. Crow noted with respect to the air quality situation one of the things that is worth pointing out to is that every season this time of year with lightning strikes in the Sierra Nevada's we are interacting with the Land Management agencies, park service, forest service and so on. Mr. Crow commented that we're having very good relations with them this year in terms of their responsiveness to manage those lightning struck fires. Mr. Crow reported the land management agencies have also been very cooperative this season in terms of identifying fire break lines where they can begin efforts to suppress.

Mr. Crow noted at the beginning to today's Governing Board Meeting a gentleman from the Modesto area talked about Modesto Tallow Company. Mr. Crow reported that he wanted to take the opportunity to share with the Governing Board that the District has been engaged for many years in efforts to have

Modesto Tallow eliminate nuisance odors and comply with permit requirements. Clearly the District is to a point where we must see much better performance from that facility if it continues to operate. To underscore that issue, the District filed suit in Stanislaus Superior Court yesterday seeking injunctive relief and civil penalties to bring about a solution to what has been a long standing issue both from a regulatory and compliance perspective. The District is hoping that this will bring about a remedy to a long standing problem.

Mr. Crow noted that he would like to have Seyed Sadredin, Deputy Air Pollution Control Officer, to comment briefly on the current status of the Management Audit process that the District went through over the last several months.

Seyed Sadredin, Deputy Air Pollution Control Officer, reminded the Governing Board that CPS conducted a Management Audit last year and the report became available this year with a lot of good recommendations. We've been working quite intensively implementing many of the recommendations. In fact, many of the recommendations dealing with organizational changes were addressed during the 2005-06 Budget process. Mr. Sadredin explained we are working on a number of items which we will bring to the Governing Board during the course of the next few months. The first one will be a work cultural program that is called the STAR Program to insure that we give great customer service throughout the District. We are also working on a long term strategic plan that we will bring before the Governing Board.

9. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Anderson reported that this week the Board of Supervisors in Fresno County adopted a new fireplace ordinance for construction in unincorporated areas for new construction which would prohibit wood burning fireplaces. With the exception of our mountain areas, you may have a fireplace if it is an EPA approved fireplace. Board Member Anderson explained that this ordinance also applies to remodeling in the unincorporated areas if their remodeling effects the fireplace.

Board Member Nelson thanked Rick McVaigh, Director of Compliance, and noted Mr. McVaigh came to Merced County last week and talked to the Merced County Environmental Health Dairy Advisory Group. He met with them to listen to their concerns about the dairy emission factor and Mr. McVaigh was there to take the "bullet" for me (Board Member Nelson) and he did a great job interacting with the dairy producers that were in the audience.

Board Member Maggard noted that he knows there has been a lot of emotion and stress on dairy issues, but he was pleased with the new commitment to cooperation he saw today. Board Member Maggard stated he was just disappointed at the tone of some of the things he's recently read. Board Member Maggard stated that for what its worth he wants to have a good working relationship with all stakeholders.

Board Member Prince stated he intends to write some letters to newspapers putting the correct facts out there.

OTHER BUSINESS – No Other Business.

10. **NO CLOSED SESSION**

ADJOURN – The Chair adjourned the meeting at 10:18 a.m.