

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

Thursday, March 17, 2005

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).

1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:10 a.m.

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

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

(*) Arrived after Roll Call

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

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

3. **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 will be given the opportunity to comment on any consent item).
 15. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, February 17, 2005.
 16. Receive and file List of Scheduled Meetings for 2005.
 17. Receive and file Operation Statistic Summaries for February 2005.
 18. Receive and file Budget Status Report as of February 28, 2005.

19. Accept San Joaquin Valley Emergency Clean Air Attainment Program (VECAP) funds in the amount of \$2,961,490 from the California Department of Transportation (CALTRANS) to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
20. Receive and file proposed amendments to Rule 4623 (Storage of Organic Liquids) and set April 20, 2005 for a Public Hearing to consider adoption of the amendments.
21. Receive and file proposed amendments to Rule 2201 (New and Modified Stationary Source Review Rule), and Rule 2530 (Federally Enforceable Potential to Emit), and set April 20, 2005 for a Public Hearing to consider adoption of the proposed amendments.
22. Receive and file Comprehensive Annual Financial Report and Single Audit Report for the fiscal year ended June 30, 2004.

APPROVED AS RECOMMENDED – Board Member Barba made the motion to approve the Consent Calendar as submitted. Seconded by Board Member Armentrout and carried unanimously with the following Roll Call Vote

Ayes: Maples, Armentrout, Anderson, Barba, Maggard and Mayfield.
Absent: Sieglock, Kelsey, Dominici, Patrick and Prince.

Action: The Board approved the Consent Calendar Items 15, 16, 17, 18, 19, 20, 21, and 22 as submitted.

4. **PUBLIC COMMENT** – Kevin Hall, member of the Sierra Club, made comments in support of Senator Machado's Bill SB 999. Mr. Hall noted that SB 999 written to add members to the Air Pollution Control District Board of Directors and was part of the last session. Mr. Hall stated that the bill that has been introduced is a place holder bill, it's not the actual bill that is envisioned.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Dennis Tristao, City Primary, Kings County, made the CAC Report to the Board for the March 1, 2005 CAC Meeting. Mr. Tristao stated that the CAC in a unanimous vote supports the adoption today of Rule 4306.

The Board received the CAC Technical Rules Sub-Committee Status Sheet, 11 pages, dated March 1, 2005.

6. **CONTINUATION OF PUBLIC HEARING FOR PROPOSED NEW RULES AND RULE AMENDMENTS FOR FUGITIVE VOC EMISSIONS FROM OIL, GAS, REFINING, AND CHEMICAL FACILITIES** – David L. Crow, Executive Director/APCO and Scott Nester, Director of Planning.

Mr. Crow announced that he was happy to report that Scott Nester was appointed as the District's Planning Director. Mr. Crow noted that Mr. Nester has been involved in the air pollution field since 1987, first with the Kern County Air Pollution Control District, and he then made the transition to this District in 1992. Mr. Nester has been very instrumental in setting up a number of very difficult programs, among them is the Rule Development Process.

Mr. Nester stated that this item was continued from the January 20, 2005 Governing Board Hearing for Rules 4455 and 4409. The amendments that were presented to the Board at that time were designed to reduce emissions from leaking parts in the oil fields, refineries and chemical plants. On January 20, 2005 the Board continued the adoption hearing until March 17, 2005 so that staff could collect additional information from interested stakeholders on three issues:

- Polished rod stuffing boxes (Rule 4409 only)
- Repair period for leaking components
- Identification tags and diagrams for components

Mr. Nester stated that on February 11, 2005, and March 9, 2005 District staff held a public forum with stakeholders to work through those issues very thoroughly. At the end of the meetings industry expressed agreement with the proposals, copies of which have been provided to the Board today. The amended rule language has been sent to the stakeholders, and will be available on the District's web site today, if there are no changes in the language that staff is presenting to the Board today.

Mr. Nester stated that staff recommends continuing the Hearing until the April 20, 2005 Governing Board Meeting to allow time for public review and comment on the proposed language.

The following persons provided comments during the public comment portion of this item:

Jerry Frost, Kern Oil & Refining Company, spoke in support of the revisions to Rule 4409 and Rule 4455. Mr. Frost thanked the Board and staff for working with them on this issue.

Mike Polyniak, representing IOPA and Petrotech Environmental, spoke in support of the proposed revisions to Rule 4409 and Rule 4455. Mr. Polyniak thanked the Board and staff for working with them on this issue.

Joey Barulicli, Vintage Petroleum, thanked the Board and staff for their cooperation and for making this a better rule. Mr. Barulicli spoke in support of the revisions to Rule 4409 and Rule 4455.

Mike Kelly, representing Vector Environmental and Western States Petroleum Association (WSPA), stated that WSPA supports the rules as revised, and stated that he thinks that the District has been innovative in their approach to encourage compliance with positive reinforcement.

CONTINUED – Board Member Anderson made the motion to continue the Public Hearing to April 20, 2005. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

Ayes: Anderson, Barba, Kelsey, Armentrout, Maples, Maggard and Mayfield.

Absent: Dominici, Patrick, Sieglock and Prince.

Action: The Board continued the Public Hearing for revised proposed new rules and rule amendments for fugitive VOC emissions from oil, gas, refining, and chemical facilities to April 20, 2005.

7. **PUBLIC HEARING: ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4306 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – PHASE 3)** – Presentation made by David L. Crow, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

The Board received a Summary of Changes, 1 page

The following persons provided comments during the public comment portion of this item:

Jan Ennenga, Manufacturers Council of the Central Valley, spoke in support of the Board adopting the revised proposed amendments to Rule 4306.

Kelly Bey, Del Monte Foods, spoke in support of the Board adopting the revised proposed amendments to Rule 4306.

Ed Yates, California League of Food Processors, spoke in support of the Board adopting the revised proposed amendments to Rule 4306.

Dennis Tristao, J. G. Boswell Company, stated he would like to echo the comments of Ms. Ennenga and Mr. Yates. Mr. Tristao stated he requests the Board to approve the amendments to Rule 4306.

Dr. David Lighthall, research director for Relational Culture Institute, a sustainable organization in Fresno, commended the manufacturing sector for stepping forward, and going the extra mile.

Steve Yantis, Rio Bravo Tomato, requested clarification on the NOx limits for Rule 4306.

Staff provided Mr. Yantis with that information.

ADOPTED AS RECOMMENDED – Board Member Barba made the motion to adopt Rule 4306. Seconded by Board Member Armentrout and carried unanimously with the following **Roll Call Vote**

Ayes: Maples, Kelsey, Armentrout, Anderson, Barba, Maggard and Mayfield.

Absent: Prince, Sieglock, Patrick and Dominici.

Action: The Board 1) adopted the revised proposed amendments to Rule 4306, and 2) authorized the Chair to sign the resolution.

Staff requested Agenda Item #9 be moved up on the Agenda. Staff indicated Item #9 is an action item, and given the tenuous nature of a quorum, and travel schedules it would be a good idea to move this item up on the agenda.

9. **APPROVE THE REMOVE II PROGRAM (FORMERLY THE MOBILE SOURCE EMISSION REDUCTION INCENTIVE PROGRAM) (MSERIP)** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, Jeff Findley, Supervising Air Quality Planner and Mary Gonzalez, Air Quality Specialist.

The following persons provided comments during the public comment portion of this item:

Jerry Frost, Resident of Bakersfield, spoke in support of the Remove II Program, but, Mr. Frost noted that he is in opposition to three of the proposed components of the program: the E-Mobility (Telecommunications), the Bicycle Infrastructure, and the Alternative Fuel Mechanics Training.

Sally Rodman, Caltrans D-10, suggested the program address bike lockers, racks and showers. Ms. Rodman spoke in support of keeping bike lanes in the program.

Nicholas D. Paladino, Fresno Cycling Club, spoke in support of the proposed Bicycle Infrastructure component in the REMOVE II Program.

Dr. David Pepper, Director of the Asthma Program for Community Hospitals, spoke in support of the proposed Bicycle Infrastructure component in the REMOVE II Program.

Steve Lewis, Professor Geology Earth and Environmental Sciences, Fresno State, and acting Chair of the City of Fresno's Bicycle Production Advisory Committee, complimented District staff and the Board for not only the REMOVE I, but also for the structure of REMOVE II. Mr. Lewis spoke in support of the proposed Bicycle Infrastructure components in the REMOVE II Program.

Mark Keppler, Tree Fresno, Business Professor, California State Fresno, spoke in support of the proposed Bicycle Infrastructure component in the REMOVE II Program.

Jeff Roberts, Granville Homes, spoke in support of the proposed Bicycle Infrastructure component in the REMOVE II Program.

John Cinatl, Caltrans, Bike Coordinator, spoke in support of the REMOVE II Program.

Louise Colbert Mar, spoke in support of the proposed Bicycle Infrastructure component in the REMOVE II Program.

Elizabeth Barg, Fresno County Library, spoke about the issue of providing books to the homebound, and the disabled. Ms. Barg stated that the Fresno County Library will be using a pilot program to deliver books to the homebound, and the disabled by mail, and then they will be looking into opening it up to people who may find it more efficient to have the books, and other library materials delivered by mail. Ms. Barg stated that she was interested in finding out if this program is approved, and what the guidelines are for potential grants.

Bob Hendricks, City of Fresno, stated he would like to see the REMOVE II move forward and the proposed E-Mobility (Telecommunications) component left intact.

John Hunt, Fleet Manager for the City of Fresno, stated that "today is a great day!" Mr. Hunt noted that through the Heavy-Duty Vehicle Engine Program the City of Fresno has accomplished great goals. Mr. Hunt noted that the City of Fresno has put into service sixty-nine LNG refuse trucks, and actually converted the balance of their fleet to CNG giving them one hundred and thirty-two vehicles that are fully compliant with the California Air Resources Board. Mr. Hunt noted that the City of Fresno is very proud, and pleased to report that to the Board

today, and noted that accomplishment would not have been possible without the efforts of the San Joaquin Valley Air Pollution Control District.

Board Member Maggard announced that he notified staff earlier in the meeting that he had another commitment, and that he must leave for the remainder of the meeting at eleven o'clock. Board Member Maggard stated he would like to make the following comment to the Board. "I am in support of this, and I would like for whoever makes the motion to approve the REMOVE II Program, to consider expanding this one more level, and take into account the comments by the Caltrans representative from the Northern Office about providing for shower facilities for employers of a certain size. Board Member Maggard noted that he would like for the maker of the motion to ask staff to see if we can incorporate some incentive for that."

Richard Stafer, Porterville Blue Skies Coalition, spoke in support of the proposed Bicycle Infrastructure component.

Mark Stout, Board Member of the Fresno County Bicycle Coalition, and Technical Consultant working with the Fresno Metro Ministry, spoke in support of the proposed Bicycle Infrastructure, and E-Mobility components.

Gene Richards, Fresno County Bike Coalition, spoke in support of the proposed Bicycle Infrastructure component. Mr. Richards stated that he is becoming increasingly impatient with our inability to address what's really causing our air problems which is our reliance on oil. Mr. Richards noted that until we get out of our cars, or at least improve the technology to make mass transit, and individual transit better we are going to continue to have these problems.

Michael Carr, City of Visalia, stated he had a concern that he would like staff to address regarding funding being available on a first come, first served bases. Mr. Carr asked if there would be a holding period when the request for funds come in, and then staff will perform a cost effectiveness study, or is there truly a first come, first serve element to the program.

Renee Mathis, City of Clovis, stated that Clovis supports the Board's approval of the REMOVE II program. Ms. Mathis noted that should the Board approve the program you will see applications submitted for a number of the components from the City of Clovis.

Colby Morrow, Resident and mother of a third grader, stated she particularly supports the bike and walking facilities around elementary schools.

Board Member Anderson asked if the way the recommended action is written gives staff the flexibility to address the issues that have come up particularly in

the bicycle facilities component, caps on the program funding, and the timing in respect to submitting applications.

Mr. Crow stated that the flexibility is written in Recommendation No. # 4 which authorizes the Executive Director/APCO to make, on behalf of the Board, administrative changes to REMOVE II program as necessary. Mr. Crow stated that we do have flexibility because of the inherent nature of this program, and he intends to exercise it based on comments from the Board, and testimony from the public.

Mr. Crow stated that in regards to Board Member Maggard's comments about shower facilities we did in fact consider shower facilities, and we have not recommended them at this juncture because of the expense associated with shower facilities in public, or private buildings.

Board Member Anderson also asked Mr. Crow to respond to the question from the gentleman from Visalia asking about the first come, first served bases versus the cost effectiveness of an application.

Mr. Crow responded that theoretically the first come, first served policy could cause an imbalance of project applications, but based on the District's outreach, and previous experience staff believes we are going to see a diverse, and representative number of applications submitted.

APPROVED AS RECOMMENDED – Board Member Anderson made the motion to approve staff's recommendation. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

Ayes: Maples, Barba, Anderson, Armentrout, Kelsey and Mayfield.

Absent: Patrick, Dominici, Sieglock, Prince and Maggard.

Action:

1. **Approved the establishment and implementation of the REMOVE II Program, including the following components:**
 - a. **E-Mobility (Telecommunications)**
 - b. **Bicycle Infrastructure**
 - c. **Public Transportation and Commuter Vanpool Passenger Subsidy**
 - d. **Alternative Fuel Mechanic Training**
 - e. **Light – and Medium-Duty Vehicle (existing)**
 - f. **Light-Duty Vehicle Retirement**
2. **Authorized the Executive Director/APCO to execute agreements with eligible applicants for amounts \$20,000 or less.**
3. **Authorized the Board Chair, to sign agreements on behalf of the Board, in excess of \$20,000.**
4. **Authorized the Executive Director/APCO on behalf of the Board, to make administrative changes to the program as necessary including the addition or removal of individual components.**

8. **INFORMATIONAL REPORT ON POTENTIAL CONTRACTS WITH INDUSTRIAL, COMMERCIAL AND RESIDENTIAL DEVELOPERS TO QUANTIFY AND MITIGATE AIR POLLUTION EMISSIONS** - Presentation made by David L. Crow, Executive Director/APCO and Seyed Sadredin, Deputy Air Pollution Control Officer.

The following person provided comments during the public comment portion of this item:

Jeff Roberts, Granville Homes, and a member of the Building Industry Association (BIA), stated that BIA, and Granville Homes specifically, are very interested in the concept of these voluntary agreements. Mr. Roberts stated that he has some questions, and concerns, and believes it would be beneficial if District staff, and the Board of the BIA could meet, and talk about this concept in more detail.

10. **VERBAL REPORT: COMPLETION OF THE 2004-05 RESIDENTIAL WOOD BURNING SEASON** – Presentation made by Tom Jordan, Planning Manager.

Board Member Anderson suggested that Mr. Jordan's overheads be provided to the Board Members not in attendance.

Board Member Anderson asked if staff ever looked at chimeras as a source for wood burning curtailment. Board Member Anderson suggested it might be helpful to put a general warning at the stores where you can buy chimeras regarding their potential as a source for wood burning curtailment.

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report made by Douglas Ito, ARB representative and Liaison for the Valley Air District.

12. **EXECUTIVE DIRECTOR/APCO** – No Comments.

- 12a. **VERBAL REPORT: FEASIBILITY OF QUARTERLY BALANCE SHEET** – David L. Crow, Executive Director/APCO, reported that during last month's Board Meeting Board Member Maggard requested a quarterly balance sheet. Mr. Crow noted that during last month's meeting staff had indicated they would have a conversation with Board Member Maggard regarding his request. Mr. Crow noted that staff has not had sufficient conversation with Board Member Maggard over the last month to come back with a proposal.

13. **GOVERNING BOARD MEMBER COMMENTS** – No Governing Board Member Comments.

OTHER BUSINESS – No Other Business.

14. **CLOSED SESSION** – No Closed Session.

ADJOURN – The Chair adjourned the meeting at 11:55 a.m.