

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

**Thursday, June 15, 2006
9:00 a.m.**

<p>Meeting held via video teleconference (VTC) system with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). This meeting was webcast.</p>
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1. **CALL TO ORDER** – The Chair, Councilmember Mike Maggard, called the meeting to order at 9:11 a.m.

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

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

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

The Chair (Councilmember Mike Maggard) presented a plaque on behalf of the San Joaquin Valley Unified Air Pollution Control District Governing Board to Supervisor Susan B. Anderson, Fresno County, with gratitude for her service from July 2004 to June 2006. The Chair directed staff to deliver the plaque to Supervisor Anderson.

3. **APPROVAL OF CONSENT CALENDAR – (Item Numbers 15-25).** (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 for the San Joaquin Valley Unified Air Pollution Control District: Special Public Hearing: Review of 2006-07 Recommended Budget and the Governing Board Meeting both held on

Thursday, May 18, 2006.

16. Receive and file List of Scheduled Meetings for 2006.
17. Receive and file Operations Statistics Summary for May 2006.
18. Receive and file Budget Status Report as of May 31, 2006.
19. Approve agreement with Eastern Research Group, Inc. in the amount of \$88,820 to develop control profiles used in estimating area, point or mobile source emissions.
20. Receive and file proposed amendments to Rule 4703 (Stationary Gas Turbines) and set August 17, 2006 for a Public Hearing to consider the proposed amendments.
21. Receive and file proposed amendments to Rule 4354 (Glass Melting Furnaces) and set August 17, 2006 for a Public Hearing to consider the proposed amendments.
22. Receive and file Eight-hour Ozone Reasonably Available Control Technology- State Implementation Plan (RACT SIP) Analysis and set August 17, 2006 for a Public Hearing to consider the proposed analysis.
23. Approve standard agreement R05-728 with the Air Resources Board in the amount of \$49,960 to cooperatively fund agricultural air quality research for emission inventory enhancement.
24. Approve Budget Resolution increasing the 2005-06 District Budget \$1,544,845 by appropriating funds received from the air quality mitigation agreement with Castle and Cooke.
25. Approve contracts with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of non-methane organic and carbonyl compounds for a total of \$193,000.

APPROVED AS RECOMMENDED – *On motion by Governing Board Member Patrick to approve the Consent Calendar as submitted. Seconded by Governing Board Member Dominici and unanimously carried with the following roll call vote:*

Ayes: *Sieglock, Barba, Mayfield, Armentrout, Dominici, Patrick, Prince and Maggard.*

Absent: *Nelson, Anderson and Worthley.*

Governing Board Action:

Approved Consent Calendar Item Numbers 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 as submitted.

4. **PUBLIC COMMENT** – Fred Fuchs, Central California Association of Public Employees/SEIU 700, expressed his optimism regarding the District and staff salary/benefit negotiations currently taking place. Mr. Fuchs commended the District's negotiators Carolyn Rose, Director of Personnel, Tom Riggs, and District staff.

Gary Rohman, ECCO Equipment, lauded the District's Governing Board and staff for a job well done in administering the District's voluntary incentive grant programs.

Jerry Frost, Kern Oil & Refinery, noted that a EPA news release announced that starting June 1, 2006 EPA will require refiners and fuel importers to cut the sulfur content of highway diesel fuel 97 percent, from 500 parts per million (ppm) to 15 ppm. Mr. Frost indicated that Kern Oil & Refinery as of June 1, 2006 is producing ultra-low sulfur diesel.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Report given by Dennis Tristao, City Primary Member, Kings County, and Chair of the CAC. Mr. Tristao noted that during the CAC meeting held on June 6, 2006 the CAC offered comments on their support or opposition to the Governing Board adopting Rule 4570 (Confined Animal Facilities). Mr. Tristao reported that a motion was made to support the Governing Board's adoption of Rule 4570 and the outcome of the roll call vote was six ayes, seven abstentions and one no vote, therefore the CAC did not reach a consensus. Mr. Tristao indicated the Environmental Interest Group voted in support of Rule 4570 with a caveat that the District should work on future enhancements.

Mr. Tristao reported the CAC meeting was webcast for the first time, and he congratulated District staff for their efforts.

6. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2006-07 RECOMMENDED BUDGET** – Presentation by Seyed Sadredin, Executive Director/APCO and Roger McCoy, Director of Administrative Services.

ADOPTED AS RECOMMENDED – *On motion by Governing Board Member Patrick to adopt the recommended 2006-07 Budget. Seconded by Governing Board Member Barba and unanimously carried with the following roll call vote:*

Ayes: *Prince, Dominic, Patrick, Armentrout, Sieglock, Barba, Mayfield and Maggard.*

Absent: *Anderson, Nelson and Worthley.*

Governing Board Action:

Approved and authorized the Chair to sign the resolution establishing the District's 2006-07 Budget.

7. **PUBLIC HEARING TO ADOPT PROPOSED RULE 4570 (CONFINED ANIMAL FACILITIES)** – Presentation by Seyed Sadredin, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

Mr. Heinen indicated the following Rule Language Correction:

Correct Table, 3 page 16 to read:

4. a. Apply no solid animal waste with a moisture content of more less than 50%, or

The following persons provided general comments regarding Rule 4570:

Larry Pearson, City of Wasco
Arthur Unger, Member of the Sierra Club
Don Wilson, member of the public
Noelle G. Cremers, California Farm Bureau Federation
Robert F. Lutos, Valley Housing & Economic Development Corporation
Juanita Grecia, Kern County resident
Connie Cordero, member of the public
Francisco Guerra, member of the public
Machelle Hunter, Alpaugh Town Council
Robert Martinez, member of the public
Ester Caldora, member of the public
Martha Julio, member of the public
Ofilia Ochoa, member of the public
Corinne Elvira, member of the public
Sarah Sharpe, Coalition for Clean Air
Sandra Meraz, Committee member for A Better Alpaugh
Esparza Gutierrez, member of the public
David Lighthall, RCI
Four speaker's names were unidentifiable on the official record

The following persons spoke in opposition to Rule 4570:

Richard Matteis, Pacific Egg & Poultry Association
Paul Cort, Earthjustice
Carlos Haeussler, consultant for Fresno Metro Ministry
Tom Frantz, Association of Irrigated Residents of Kern County
Charlie Eaton, SEIU-UHW
Daniella Simunovic, Fresno Metro Ministry
Brent Newell, Center on Race, Poverty and the Environment
Avinash Karr, Center on Race, Poverty and the Environment
Brittany Saunders, Center on Race, Poverty and the Environment
Alfonso Del Valle, Center on Race, Poverty and the Environment
Uyen Nguyen, Center on Race, Poverty and the Environment
Gabby Reynoso, Center on Race, Poverty and the Environment
Gustavo Aguirre, Center on Race, Poverty and the Environment
Lupe Martinez, Center on Race, Poverty and the Environment
Bill Edde, Advocates for the West
Cassandra Lopez, Center on Race, Poverty and the Environment
Eddie Fernandez, Center on Race, Poverty and the Environment
Jenny Saklar, Fresno Metro Ministry
Carolina Simunovic, Fresno Metro Ministry
Rey Leon, Latino Issues Forum

The following persons spoke in support of Rule 4570:

Bill Descary, resident of Bakersfield, CA.
Richard Cotta, California Dairies Inc.
Andy Zylstra, California Dairy Campaign
Betsy Hunter, Milk Producers Council
Elvira Amezcua, SEIU-UHW
J. P. Cativiela, Dairy CARES
Joaquin Content, Dairy Industry
Manuel Cunha, Nisei Farmers League
Kevin Abernathy, California Dairy Campaign
Elizabeth Fagundes, Kleinfelder, Inc.
Tracy Schohr, California Cattlemen's Association
Rod Kamper, Dairy Industry
Paul Martin, Western United Dairyman
Denise Mullinax, California Dairy Quality Assurance Program

Mr. Sadredin stated the District will commit to updating the Governing Board on any new scientific studies regarding Rule 4570 when new studies are available.

ADOPTED AS RECOMMENDED – *On motion by Governing Board Member Barba to adopt rule 4570 as recommended. Seconded by Governing Board Member Armentrout and unanimously carried with the following roll call vote:*

Ayes: *Mayfield, Prince, Sieglock, Patrick, Dominici, Armentrout, Barba and Maggard.*

Absent: *Nelson, Anderson and Worthley.*

Governing Board Action:

- 1. *Approved the Negative Declaration prepared for Rule 4570 (Confined Animal Facilities) finding that there is no substantial evidence that adoption of Rule 4570 will have significant adverse effect on the environment.***
- 2. *Determined that permits are required of all large confined animal facilities to ensure rule compliance and such requirement does not impose a burden on affected sources, beyond what is imposed on other sources of air pollution (CH&SC 40724.6).***
- 3. *Adopted Proposed Rule 4570 (Confined Animal Facilities).***
- 4. *Authorized the Chair to sign the resolution.***

8. **PUBLIC HEARING ADOPT PROPOSED AMENDMENTS TO RULE 4311 (FLARES)** – Presentation by Seyed Sadredin, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

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

Arthur Unger, Member of the Sierra Club, noted that when the time comes for global warming to be addressed he hopes the District will be prepared for that issue.

Tom Frantz, Association of Irrigated Residents, suggested the District require facilities that utilize emergency flares to pay a fine based on the going rate for natural gas when they burn their flares for a certain number of days in a row.

Sarah Sharpe, Coalition for Clean Air and Sarah Jackson, Earthjustice, suggested that the District amend the rule to include a requirement for a flare mitigation plan.

Carolina Simunovic, Fresno Metro Ministry and Rey Leon, Latino Issues Forum, suggested that the rule be amended, and made more stringent in the future.

ADOPTED AS RECOMMENDED – On motion by Governing Board Member Sieglock to adopt Rule 4311 as recommended. Seconded by Governing Board Member Mayfield and unanimously carried with the following roll call vote:

Ayes: Mayfield, Dominici, Barba, Sieglock, Prince Patrick and Maggard.

Absent: Nelson, Anderson, Armentrout and Worthley.

Governing Board Action:

1. **Adopted revised proposed amendments to Rule 4311 (Flares.)**
2. **Authorized the Chair to sign the Resolution.**

9. **PUBLIC HEARING ADOPT PROPOSED STATE CONTINGENCY ADDENDUM FOR THE SAN JOAQUIN VALLEY PM10 STATE IMPLEMENTATION PLAN (SIP)** – Presentation by Seyed Sadredin, Executive Director/APCO and Jessica Hafer, Air Quality Specialist.

No Public Comments received.

ADOPTED AS RECOMMENDED – On motion by Governing Board Member Patrick to adopt as recommended. Seconded by Governing Board Member Sieglock and unanimously carried with the following roll call vote:

Ayes: Barba, Patrick, Prince, Dominici, Mayfield, Sieglock and Maggard.

Absent: Armentrout, Nelson, Anderson and Worthley.

Governing Board Action:

1. **Adopted the Proposed State Contingency Addendum for the San Joaquin Valley PM10 SIP.**
2. **Authorized the Chair to sign the Resolution.**
3. **Directed staff to file a Notice of Exemption.**
4. **Directed staff to forward adopted State Contingency Addendum for the San Joaquin Valley PM10 SIP and the signed Resolution to the California Air Resources Board (ARB) for approval and submittal to the U.S. Environmental Protection Agency (EPA).**

10. **APPOINT AD HOC LEGISLATIVE SUBCOMMITTEE** – The Chair asked for volunteers to serve on a Governing Board Ad Hoc Legislative Subcommittee. The following Governing Board Members volunteered:

Tony Barba, Supervisor, Kings County
J. Steven Worthley, Supervisor, Tulare County (appointed)
Ronn Dominici, Supervisor, Madera County
Barbara Patrick, Supervisor, Kern County
Mike Maggard, Councilmember, City of Bakersfield

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)**
Presentation made by Jeff Lindberg, Planning Liaison for the Air Quality & Transportation Planning Branch and Dr. Barbara Weller, Manager, Population Studies Section.

The Chair directed staff to provide a copy of Dr. Weller's presentation to the Governing Board Members who were absent from today's meeting.

12. **EXECUTIVE DIRECTOR/APCO COMMENTS** – Seyed Sadredin, Executive Director/APCO, announced the terms of the Governing Board City Members expire on December 31, 2006. Mr. Sadredin indicated that consistent with the District's past practices, he will be sending letters to the Presidents of the Central and Southern San Joaquin Valley League of California Cities, advising them that the terms of the City Members will expire on December 31, 2006, and requesting them to begin the process of appointing new City Members to the District's Governing Board.

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

OTHER BUSINESS – No Other Business.

Philip M. Jay, District Counsel, announced the Closed Session.

14. **CLOSED SESSION** - The Governing Board will hold a Closed Session pursuant to Sections **54957.6** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with labor negotiator – Agency negotiator: Carolyn Rose; Employee Organization: SEIU, Local 700; pursuant to Government Code Section **54957.6**

The Governing Board adjourned to Closed Session at 1:15 p.m.

The Governing Board adjourned from Closed Session at 1:45 p.m.