

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Thursday, April 19, 2001 at 9:00 a.m.
1990 E. Gettysburg Avenue, Fresno, CA.**

Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

1. **CALL TO ORDER** – The Chair, Supervisor Judith G. Case, called the meeting to order at 9:10 a.m.

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

Supervisor Barbara Patrick	Kern County
Councilmember Mike Maggard	City of Bakersfield
Supervisor William Sanders	Tulare County
Supervisor Tony Barba	Kings County
Supervisor Ronn Dominici	Madera County
Supervisor Jerry O'Banion	Merced County
Supervisor Nick W. Blom	Stanislaus County
Councilmember Tom Applegate	City of Newman
Supervisor Jack A. Sieglock	San Joaquin County
Mayor Sam Armentrout, Vice Chair	City of Madera
Supervisor Judith G. Case, Chair	Fresno County

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(16-24)**. (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.)

16. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, March 15, 2001.

17. Receive and file List of Scheduled Meetings for 2001.

18. Receive and file Operations Statistics Summary for March 2001.

19. Receive and file Budget Status Report as of March 31, 2001.

20. Receive and file District's Annual Air Toxic Report for the Year 2000 and authorize distribution of report to city and county officials.

21. Approve District Policy for amended Administrative Requirements for Permitting Power Generating Projects.
22. Accept Carl Moyer Program funds in the amount of \$7,644,979 from the California Air Resources Board (ARB) and \$450,000 from the California Energy Commission (CEC) to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
23. Approve three applications for the Alternative Fuel Infrastructure Component of the Heavy-Duty Engine Emission Reduction Incentive Program funds in the amount of \$778,464.
24. Accept Agricultural Biomass-To-Energy Incentive Grant 2000 Program Funds in the amount of \$5,675,707 from California Technology, Trade and Commerce Agency (CTTCA) to be placed in the District's Biomass Incentive Program.

Staff noted a modification on Item # 23, Recommendation 1. should read:

Approve Southwest Transportation Agency application for funding in the amount of ~~\$300,000~~ \$268,800.

The Chair had two questions on Item #16: Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, March 15, 2001.

The Chair noted that on page 2 of the Minutes for Item #3 Approval of Consent Calendar, the Roll Call Vote appears to be incorrect. The Chair stated that with the approval of the Consent Calendar the minutes reflect that the motion carried unanimously but the minutes state there were three no votes. The Chair asked if the minutes should read that the three members were absent. The Clerk agreed with the Chair and the Minutes of April 19, 2001 will reflect that correction for the Minutes of March 15, 2001.

The Chair also noted that on page 4, Item #7, VERBAL REPORT: VALLEY RAIL JOINT POWERS AGREEMENT (JPA). The Chair stated the following clarification in respect to the Board directions to Staff for this item:

"The Board directed staff to explore ideas that the Board might become the Joint Powers Agreement (JPA) to operate the Amtrak service. The Chair stated that the Board did not indicate that they would like to take the lead position on this issue. The Chair stated that she would like the Minutes of March 15, 2001 to reflect that clarification. The Chair also stated that she would like for the Minutes of March 15, 2001 to reflect that the Board talked

about sending this issue to the cities and counties and COG's. The Chair stated that she wants the COGs to clearly understand that the Board was not looking to deceive them. But, to ask the question and take that information back to our Board of Supervisors. The Chair stated that each one of us has a COG member on the Board of Supervisors and that should be our person within the Board."

APPROVED WITH MODIFICATION, CORRECTION AND CLARIFICATION - A motion was made by Board Member Patrick to approve the Consent Calendar with a modification to Item # 23, a correction to Item # 16, clarification to Item #7. Items 17, 18, 19, 20, 21, 22, and 24 were approved as recommended. The motion was seconded by Board Member Dominici and carried unanimously with the following Roll Call Vote:

Ayes: Sanders, Sieglock, Barba, Blom, Maggard, Patrick, Dominici, O'Banion, Applegate, Armentrout and Case.

Noes: None.

Absent: None.

4. **PUBLIC COMMENT** – Manuel Cunha, Nisei Farmers League (NFL), commented on the District's Energy Crisis Meeting. Mr. Cunha noted that this District is being very flexible and even modifying things so that businesses don't get damaged or businesses don't lose employees.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – Tom Stearns, (City of Clovis), City, Primary Member, Fresno County and Chair of the CAC, reported on the CAC meeting held on Tuesday, April 3, 2001.
6. **APPROVE RECOMMENDATION OF THE PHASE VII – REMOVE PROGRAM EVALUATION COMMITTEE FOR MOTOR VEHICLE EMISSION REDUCTIONS TO FUND FOURTEEN (14) PROJECTS FOR \$2,482,731** – Presentation made by David L. Crow, Executive Director/APCO and John Clements, Chairperson, REMOVE Program Evaluation Committee.

No Public Comments received for this item.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to approve the item as recommended. The motion was seconded by Board Member Blom and carried unanimously with the following Roll Call Vote:

Ayes: Applegate, O'Banion, Barba, Blom, Maggard, Patrick, Dominici, Sieglock, Sanders, Armentrout and Case.

Noes: None.

Absent: None.

Therefore the Board took the following action:

- 1A. **Approved the recommendation of the REMOVE (Reduce Motor Vehicle Emissions) Program Evaluation Committee, which selects fourteen (14) projects for funding in the amount of \$2,482,731 with the conditions specified by the committee in their report.**
- 1B. **Authorized the Chair to execute agreements with approved projects within a 120 day period in order to assure compliance with proposal performance objectives, program requirements, and audit requirements.**

The Board thanked the REMOVE Committee members for their efforts.

7. **AUTHORIZE THE FORMATION OF A REMOVE PROGRAM GOVERNING BOARD REVIEW COMMITTEE TO EVALUATE EXISTING PROCEDURES**
Staff presentation made by David L. Crow, Executive Director/APCO.

The Chair appointed the following Board Members for the Review Committee: Mike Maggard, Tony Barba and Ronn Dominici.

8. **APPROVE POLICY FOR THE USE OF VALLEY EMERGENCY CLEAN AIR PROGRAM FUNDS FOR INFRASTRUCTURE PROJECTS** – Staff presentation made by David L. Crow, Executive Director/APCO and Jeff Findley, Senior Air Quality Planner.

Mr. Findley and Mr. Crow noted the following clarification to page 2, Section III – Selection Criteria, 1. Site Location: requesting the Board to provide the APCO the authority to negotiate the public access requirement with each applicant.

One of the specific program requirements proposed was that all stations provide total public access. However, it has recently become apparent to District staff that the public access requirement, if strictly interpreted, may cause liability and security problems for some potential applicants. In order to provide flexibility in the use of the VECAP funds, District staff recommends that the public access requirement be relaxed to allow the APCO to negotiate that portion of the agreement with the applicant. Every attempt will be made to achieve full public access, but in those cases where it would be impractical or prohibitive, and all other program requirements are met, the APCO would have the authority to negotiate a relaxation of this provision.

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

Bob Nicksin, Sempra Energy and Southern California Gas Company, spoke in support of staff recommendations.

Manuel Cunha, Nisei Farmers League (NFL), spoke in support of staff recommendations.

The Board had concerns in respect to District being sensitive to all areas of the Valley.

District staff recommended the following language be incorporated into the policy: The District will be sensitive to the geographic locations to facilities to maximize the vehicle utilization and strategic siting to cover the Valleywide travels.

The Board voiced concerns in respect to the District's Valleywide outreach effort for the policy and asked to be reassured that a thorough Valleywide outreach effort will take place before applications are accepted.

APPROVED WITH AMENDMENT AND CAVEAT – A motion was made by Board Member Sieglock to approve the policy with an amendment and caveat. The motion was seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

Ayes: O'Banion, Barba, Maggard, Blom, Applegate, Patrick, Dominici, Sieglock, Sanders, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board took the following action: approved the policy for the use of Valley Emergency Clean Air Program (VECAP) funds for infrastructure projects. The following language was incorporated in the policy: The District will be sensitive to the geographic location of facilities to maximize the vehicle utilization and strategic siting to cover the Valleywide travels,

plus the following caveat:

In respect to the existing Valleywide outreach effort District staff will intensify it's outreach efforts for thirty to sixty days before starting the process to receive applications.

9. **ADOPT EXPANSION OF THE ENHANCED INSPECTION AND MAINTENANCE PROGRAM TO INCLUDE AREAS SURROUNDING URBANIZED AREAS WITH POPULATIONS GREATER THAN 50,000** –

Presentation made by David L. Crow, Executive Director/APCO, Tom Jordan, Senior Air Quality Planner, Gary Hunter, Deputy Chief, Bureau of Automotive

Repair (BAR), David Amlin, Chief Engineer, BAR and Kay Mardon, Economic Development Specialist, U.S. Small Business Administration.

Staff provided the Board with an amendment to Attachment 1 to correct errors in the Zip Code List.

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

Mel Weaver, HOTSYS, spoke to the issue of cost of the equipment. Mr. Weaver noted that we all want clean air. So, why don't we include the whole state with the Inspection and Maintenance (I&M) Program.

Manuel Cunha, Citizens Advisory Group of Industries (CAGI), spoke to the issue of cost of the equipment. Mr. Cunha stated that he agrees that this program should include the whole state as well as San Francisco. Mr. Cunha stated he supports the issue of BAR trying to move ahead with this and for us in getting the emissions credits.

Bob Nicksin, Sempra Energy, spoke in support of staff recommendations.

Suzanne Noble, Western States Petroleum Association (WSPA), stated that creative ideas such as the enhanced I&M has merit and it deserves attention and consideration.

Correspondence received from: Council of Fresno County Governments, Barbara Goodwin, Executive Director, to: Ms. Judy Case, Chairman, SJVUAPCD, dated: April 17, 2001, RE: Expansion of the Enhanced Inspection and Maintenance Program to Include Areas Surrounding Urbanized Areas with Populations Greater than 50,000

Received a brochure from: California Department of Consumer Affairs, Bureau of Automotive Repair, Smog Check Consumer Assistance Program

Received a List of Smog Stations and Inspection Volumes, San Joaquin Valley

Received a booklet from: U.S. Small Business Administration: Central Valley, Coastal & Mountain Counties, Small Business Resource Guide, 2000 Edition.

ADOPTED AS RECOMMENDED – A motion was made by Board Member O'Banion to adopt as recommended. The motion was seconded by Board Member Applegate.

The Chair requested that the motion be amended to include the following caveat: the District will look into incentive programs to assist businesses that want to make the transition to expand their businesses.

AMENDED MOTION TO ADOPT AS RECOMMENDED – The motion maker Board Member O'Banion and Board Member Applegate who made the second were agreeable to the amendment. The amended motion carried with the following **Roll Call Vote**:

Ayes: Patrick, Maggard, Blom, Applegate, O'Banion, Sieglock, Sanders and Case.

Noes: Barba, Dominici and Armentrout.

Absent: None.

Therefore, the Board took the following action: adopted the resolution requesting that the Bureau of Automotive Repair (BAR) expand the testing requirements of the Enhanced Inspection and Maintenance Program (Smog Check II) to the Zip Codes that were listed in the amended Attachment 1.

The amended motion includes the following caveat:

The District will look into incentive programs to assist businesses that want to make the transition to expand their businesses.

The Board adjourned to Closed Session at 11:46 a.m.

15. **CLOSED SESSION** -The Governing Board will hold a Closed Session pursuant to Section 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 Board reconvened from Closed Session at 12:30 p.m.

10. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4662 (ORGANIC SOLVENT DEGREASING OPERATIONS)** – Staff presentation made by David L. Crow, Executive Director/APCO, Scott Nester, Supervising Air Quality Engineer and Maria Stobbe, Air Quality Planner II.

Staff provided to the Board an amended Resolution for Proposed Rule 4662 (Organic Solvent Degreasing Operations).

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

Thomas Smith, CMB Industries, Mr. Thomas provided written comments in support of organic based solvents.

John Tollison, Silva's Oil Company, stated that there should be some education in respect to the usage of organic solvent cleaning.

Peter Weiner, Safety Kleen, provided the Board and staff with a Solvent Cold Cleaner User Survey (71 pages) which included a 2 page report of the survey results. Mr. Weiner requested that the Board delay their decision for one month.

Donald Wantz, ABC Corp., spoke in favor of the Board adopting the amendments to Rule 4662.

Curtis Chancellor, ZEP Mfg., stated that they are with the District 100% on this but are looking for some more realistic flexibility in the industry.

Robert J. Munoz, Zymo Corporation, stated that his company offers a product that complies with the amendments to Rule 4662.

Mr. Munoz provided the Board and Staff a packet that contains letters and papers that provide background information, operating data, costs of use, and testimonials for existing users.

Dave Van Houten, Zymo Corporation, spoke in support of the proposed rule.

Wayne Hillard, HOTSYS, spoke in support of the proposed rule.

Mel Weaver, HOTSYS, spoke in support of the proposed rule.

Gary Gourigian, ANG, stated that ANG supports the amendments to Rule 4662.

Larry Macofsky, Chemfree Corp., supports water base cleaners.

Wayne Hicks, supports aqueous cleaners.

Manuel Cunha, Nisei Farmers League (NFL), spoke on behalf of the ag industry. Mr. Cunha spoke in support of the amendments to Rule 4662.

Kurt Lance, Hot Tank Supply Company, spoke in support of the amendments to Rule 4662. Mr. Lance noted that educating businesses on how to use organic solvents is very important.

Kurt Karperos, Office of Air Quality Planning, ARB, stated that to get clean air the District needs emission reductions and the District can achieve substantial reduction with the proposed amendments to Rule 4662.

John Schwind, Safety Kleen, asked the Board to delay their decision.

Lon Kitagawa, Applied Aerospace, spoke in support of the proposed amendments to Rule 4662.

Received a brochure from: American Bio-Clean Corporation, Cleaning System.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to adopt the proposed amendments to Rule 4662 as recommended. The motion was seconded by Board Member Blom and carried unanimously with the following Roll Call Vote:

Ayes: Dominici, Maggard, Blom, Applegate, Patrick, Barba, Sanders, Armentrout and Case.

Noes: None.

Absent: Sieglock and O'Banion.

Therefore, the Board took the following action:

- 1. Adopted the Negative Declaration prepared for the proposed rule amendment.***
- 2. Adopted the proposed amendments to Rule 4662 (Organic Solvent Degreasing Operations).***
- 3. Authorized the Chair to sign the resolution adopting Rule 4662.***

The Chair noted that the issue of education for the end users of Organic Solvent Degreasing Operations was mentioned several times. The Chair requested that if there is a role that Air District staff can provide for that type of education to please do so.

- 11. AUTHORIZE ACCEPTANCE OF SPONSORSHIP FUNDS FOR THE CLEAN GREEN YARD MACHINES LAWNMOWER TRADE-IN PROGRAM AND ALLOCATE THE FUNDS TO DEFRAY COSTS AND INCREASE INCENTIVES**
Staff presentation made by Robert Dowell, Director of Planning.

The Chair directed that thank you letters on behalf of the Board be sent to the sponsors of the Clean Green Yard Machines Lawnmower Trade-In Program.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to approve as recommended. The motion was seconded by Board Member Dominici and carried unanimously with the following Roll Call Vote:

Ayes: Dominici, Maggard, Applegate, Patrick, Barba, Sanders, Armentrout and Case.

Noes: None.

Absent: Blom, Sieglock and O'Banion.

Therefore, the Board took the following action:

- 1. Authorized Executive Director/APCO to accept \$55,000 in sponsorship funds from the California Air Resources Board, the Cities of Bakersfield, Fresno, Modesto and the Counties of Fresno, Kern and Stanislaus for the Clean Green Yard Machines program.**
 - 2. Approved the Budget Resolution appropriating these funds to defray promotional and operational costs and increase the amount of incentives available to the public.**
- 12. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING – Report regarding ARB Board Meeting.**
- Board Member Patrick stated that there would be no report because ARB did not meet during the month of April.**
- 13. EXECUTIVE DIRECTOR/APCO COMMENTS – David L. Crow, Executive Director/APCO, announced the following workshops: Rule 4511 (Secure Least Expensive Control Technology) (SELECT) scheduled for June 11, Fresno, June 12, Modesto and June 14, Bakersfield, 2001 from 1:00 p.m. to 4:00 p.m., meetings will be held via video teleconferencing.**
- 14. GOVERNING BOARD MEMBER COMMENTS – No Governing Board Member Comments.**

OTHER BUSINESS – No Other Business.

The Chair adjourned the meeting at 2:33 p.m.