

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

**Thursday, December 20, 2001
9:00 a.m.**

Meeting held via video conferencing (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 9:08 a.m.
2. **ROLL CALL** was taken and a quorum was present.

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

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

3. **ELECTION OF OFFICERS** – Recommend electing the Chair and Vice Chair of the Governing Board for 2002.

ELECTION OF OFFICERS – A motion was made by Board Member O'Banion to elect Councilmember Sam Armentrout as Chair and Supervisor Ronn Dominici as Vice Chair. The motion was seconded by Board Member Patrick and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: Maggard and Applegate.

Therefore, the Board took the following action: elected Councilmember Sam Armentrout, City of Madera, Chair for 2002 and Supervisor Ronn Dominici, Madera County, Vice Chair for 2002.

4. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(16-22)**. (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).

16. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, December 6, 2001.
17. Receive and file List of Scheduled Meetings for 2001 and 2002.
18. Receive and file Operations Statistics Summary for November 2001.
19. Receive and file Budget Status Report as of November 30, 2001.
20. Approve and authorize the Chair to execute an extension of the term of the Memorandum of Agreement with the California State Department of Forestry and Fire Protection.
21. Agricultural Biomass-To-Energy Incentive Program Grant Applications to the California Technology, Trade and Commerce Agency.
22. Accept additional ERC Bank Program funds in the amount of \$376,031 from ARB to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.

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

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

Noes: **None.**

Absent: **Maggard and Applegate.**

Therefore, the Board approved Consent Calendar Items 16, 17, 18, 19, 20, 21 and 22 as submitted.

5. **PUBLIC COMMENT** – No Public Comment.

6. **VERBAL REPORT: CITIZENS ADVISORY COMMITTEE (CAC) MEETING** – Wade Broughton, City, Primary Member, San Joaquin County, Vice Chairman Acting as Chairman of the CAC, reported on the CAC Meeting held on Tuesday, December 4, 2001. **The Vice Chairman (Wade Broughton) announced that the CAC elected a new Chairman and Vice Chairman for a term of two years (2002-2003). Lee Smith, Environmental, Primary Member, Madera County, was elected as Chairman for 2002-2003 and Bruce Rudd, Environmental, Primary Member, Fresno County, was elected Vice Chairman for 2002-2003.**

Board Member Armentrout thanked Wade Broughton for serving as Acting Chairman for the CAC.

Board Member Dominici commented that Mr. Smith will do a wonderful job as Chairman of the CAC. Board Member Dominici stated that he thinks that the Board should compliment the CAC for doing a wonderful job.

The Chair stated she thinks the CAC Members do a wonderful job and the Governing Board really appreciates all the hard work that the Committee does.

7. **PUBLIC HEARING: ADOPT RULE 4663 (ORGANIC SOLVENT CLEANING, STORAGE AND DISPOSAL) AND PROPOSED AMENDMENTS TO RULE 4602 (MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS), RULE 4603 (SURFACE COATING OF METAL PARTS AND PRODUCTS), RULE 4604 (CAN AND COIL COATING OPERATIONS), RULE 4605 (AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS), RULE 4606 (WOOD PRODUCTS COATINGS OPERATIONS), RULE 4607 (GRAPHIC ARTS), RULE 4653 (ADHESIVES), RULE 4661 (ORGANIC SOLVENTS), RULE 4662 (ORGANIC SOLVENT DEGREASING OPERATIONS) AND RULE 4684 (POLYESTER RESIN OPERATIONS)** - Staff presentation made by David L. Crow, Executive Director/APCO and Scott Nester, Supervising Air Quality Engineer.

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

Bill McConachie, National Paint and Coatings Association, spoke in support of the Board adopting Rule 4602. Mr. McConachie thanked staff for working with industry on this rule.

Bill Mackie, Pacific Printing, spoke in opposition of the Board adopting Rule 4602.

ADOPTED AS RECOMMENDED – *A motion was made by Board Member Blom to approve the item as recommended. The Board directed staff to come back to the Board before the compliance deadline with information on how industry is working to meet the standards. The*

motion was seconded by Board Member Sieglock and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: Applegate and Maggard.

Therefore, the Board took the following action: Adopted proposed amendments to Rule 4602 (Motor Vehicle and Mobile Equipment Coating Operations), Rule 4603 (Surface Coating of Metal Parts and Products), Rule 4604 (Can and Coil Coating Operations), Rule 4605 (Aerospace Assembly and Component Coating Operations), Rule 4606 (Wood Products Coating Operations), Rule 4607 (Graphic Arts), Rule 4653 (Adhesives), Rule 4661 (Organic Solvents), Rule 4662 (Organic Solvent Degreasing Operations) and Rule 4684 (Polyester Resin Operations) and proposed Rule 4663 (Organic Solvent Cleaning, Storage and Disposal). Authorized the Chair to sign the resolution. The Board directed staff to come back to the Board before the compliance deadline with information on how industry is working to meet the standards.

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4623 (STORAGE OF ORGANIC LIQUIDS)** - Staff presentation made by David L. Crow, Executive Director/APCO and Scott Nester, Supervising Air Quality Engineer.

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

Darryl Gunderson, Aera Energy, spoke in support of the Board adopting the proposed amendments to Rule 4623. Mr. Gunderson thanked staff for their efforts in developing the proposed amendments to Rule 4623.

David Lange, Kenmore, stated that he has concerns with Rule 4623 and spoke in opposition to the Board adopting Rule 4623.

Roger Christy, Chevron/Texaco, spoke in support of the Board adopting Rule 4623. Mr. Christy stated that he would like to commend District staff for working with industry and developing the proposed amendments to Rule 4623.

ADOPTED AS RECOMMENDED – ***Board Member Patrick made a motion to adopt Rule 4623 as proposed. The motion was seconded by Board Member Sanders and carried unanimously with the following Roll Call Vote:***

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

Noes: None.

Absent: Maggard and Applegate.

Therefore, the Board adopted the proposed amendments to Rule 4623 (Storage of Organic Liquids) as recommended and authorized the Chair to sign the resolution.

David L. Crow, Executive Director/APCO, stated that he would like to add his appreciation to District staff: Scott Nester, Supervising Air Quality Engineer, Joe Nazareno, Senior Air Quality Engineer, Robert J. Kard, Director of Compliance, Rick McVaigh, Permit Services Manager, and all the others in the Planning Section who worked very hard with a challenging timeframe to bring before the Board this package of rules that was necessary for a variety of reasons. Mr. Crow noted that he very much appreciates the efforts that staff put into this to bring the Board this package of rules over the last couple of months.

9. **MEMORANDUM OF AGREEMENT WITH AGRICULTURAL COMMISSIONERS FOR CONSOLIDATED PERMITS FOR METHYL BROMIDE AND GASEOUS PHOSPHINE FUMIGATION** - Staff presentation made by Seyed Sadredin, Director of Permit Services. Mr. Sadredin noted that the MOA was developed in consultation and cooperation with the California State Air Resources Board county Agricultural Commissioners, Department of Pesticide Regulation and representatives from the agricultural community.

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

Jerry Prieto, Jr., Fresno County Agricultural Commissioner, spoke in support of the MOA.

Scott Hudson, San Joaquin County Agricultural Commissioner, spoke in support of the MOA. Mr. Hudson stated that he commends the air District and especially Seyed Sadredin for his efforts on the MOA.

Manuel Cunha, Nisei Farmers League, spoke in support of the MOA.

Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, noted that staff with ARB as well as the Department of Pesticide Regulation have been working with District staff and representatives of the County Agricultural Commissioners Offices in the Valley in an effort to develop a MOA for joint permitting of post harvest fumigation. Mr. Ramalingam stated that ARB supports the MOA.

AUTHORIZED AS RECOMMENDED – **Board Member Dominici made a motion to authorize the Air Pollution Control Office to execute MOAs as recommended. The motion was seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:**

Ayes: Sanders, Patrick, Dominici, Barba, O'Banion, Blom, Sieglock,

Armentrout and Case.

Noes: None.

Absent: Maggard and Applegate.

The Board took the following action: Authorized the Air Pollution Control Officer to execute memorandums of agreement with each County Agricultural Commissioner within the San Joaquin Valley for consolidated permits for post-harvest methyl bromide and gaseous phosphine fumigation.

10. **APPROVE CHANGES TO THE DISTRICT'S POSITION CONTROL LIST EFFECTIVE DECEMBER 29, 2001 WHICH ADDS FIVE POSITIONS AND REALLOCATES TWO POSITIONS AND ADOPT RESOLUTION INCREASING THE 2001-2002 DISTRICT BUDGET BY \$160,300 FOR THE RECOMMENDED STAFFING CHANGES** – Staff presentation made by David L. Crow, Executive Director/APCO.

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

Manuel Cunha, Nisei Farmers League, spoke in support of changes to the District's Position Control List.

APPROVED AS RECOMMENDED – Board Member Dominici made a motion to approve the changes to the District's Position Control List and adopt the increase to the Budget. The motion was seconded by Board Member O'Banion and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: Maggard and Applegate.

The Board took the following action:

- (1.) Amended the District's Position Control List to be effective December 29, 2001 with items A.) and B.)**
 - (2.) Adopted resolution increasing the 2001-2002 District Budget appropriations by \$160,300 to provide funding for the recommended staffing changes and related equipment.**
11. **INFORMATIONAL ITEM: SAN FRANCISCO BAY AREA OZONE ATTAINMENT PLAN FOR 1-HOUR OZONE STANDARD** – Staff presentation made by David L. Crow, Executive Director/APCO and David L. Jones, Planning Manager.

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

Norm Covell, Air Pollution Control Officer, Sacramento Metro Air Quality Management District (SMAQMD) – stated that during the SMAQMD December 6, 2001 Board Meeting the Board received a presentation on the issue of the Bay Area Air Quality Management District (BAAQMD) Ozone Attainment Plan. Mr. Covell noted that a very broad community support including businesses entities, the Chamber of Commerce and environmental groups who were all acting to encourage the SMAQMD Board to develop a very aggressive response to the BAAQMD Ozone Attainment Plan shortcomings. They have requested District intervention to the extent necessary to insure implementation of the Smog Check II Program within the Bay Area. Mr. Covell stated that following that meeting we conducted an Executive Session discussion with the SMAQMD Board. And, out of that discussion came direction to the SMAQMD Board to establish contact with some political consultants within the Sacramento area. For the purpose of developing a persuasive campaign directed at the Governor's office to get the Smog Check II Program included in the California Air Resources Board Transport Mitigation Strategy and Mr. Covell emphasized with implementation as soon as possible.

Mr. Covell stated that the SMAQMD is very interested in joining forces with the SJVUAPCD and your communities along with your businesses to right this wrong. Mr. Covell stated that we are in this together with the Valley and we feel it is important that we work together to resolve this issue.

The Chair noted that she is sure that the SJVUAPCD Board is very much interested in working with SMAQMD to try and address this issue. You are absolutely right when that much transport is contributing to our lack of attainment we all need to be working towards the same thing and that includes those folks who live in the Bay Area also.

12. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** - Report regarding the ARB Board Meeting made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District.

Mr. Ramalingam reported on the Air Resources Board Hearing held on December 13, 2001 in El Monte. At that meeting the Board considered proposed Policies and Actions for Environmental Justice.

13. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reminded the Board that on January 8, 9 and 16, 2002 the District will be hosting workshops for the public to talk about the severe bump-up and the extreme bump-up as a potential option. These are critically important opportunities for people to raise questions in an attempt to arrive at responses and answers prior to your Board and ARB's deliberation on that question we will have

a much better understanding of a very complicated subject. All of the workshops will be video teleconferenced. The January 8 workshop will be at 1:30 p.m., January 9 will be at 6:30 p.m. and January 16 will be at 1:30 p.m.

Mr. Crow announced a meeting that took place this week at the request of the biomass industry in the Valley. Mr. Crow indicated that the financial woes of the biomass industry were discussed at length. There is the potential that the current state funding level will be cut from \$31.5 million to \$6 million. Mr. Crow noted that the purpose of the meeting was to invoke as much support as possible from cities, counties, agriculture groups including farm bureaus and anyone that can be brought to the task of suggesting that their current level of funding from the state continue. Mr. Crow stated that the bio mass industry requested that this information be shared with the Board and the public with what they are facing. And, they asked if you could give some consideration to it at your county and city meetings to help weigh in on this issue to keep the biomass industry as a solution to some of our air pollution problems.

The Chair stated that the Fresno County Board of Supervisors received a presentation from the biomass industry. The Chair indicated that the Fresno County Board of Supervisors is very supportive of this issue.

14. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Sieglock wished everyone a “... *Merry Christmas and Happy Holidays* ...”

Board Member Dominici stated that he wanted to give a “... *heads-up* ...” to the Board. Board Member Dominici stated that he along with members of the staff in that area will be meeting with folks in the mountain areas in regards to the open burning fees that were adopted earlier in the year. Board Member Dominici noted that we will be having these meetings to see what their input is.

Board Member Dominici thanked Supervisor Case for doing such a great job.

Board Member Sanders stated that he wanted to make two comments, Number one in the presentation by the Sacramento Air District he was impressed with two things that they said, one of them was that they were going to be talking about a public relations firm to hire and the second was look at possible litigation. Board Member Sanders stated that it seems to him that those are measures that probably would be as productive as anything that we could do to help our situation as far as being dumped on by others. Board Member Sanders noted that it is something that we ought to really seriously consider joining in and quickly. Board Member Sanders stated that the second thing is that his accountant reminded him that he was raising his fees this year. Board Member Sanders asked him how he determined how high to raise those fees and he said “*well when twenty percent of the people complain I stop raising fees*”. Board Member Sanders stated that we made some rule changes today and all we got was thank you’s and atta boys and he really appreciates that. Board Member

Sanders stated that he was going to write that up to the fact that it was not because the rules were to lenient but it's the Christmas season and he wished a **"... Merry Christmas to everybody..."**

OTHER BUSINESS – No Other Business.

15. **CLOSED SESSION** – The Governing Board held a Closed Session pursuant to Section 54956.9 of the Government Code (Ralph M. Brown Act) as follows:

- ◆ Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Government Code Section 54956.9 (b) (1) One potential case.
- ◆ Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (1) One potential case.

Philip M. Jay, District Counsel, announced the following: the Board will hold a Closed Session as indicated on the agenda one item will be potential litigation and that's deciding whether to initiate litigation under Governing Code 54956.9 (c).

The other item is: Anticipated litigation: Significant exposure and the facts and circumstances related to that would be the recent letter that the District received from the Association of Irrigated Residents challenging us in connection with dairies in the Valley.

Mr. Jay noted that any announcements that have to be made will be made after Closed Session in the Governing Board Room.

The Board exited the Board Room for Closed Session at 11:10 a.m., Fresno VTC Room.

Philip M. Jay, District Counsel, announced after Closed Session that the Board by a unanimous vote of eight to zero authorized District Counsel to defend the District if a lawsuit is filed by the Association of Irrigated Residents.

Mr. Jay announced that the Board adjourned the meeting from Closed Session at 11:43 a.m.