

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District**

**GOVERNING BOARD MEETING
Thursday, June 21, 2001 at 9:00 a.m.**

**Governing Board Room
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, Judith G. Case, called the meeting to order at 9:07 a.m.
2. **ROLL CALL** was taken and a quorum was present.

Barbara Patrick, Supervisor	Kern County
Mike Maggard, Councilmember	City of Bakersfield
Bill Maze, Supervisor (Alternate) (*)	Tulare County
Tony Barba, Supervisor	Kings County
John V. Silva, Supervisor (Alternate)	Madera County
Jerry O'Banion, Supervisor	Merced County
Nick W. Blom, Supervisor	Stanislaus County
Tom Applegate, Councilmember	City of Newman
Jack A. Sieglock, Supervisor (Absent)	San Joaquin County
Sam Armentrout, Mayor, Vice Chair	City of Madera
Judith G. Case, Supervisor, Chair	Fresno County

(*) Arrived during Item # 5)

3. **MOMENT OF SILENCE FOR TOM STEARNS** – *The Chair requested a Moment of Silence for the recent passing of Mr. Tom Stearns, Chairman of the Citizens Advisory Committee. The Chair stated that Mr. Stearns would be "greatly missed".*
4. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(17-27)**. (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.)
 17. Approve Action Summary Minutes for the Special Public Hearing: Review of 2001-2002 Recommended Budget of Thursday, May 17, 2001.

18. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, May 17, 2001.
19. Receive and file List of Scheduled Meetings for 2001.
20. Receive and file Operations Statistics Summary for May 2001.
21. Receive and file Budget Status Report as of May 31, 2001.
22. Approve Amendment 2 to Contract 00-08-03 with Pacific Environmental Services to provide emission inventory improvements for selected source categories.
23. Approve agreement with Construction Developers, Inc. in the amount of \$247,564 for conversion of warehouse to office space in the Central Region Office.
24. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of carbonyl samples for \$28,000.
25. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of non-methane organic compounds for \$102,400.
26. Accept "Clean Green Yard Machines" program funds from California Air Resources Board in the amount of \$25,000.
27. Accept Lower-Emission School Bus Retrofit Program funds in the amount of \$1,160,000 from the California Air Resources Board to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.

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

Ayes: O'Banion, Maggard, Blom, Barba, Applegate, Silva, Patrick, Armentrout and Case.

Noes: None.

Absent: Maze and Sieglock.

The Board approved Consent Calendar Items 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, as submitted.

5. **PUBLIC COMMENT – Manuel Cunha, Nisei Farmers League**, made comments to the Board in respect to recent correspondence that the District mailed to various sources that may fall into District permitting requirements for sources that have fumigation operations. Mr. Cunha noted that there seems to be a lot of confusion surrounding this issue and what regulatory requirements the District has control over versus not. Mr. Cunha asked that District staff meet with ag commissioners as well as various sources that may be impacted to discuss District requirements pertaining to sources that have fumigation operations.

The Board concurred with Mr. Cunha's request and directed staff to meet with ag commissioners as well as various sources that may be impacted by permitting requirements for fumigation operations. The Chair requested staff prepare a Board Briefing Report for the Board Members on this issue. The Chair stated that the Board Briefing Report would make sure all the Board Members have complete information on this particular issue.

6. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – Wade Broughton, City, Primary Member, San Joaquin County and Vice Chairman of the Citizens Advisory Committee (CAC), reported on the CAC Meeting held on Tuesday, June 5, 2001.

The Vice Chairman noted that a request was made of the CAC TO form a Sub-Committee for Recruitment of REMOVE Program Evaluation Committee Vacancies. The Vice Chairman noted that the following CAC Members volunteered for the subcommittee: **Jack Grisanti, Bill Sparks and Lee Smith.**

7. **PUBLIC HEARING TO ADOPT THE DISTRICT 2001-2002 RECOMMENDED BUDGET** – Approve and authorize Chair to sign resolution establishing the District's 2001-2002 Budget. Staff presentation made by David L. Crow, Executive Director/APCO.

No Public Comments received.

ADOPTED AS RECOMMENDED – A motion was made by Board Member Blom to adopt the District 2001-2002 Budget as recommended. The motion was seconded by Board Member Applegate and carried unanimously with the following **Roll Call Vote:**

Ayes: Maggard, Silva, Applegate, Barba, Maze, O'Banion, Blom, Armentrout and Case.

Noes: None.

Absent: Patrick and Sieglock.

The Board approved and authorized Chair to sign the resolution establishing the District's 2001-2002 Budget.

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4103 (OPEN BURNING), PROPOSED RULE 4106 (PRESCRIBED BURNING AND HAZARD REDUCTION BURNING) AND PROPOSED AMENDMENTS TO RULE 4101 (VISIBLE EMISSIONS)** – Staff presentation made by David L. Crow, Executive Director/APCO, Joan Merchen, Senior Air Quality Planner and Dave Jones Planning Manager.

The Board and the public received a revised resolution.

The following person provided comment during the Public Comment period of this item:

Jason Baldwin, Executive Director, Madera County Farm Bureau – thanked District staff for their hard work on this issue.

ADOPTED AS PROPOSED – A motion was made by Board Member Patrick to adopt the item as proposed. The motion was seconded by Board Member Blom and carried unanimously with the following ***Roll Call Vote***:

Ayes: Applegate, Barba, Maggard, Silva, Maze, O'Banion, Patrick, Blom, Armentrout and Case.

Noes: None.

Absent: Sieglock.

The Board:

- (1) Adopted the Negative Declaration prepared for the Project.***
- (2) Adopted proposed amendments to Rule 4103 (Open Burning), proposed new Rule 4106 (Prescribed Burning and Hazard Reduction Burning) and proposed amendments to Rule 4101 (Visible Emissions)***
- (3) Authorized the Chair to sign the revised resolution.***

The Vice Chair, Mayor Armentrout, urged District staff to do as much as possible to expedite the new Smoke Management Program as soon as possible.

9. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 2020 (EXEMPTIONS), RULE 2201 (NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE), RULE 2520 (FEDERALLY MANDATED OPERATING PERMITS) AND RULE 3010 (PERMIT FEES)** – Staff presentation made by David L. Crow, Executive Director/APCO and Seyed Sadredin, Director of Permit Services.

The following person provided comment during the Public Comment period of this item:

Les Clark, Independent Oil Producers Agency (IOPA) and the Citizens Advisory Group of Industries (CAGI) – indicated that he had concerns with the resolution in respect to page one, line 18 which states: WHEREAS, the Title V program is duplicative of existing District permitting programs and provides no air quality benefits or adverse environmental impacts to the District. Mr. Clark stated that the Title V issue came up a few years ago and needs to be addressed again with EPA. It is a duplication of the existing District permitting program and adds additional cost to the sources without any air quality benefits.

Mr. Clark requested clarification on Rule 2520, Section 3.18 regarding fugitive emissions and asked if it would trigger sources to become subject to Title V.

Mr. Sadredin responded that Rule 2520, Section 3.18 would not trigger sources to become subject to Title V.

ADOPTED AS PROPOSED – A motion was made by Board Member Maze to adopt Rules 2020, 2201, 2520 and 3010 as proposed. The motion was seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

Ayes: O'Banion, Maze, Maggard, Silva, Barba, Applegate, Patrick, Blom, Armentrout and Case.

Noes: None.

Absent: Sieglock.

The Board adopted the proposed amendments to Rule 2020 (Exemptions), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits) and Rule 3010 (Permit Fee).

10. **ADOPT A DISTRICT POSITION ON PROPOSED TRANSPORT MITIGATION REQUIREMENTS THAT ARE UNDER CONSIDERATION BY THE AIR RESOURCES BOARD** – Staff presentation made by David L. Crow, Executive Director/APCO, Dave Jones, Planning Manager and David Nunes, Air Quality Project Planner.

The following persons provided comment during the Public Comment period of this item:

Bob Nicksin, Sempra Energy, urged the District to proceed with caution in respect to the transport mitigation issue.

Les Clark, Independent Oil Producers Agency (IOPA), urged the District to proceed with caution in respect to the transport mitigation issue. Mr. Clark stated that he has concerns with the reference to all feasible measures that are mentioned in the proposal.

Chris Reardon, Manufacturers Council of the Central Valley (MCCV), stated that he commended the Board and staff in regard to this issue. MCCV has been involved in this issue for many years and staff has hit it right on the head. Mr. Reardon stated that the whole transport mitigation fee and feasible control technology is fraught with questions and he thinks we should be very, very careful. Mr. Reardon stated that the MCCV supports staff's recommendation in respect to implementing a Smog Check Program throughout the state and especially for upwind transport areas.

ADOPTED DISTRICT POSITION – *A motion was made by Board Member Barba to adopt a District position. The motion was seconded by Board Member Maggard and carried unanimously with the following Roll Call*

Vote;

Ayes: Maze, Patrick, Maggard, Silva, Barba, Applegate, O'Banion, Blom, Armentrout and Case.

Noes: None.

Absent: Sieglock.

The Board adopted a District position on proposed Transportation Mitigation requirements that are under consideration by the Air Resources Board. The Board authorized the Chair to sign a letter conveying the District's position clarified by the Board during today's meeting to the ARB prior to ARB's meeting to consider proposal changes to the state transportation mitigation requirements. The Board also authorized District staff to participate in the ARB meeting when the transportation mitigation issue is discussed.

Mr. Crow stated that the letter will embody what is in the Staff Report and if the Board will notice what's in the Staff Report as it relates to transport mitigation fees is very brief. Mr. Crow noted that staff will propose in the letter that we are interested but have serious concerns about how it could be affected and utilized and we would like to be at the table for discussions.

11. **APPROVE A GRANT PROGRAM FOR EMISSION REDUCTION PROJECTS FUNDED BY POWER PLANT EMISSION REDUCTION CREDIT AND MITIGATION FEES** – Staff presentation made by Seyed Sadredin, Permit Services Manager.

The following person provided comment during the Public Comment period of this item:

Bob Nicksin, Sempra Energy, stated that he would like to plant a seed for the future. Mr. Nicksin stated that he knows that District staff is developing Rule 4511 (Secure Least Expensive Control Technology (SELECT)). Which would allow emissions to be utilized from one sector for the sake of stationary source reductions. As long as the District is entering into a program where they are going to be essentially the broker of reductions where they are going to take some money and go out and find a reduction somewhere else. That's a concept that he thinks would be very valuable within the construct of the SELECT Program.

And, as the District gears up to take care of the peaker plants the District may want to think about the future and being able to avail smaller sources that will have newly imposed spark controls the same type of mitigation fee proposals.

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

Ayes: Patrick, Maggard, Maze, Barba, Silva, Applegate, O'Banion, Blom, Armentrout and Case.

Noes: None.

Absent: Sieglock.

Therefore, the Board:

- 1.) **Approved the Power Plant Mitigation Grant program to solicit and fund projects designed to generate real, quantifiable, enforceable, and cost-effective emission reductions.**
- 2.) **Adopted Budget Resolution increasing the 2001-2002 District Budget by \$3,400,000.**
12. **VERBAL REPORT: AIR STANDARDS FOR POWER GENERATORS – DISTRICT OUTREACH TO LOCAL GOVERNMENT AGENCIES** – Staff presentation made by David L. Crow, Executive Director/APCO.
13. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding ARB Board Meeting. Report made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Report made from the Northern Region Office (Modesto).

14. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced that the District recently received a very special award the Image Award of Excellent from the Public Education Society of American for the District's Spare the Air Program. Mr. Crow noted that the District is very proud of Josette Merced Bello and the Public Education staff. They are doing a very good job!

Mr. Crow noted that there will be a Board sub-committee ad hoc meeting to talk about the REMOVE program and any improvements that might need to be made. Mr. Crow noted that the following Board Members are on that sub-committee: Supervisor Barba, Councilmember Mike Maggard and Supervisor Dominici. Mr. Crow noted that Supervisor Dominici was not in attendance today and asked if any other Board Members would like to attend. The following Board Members volunteered: Supervisor Maze and Supervisor Blom.

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

OTHER BUSINESS – No Other Business.

16. **NO CLOSED SESSION**

The Chair, Judith G. Case, adjourned the meeting at 11:15 a.m.

The Chair, Judith G. Case, noted that the Governing Board WILL NOT MEET during the month of July 2001.

Sissy Smith, Clerk to the Board
Governing Board
San Joaquin Valley Unified APCD