

**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, November 15, 2001
9:00 a.m.**

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 9:05 a.m.

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

Barbara Patrick, Supervisor	Kern County
Mike Maggard, Councilmember	City of Bakersfield
William Sanders, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Gary Gilbert, 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	San Joaquin County
Sam Armentrout, Mayor, Vice Chair	City of Madera
Judith G. Case, Supervisor, Chair	Fresno County

3. **APPROVAL OF CONSENT CALENDAR** – **Item Numbers (11-17).** (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.)

11. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Wednesday, October 31, 2001 and Thursday, November 1, 2001.

12. Receive and file List of Scheduled Meetings for 2001 and 2002.

13. Receive and file Budget Status Report as of October 31, 2001.

14. Receive and file Operations Statistics Summary for October 2001.

15. Approve resolution increasing the 2001/2002 Budget \$14,221 for the pass through of California Clean Air Act Fees to the California Air Resources Board.
16. Accept "Clean Green Yard Machines" program funding from Tulare County in the amount of \$5,000 and allocate the funds to defray costs or increase incentives.
17. Receive and file proposed 2001 Amendment of 1994 Ozone Attainment Demonstration Plan (OADP). Set December 6, 2001 for the public hearing to consider the proposed amendments.

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

Ayes: *O'Banion, Maggard, Blom, Barba, Applegate, Sanders, Gilbert, Patrick, Sieglock, Armentrout and Case.*
Noes: *None.*
Absent: *None.*

The Board approved Consent Calendar Items 11, 12, 13, 14, 15, 16 and 17 as submitted.

4. **PUBLIC COMMENT** – **Manuel Cunha, Nisei Farmers League**, made a financial report from the Policy Committee Study Agency regarding funding for the Ozone Study.
5. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO REGULATION VIII (FUGITIVE PM 10 PROHIBITIONS) AND RULE 4101 (VISIBLE EMISSION)**
Presentation made by Mark Boese, Deputy Air Pollution Control Officer, Jack Broadbent, EPA Region IX, Air Division Director, Dave Jones, Planning Manager, Dave Mitchell, Supervising Air Quality Planner and Scott Nester, Supervising Air Quality Engineer.

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

Bill Sparks, Building Industry Coalition, spoke in support of Option # 1. Mr. Sparks spoke in opposition to staff's comments in respect to CEQA comments. Mr. Sparks stated that the Building Industry would like to incorporate by reference any documents or comments made or submitted at the last hearing. In particular that for reasons stated previously their belief that an EIR be required.

Cynthia Cory, California Farm Bureau, spoke in support of Option # 4.

Kevin Hall, Sierra Club, spoke in support of Option # 3.

Tom Umenhofer, Western States Petroleum Association, spoke in support of Option # 4.

Brent Newell, Center on Race, Poverty and the Environment (CRPE), urged the Board to adopt Option # 3.

Jim Verboon, Farmer, Kings County, spoke in support of Option # 4.

Bruce Nilles, Earthjustice, urged the Board to adopt Option # 3.

Manuel Cunha, Nisei Farmers League (NFL), stated that NFL supports Option # 4. Mr. Cunha noted a correction on page 2 and page 3 of Option # 4, Regulation VIII Language from EPA/Industry Discussions.

Staff concurred with Mr. Cunha's corrections.

Roger Isom, California Cotton Ginners and Growers Association, (CCGGA), stated that CCGGA supports the adoption of Option # 4. Mr. Isom noted that in Option # 4 the language reads Fugitive Dust Management Plan. Mr. Isom recommended that to make the language consistent with the rule it should read Fugitive PM 10 Management Plan.

Steve Krockner, City of Corcoran, presented the Board with a copy of Resolution 2039 from the City Council of the City of Corcoran. Mr. Krockner noted that Corcoran's City Council is requesting that the Governing Board consider adopting Regulation VIII without Rule 8091.

Governing Board Member Tony Barba, Kings County, noted that the City Manager of Hanford, the City Manager of Lemoore and the City Manager of Avenal support Resolution 2039 from the City Council of Corcoran.

Chuck Sant'Agata, Executive Director, American Lung Association of Central California, noted that the Board had several options to choose from today and stated that it is time to make a decision.

The Board received the following documents:

- 1.) Summary of Options Table, dated: November 15, 2001
- 2.) Option 4, Regulation VIII Language from EPA/Industry Discussions, dated: November 15, 2001

- 3.) Draft Amended Resolution, dated: November 15, 2001
- 4.) Correspondence from: Charles S. Poochigian, California State Senator, to: Supervisor Judith G. Case, Chair, SJVUAPCD, dated: November 14, 2001, RE: requesting that when the District Board debates the merits of the proposals they remain sensitive to the economic impacts of Regulation VIII.
- 5.) Correspondence from: Jack P. Broadbent, EPA, Region IX, Director of Air Division, to: Dave Crow, Air Pollution Control Office, SJVUAPCD, dated: November 14, 2001, RE: clarification on options for Regulation VIII.
- 6.) Correspondence from: Building Industry Coalition, to: Governing Board, SJVUAPCD, dated: November 14, 2001, RE: Proposed BACM Amendments to Regulation VIII (Fugitive PM-10 Prohibitions).
- 7.) U.S. Department of Agriculture, Soil Conservation Service, Record of Decisions and Application, FSA Conservation Plan
- 8.) Resolution No. 2039 from: City Council of the City of Corcoran, dated: November 6, 2001, RE: Governing Board of the SJVUAPCD in considering adoption of Regulation VIII without Rule 8091.

ADOPTED THE PROVISIONS FOR REGULATION VIII AS RECOMMENDED BY INDUSTRY/EPA, OPTION # 4, PROPOSED AMENDMENTS TO REGULATION VIII (FUGITIVE PM 10 PROHIBITIONS) AND RULE 4101

(VISIBLE EMISSION) WITH CORRECTIONS - A motion was made by Board Member Barba to adopt the proposed amendments to Regulation VIII and Rule 4101, Option # 4. The motion was seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: None.

Therefore, the Board took the following action:

- 1.) ***Adopted the Negative Declaration prepared for the Project.***
- 2.) ***Adopted the provisions for Regulation VIII as recommended by Industry/EPA, Option # 4, proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions) with language change from Fugitive Dust Management Plans to Fugitive PM 10 Management Plans.***

3.) *Authorized the Chair to sign the amended resolution.*

6. DISCUSSION ITEM: RECLASSIFICATION TO EXTREME AREAS FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Staff presentation made by David L. Crow, Executive Director/APCO and Robert Dowell, Director of Planning.

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

Colby Morrow, representing the Council of Fresno County Governments, indicated that all TPAs in the Valley will be submitting written requests for additional information regarding the voluntary reclassification to Extreme Areas for the San Joaquin Valley Unified Air Pollution Control District.

Kevin Hall, Sierra Club, urged the Board to go home and educate their respective Board of Supervisors and City Councils and work on transportation planning for the Valley. Mr. Hall noted that this would be the first air district to ever apply for extreme status no one has ever sought it voluntarily.

Bruce Nilles, Earthjustice, stated that we've known since 1997 that this was going to happen. Mr. Nilles stated that 1997 was the first year that we had 30 days of dirty air which meant in 1999 that we would miss the attainment deadline. We've know for four years that this was coming. We need a plan that shows how the Valley is going to come into attainment.

Brent Newell, Center on Race, Poverty and the Environment (CRPE), stated that when the Air District accesses the relative cost between a severe and a extreme ozone nonattainment area that you also look at the cost necessary to implement this program in respect to staffing.

The Board directed staff to workshop the request of a voluntary reclassification to extreme areas for the San Joaquin Valley Unified Air Pollution Control District.

The Board received the following document:

- 1.) Correspondence from: City of Modesto, to: Supervisor Judith G. Case, Chair SJVUAPCD Governing Board, dated: November 13, 2001, RE: urging the Board to vote "NO" on voluntary reassignment to Extreme Non-Attainment for Ozone by the SJVAPCD staff.

7. 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. Mr.

Ramalingam reported on the Air Resources Board Hearing held on November 1, in Oakland. The Board considered the 2001 Bay Area SIP. After hearing extended testimony by over fifty people, a Board majority voted to approve the Plan. Dissenting were Board Members Patrick and D'Adamo with Chairman Lloyd, Bay Area representative DeSaulnier, Board Member Riordan and Dr. Friedman in attendance. Mr. Ramalingam noted that the Board also asked the Bay Area to fast track its further study measures and complete them by 2002.

Board Member Patrick added that Mark DeSaulnier, Supervisor, Contra Costa and Bay Area representative, is very sensitive to our issue about Smog Check II and especially some of the transport issues. Board Member Patrick stated that Mr. DeSaulnier suggested and it became part of the motion that CARB Board Members Dorene D'Adamo, herself (Barbara Patrick) and Mark DeSaulnier would sit down with some of the legislative delegation and see if there can be a group discussion about Smog Check II. The results of that discussion would then be included in some form or fashion in the Bay Area SIP by either adoption by the Bay Area Air Quality Management District Board or imposed by the CARB Board however that might occur.

David L. Crow, Executive Director/APCO, stated that this is a long standing issue between the Bay Area and our District as well as the Sacramento Air District. Mr. Crow noted that it might be appropriate to have a round of meetings between the Valley and Bay Area legislators. And subsequent to that take that information and come back to the Board with an update. That update would include all that has transpired in the long history of this issue between the Bay Area and the whole Valley and see what other options may present themselves. Mr. Crow stated that the CARB staff has had a great deal of conversation with us with respect to how they might proceed with a CARB transport mitigation requirement for Smog Check on a state wide basis. We have received some mixed signals with respect to how that might ultimately come to fruition in terms of timing. On one hand it was represented that it could happen very shortly after 2002 and most recently we've heard now that it would not cause any amendment to the Bay Area Plan until their next reiteration of the SIP until 2004.

8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – No Executive Director/APCO Comments.
9. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Maggard stated that he certainly does not criticize the Board Members that proceeded the existing Board. Board Member Maggard stated that he does not know the context in which previous Boards as they have been assembled have chosen action or inaction. Board Member Maggard noted that the process is way more complicated then it ever appears to be when you're behind the dais trying to make a decision. He believes it is incumbent upon the Board in the next few weeks and months to try to maintain the same sense of urgency that we've had

in the last few weeks. He urged staff to assist the Board in redoubling our efforts to make sure that all the stakeholders are at the table so that they can participate in the process. Board Member Maggard stated that he really does appreciate staff and the entire Board for working hard on these issues.

Board Member Patrick announced that Project Clean Air would be having a Benefit Luncheon on Wednesday, December 5, 2001 from 12:15 p.m. to 1:30 p.m. Board Member Patrick announced that the keynote speaker would be Mr. Wayne Natri, newly appointed Administrator of Region 9 for the Environmental Protection Agency.

Board Member Blom stated that he has been on the District's Governing Board for a number of years and it has always been the Board's policy to work with staff and the stakeholders on all issues.

Board Member Armentrout stated that his agreement with the speaker that spoke earlier did not in anyway reflect his feelings toward his fellow colleagues or past Board Members.

OTHER BUSINESS – No Other Business.

10. **CLOSED SESSION** The Governing Board will hold a Closed Session pursuant to Section 54957 of the Government Code (Ralph M. Brown Act) as follows:

- ◆ Performance Evaluation: District Counsel
- ◆ Performance Evaluation: Executive Director/APCO

Philip M. Jay, District Counsel announced the following: the Board is going to hold a Closed Session as indicated on the agenda followed by adjournment from Closed Session.

Meeting adjourned to Closed Session at 11:24 a.m.

Meeting adjourned from Closed Session at 12:00 p.m.