

**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, September 27, 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 9:18 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
Ronn Dominici, Supervisor	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

(*) Attended Meeting in Southern Region Office (Bakersfield) via VTC

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-21)**. (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 Thursday, August 16, 2001.
 12. Receive and file List of Scheduled Meetings for 2001 and 2002.
 13. Receive and file Operations Statistics Summary for August 2001.

14. Receive and file Budget Status Report as of August 31, 2001.
15. Receive and file Quarterly Budget Status Report as of June 30, 2001.
16. Receive and file proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions). Set October 31, 2001 for the public hearing to consider the proposed amendments.
17. Receive and file proposed amendments to Rule 4601 (Architectural Coatings). Set October 31, 2001 for the public hearing to consider the proposed amendments.
18. Accept ERC Bank Program Funds in the amount of \$9,400,000 from ARB to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
19. Approve agreement with Lawrence, Nye, Andersen Associates in the amount of \$27,800 for mechanical engineering services related to modifying the HVAC system for the Central Region Office Building.
20. Guidelines for the Phase VIII (2001-2002) REMOVE Program Evaluation Committee.
21. Appoint seven (7) members and three (3) alternate members to the REMOVE Program Evaluation Committee.

The Chair stated that Board Member Dominici requested that Item # 16 be removed from the Consent Calendar for separate discussion and separate vote.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to approve the Consent Calendar minus Item # 16. The motion was seconded by Board Member O'Banion and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: None.

The Board approved Consent Calendar Items 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21, as submitted.

16. Receive and file proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions). Set October 31, 2001 for the public hearing to consider the proposed amendments.

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

Manuel Cunha, Nisei Farmers League and USDA Air Quality Task Force Member, stated that he has concerns with the rule as proposed. With that comment made Mr. Cunha stated that he was not opposed to the Board approving Item # 16 for receive and file and setting the public hearing date for October 31, 2001.

Mr. Cunha requested that the Board direct staff with the presence of some members of the District Governing Board to meet with EPA and industry to try and resolve concerns with proposed Regulation VIII.

Les Clark, Independent Oil Producers Agency (IOPA) and Citizens Advisory Group of Industries (CAGI) – stated that he has several concerns with the proposed Regulation VIII.

Roger Isom, California Cotton Ginners and Growers Association, stated that industry is asking that the Board support these meetings with EPA and direction to the staff to participate. And, if some of the Board Members could participate that would be even that much better.

Kevin Hall, Sierra Club, Tehipite Chapter, stated that if the Board is going to direct staff to participate in these meetings and are considering participating as well then please consider including community based organizations such as his.

RECEIVED AND FILED WITH CAVEATS - *A motion was made by Board Member Blom to receive and file Regulation VIII with the following caveat: The Chair will appoint a Board ad hoc subcommittee to meet with District staff, EPA, industry with the understanding that community based organizations are included. The motion was seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:*

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

Noes: *None.*

Absent: *None.*

The Board took the following action: (1) Received and filed proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions). The Board set Wednesday, October 31, 2001 for the public hearing to consider the proposed amendments. (2) The Chair will appoint a Regulation VIII Ad Hoc Board Subcommittee to meet with District staff, EPA and industry with the understanding that community based organizations are also invited to participate in the meeting.

The Chair directed staff to set a tentative date for a November 2001 Governing Board Meeting. Subsequent to the September 27, 2001 Governing Board Meeting a tentative Governing Board Meeting was set for Thursday, November 15, 2001 at 9:00 a.m.

The Chair appointed the following Regulation VIII Ad Hoc Board Subcommittee:

Supervisor Nick W. Blom, Stanislaus County
Supervisor Tony Barba, Kings County
Supervisor Ronn Dominici, Madera County

4. **PUBLIC COMMENT - Manuel Cunha, Nisei Farmers League**, expressed his appreciation for District staff involvement in developing a fumigation plan with the Valley Ag Commissioners.
5. **VERBAL REPORT: CITIZENS ADVISORY COMMITTEE (CAC) MEETING** - Les Clark, Industry/Ag, Primary Member, Kern County, reported on the CAC Meeting held on Tuesday, September 4, 2001.
6. **CONVERT EXISTING TEMPORARY AIR QUALITY ENGINEER I/II POSITIONS TO REGULAR POSITIONS** – Presentation made by Seyed Sadredin, Director of Permit Services.

Manuel Cunha, Nisei Farmers League, spoke in support of staff's recommendations.

Roger Christy, Chevron, Inc., supported staff's recommendations.

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

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

Noes: None.

Absent: None.

The Board took the following action: Converted existing temporary Air Quality Engineer I/II positions in the District's Permit Services program to two (2) regular Air Quality Engineer I/II and two (2) Air Quality Specialist I/II positions.

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.
Report made from the Northern Region Office (Modesto).

8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced that the Bay Area Air Quality Management District (BAAQMD) will be taking their revised 2001 Bay Area Ozone Attainment Plan before the three control bodies on October 24, 2001 at 9:30 a.m. in the MetroCenter Auditorium, 101 8th Street, Oakland, CA. That will be an opportunity for the three approving entities the BAAQMD, the Metropolitan Transportation Commission and Association of Bay Area Governments (ABAG) to review and approve the Bay Area's Ozone State Implementation Plan (SIP). Subsequent to that there is a planned meeting on November 1, 2001 at 6:00 p.m. at the Elihu Harris Building, 1515 Clay Street, Oakland, CA. for the CARB Board to take up the matter of the Bay Area SIP. As the Board well knows we have been well represented in the San Joaquin Valley with regards to our interest on transport and transport mitigation measures in particular Smog Check II applicability in the Bay Area.

Mr. Crow brought the Board and the public up to speed on the Biomass Industry Crisis in the San Joaquin Valley.

Mr. Crow announced the following workshops for the District's Severe Ozone Attainment Demonstration Plan (SOADP):

October 4, 2001 at 1:30 p.m. in the Central Region Office, Fresno, Governing Board Room with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC and;

October 9, 2001 at 6:30 p.m., in the Central Region Office, Fresno, Governing Board Room with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

Mr. Crow introduced Ms. Jamie Aggers who was recently hired as the Air Quality Compliance Manager for the Northern Region Office (Modesto).

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

OTHER BUSINESS – No Other Business.

10. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Sections 54957, 54956.9 and 54957.6 of the Government Code (Ralph M Brown Act) as follows:

◆ Public Employee Performance Evaluation: Executive Director/APCO.

- ◆ Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (1): one potential case.
- ◆ Conference with labor negotiator, Agency negotiator: Carolyn Rose, Employee Organization: SEIU, Local 700

Philip M. Jay, District Counsel, announced that on the Anticipated Litigation, Closed Session under Government Code Section 54956 (b) (1) based on existing facts and circumstances there is a significant exposure to litigation that's based on the receipt of the 60 day notice to sue under the Clean Air Act that the District received from the Earth Justice group.

Mr. Jay stated that he did not anticipate any announcements after the Closed Session so the Governing Board Meeting will adjourn from Closed Session.

Meeting adjourned to Closed Session at 11: 00 a.m.

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