

**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, May 16, 2002  
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, Councilmember Sam Armentrout, called the meeting to order at 9:46 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
Judith G. Case, Supervisor	Fresno 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
Ronn Dominici, Supervisor, <b>Vice Chair (absent)</b>	Madera County
Sam Armentrout, Councilmember, <b>Chair</b>	City of Madera

(\*) Attended meeting in Southern Region Office (Bakersfield)

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-18)**. (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).
  13. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, April 25, 2002.
  14. Receive and file List of Scheduled Meetings for 2002.
  15. Receive and file Operations Statistics Summary for April 2002.
  16. Receive and file Budget Status Report as of April 30, 2002.

17. Receive and file proposed Rule 4311 (Flares). Set Thursday, June 20, 2002 for the Public Hearing to consider the proposed rule.
18. Approve Air Quality Mitigation Agreement between the District and Midway Power, LLC providing for the District to receive \$957,751 from Midway Power, LLC for the purpose of mitigating localized air quality impact within the District.

**Kevin Hall, Sierra Club**, had questions regarding Consent Calendar Item # 18. Mr. Hall asked how the per ton amount was assessed, the methodology that was tied to the airflow patterns and how the airflow patterns percentages were calculated?

**Seyed Sadredin, Director of Permit Services**, responded to Mr. Hall's questions.

***APPROVED AS RECOMMENDED – Board Member Case made the motion to approve the Consent Calendar. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:***

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

***Absent: Dominici.***

***Therefore, the Board approved Consent Calendar items 13, 14, 15, 16, 17 and 18 as submitted.***

4. **PUBLIC COMMENT – Kevin Hall, Sierra Club**, mentioned the recent news articles regarding EPA ending clean air exemptions for on field agriculture sources. Mr. Hall noted EPA's action implies that potentially a great number of farms would be subject to this change if we drop the threshold on the extreme status. Mr. Hall noted that we will be seeking perhaps through farm bureau publications or other means to alert and inform the farming community about that potential impact and bring them into this discussion as well.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC) – Roger Isom, Industry/Agriculture, Primary Member, Fresno County**, reported on the May 7, 2002 CAC Meeting. Mr. Isom noted that the CAC requested a report on emissions reductions numbers from mobile source programs such as the *Clean Green Yard Machine, Carl Moyer Program, Heavy-Duty Incentive Program* etc.

Mr. Crow noted that staff was going to provide to the Board the emission reduction numbers from District mobile source programs report that was presented to the CAC. Mr. Crow stated that in the interest of time that report would be provided to the Board as a Board Briefing Report.

Mr. Isom reported that the USDA Air Quality Task Force met last week in Washington, D.C. Mr. Isom noted that the Task Force adopted a recommendation that will be forwarded to the Secretary of USDA which will then be forwarded to EPA. The recommendation is a emission reduction credit program for agriculture. Mr. Isom explained that it is basically an extension to emission reduction credits that most air districts have. It will be for a one year pilot program for burning and irrigation pump engines.

6. **PUBLIC HEARING: ADOPT PROPOSED 2002 AND 2005 RATE OF PROGRESS PLAN (ROP)** – Presentation made by David L. Crow, Executive Director, Joan Merchen, Senior Air Quality Planner and Dave Jones, Planning Manager.

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

**Kevin Hall, Sierra Club**, thanked staff for including the indirect source mitigation fees in the ROP.

**James O. Bartholomew, JOB Associations, Inc.**, stated that he was in attendance to promote the use of extruded polystyrene foam 152a and with a request to move the product from Tier II to Tier I in the ROP schedule.

**ADOPTED AS RECOMMENDED** – Board Member Blom made the motion to adopt the ROP. Seconded by Board Member Sieglock and carried unanimously with the following **Roll Call Vote**:

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

**Absent:** Dominici.

***Therefore, the Board took the following action:***

1. ***Adopted the Negative Declaration prepared for the Proposed 2002 and 2005 Rate of Progress Plan (ROP).***
  2. ***Adopted the ROP.***
  3. ***Authorized the Chair to sign the resolution.***
  4. ***Directed staff to forward the adopted ROP and resolution to the California Air Resources Board (ARB).***
7. **PUBLIC HEARING: ADOPT PROPOSED RULE 3170 (FEDERALLY MANDATED OZONE NONATTAINMENT FEE)** – Presentation made by David L. Crow, Executive Director/APCO, Scott Nester, Supervising Air Quality Engineer,

Mark Boese, Deputy Air Pollution Control Officer and Philip M. Jay, District Counsel.

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

David Campbell, San Joaquin Refining and Tricor Refining, spoke of concerns with the adoption of Rule 3170.

**ADOPTED AS RECOMMENDED** – Board Member Applegate made the motion to adopt as recommended. Seconded by Board Member Case and carried unanimously with the following Roll Call Vote:

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

**Absent:** Dominici.

**Therefore, the Board took the following action:**

1. **Adopted proposed Rule 3170 (Federally Mandated Ozone Nonattainment Fee.)**
  2. **Authorized the Chair to sign the resolution.**
8. **PUBLIC HEARING: ADOPT PROPOSED RULES 4610 (GLASS COATING OPERATIONS), 4693 (BAKERY OVENS) AND AMENDMENTS TO RULE 4661 ORGANIC SOLVENTS** – Presentation made by Scott Nester, Supervising Air Quality Engineer.

No Public Comments received on this agenda item.

**ADOPTED AS RECOMMENDED** – Board Member O'Banion made the motion to adopt as recommended. Seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

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

**Absent:** Dominici.

**Therefore, the Board took the following action:**

1. **Adopted proposed Rule 4610 (Glass Coating Operations), proposed Rule 4693 (Bakery Ovens) and proposed amendments to Rule 4661 (Organic Solvents).**
2. **Postponed hearing on Rule 4313 (Lime Kilns).**
3. **Authorized the Chair to sign the resolution.**

9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, made the ARB Board Meeting Report. Mr. Ramalingam presented the results of a recent study on long term exposure to fine particulate matter and associated mortality from cardiopulmonary disease and lung cancer.

**Kevin Hall, Sierra Club**, stated that he had something to add to Mr. Ramalingam's report. Mr. Hall stated that he recently attended a forum on public transportation and the following comment was made by a local doctor who works at the University Medical Center (UMC) where we train our doctors. Mr. Hall noted that the doctor made a couple of startling statements: (1) two people studying to be doctors doing their residency at UMC left in the middle of their residency this year because their children were suffering so badly from respiratory illness that they had not experienced before moving to the Valley and (2) a pulmonary specialist who was hired to come on the staff at UMC from South Coast and had indicated he would be accepting the position looked into our air quality and announced that he would not be coming.

10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced that workshops on the severe versus extreme nonattainment designation for federal 1-hour ozone standard will be held at the following time and location: **Wednesday, May 29, 2002 at 6:30 p.m.** and **Thursday, May 30, 2002 at 10:00 a.m.**

The workshops will be held at the San Joaquin Valley Unified APCD, Central Region Office, 1990 E. Gettysburg Ave., Fresno, Ca with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via video teleconferencing.

**The Chair** asked the following question pertaining to Mr. Crow's announcement on workshops for the severe versus extreme nonattainment designation for the federal 1-hour ozone standard: Would it be possible for the District to hold a public workshop either in the City Council Chambers or the Board of Supervisors Chambers in Madera to talk about the issues of severe versus extreme?

**Mr. Crow** responded that as desirable as that would be he thinks that regrettably, logistically and given the intent to bring this matter back before the Board in June it would be difficult. Mr. Crow noted that by the compressed time frame that we're dealing with and the fact that we do have three venues that are accessible throughout the valley he really didn't think the District would be able to offer that. Mr. Crow stated that he would encourage everybody to take advantage of the video teleconferencing opportunity or travel to the Fresno Office.

The Board directed staff to look into interfacing the District's video teleconferencing system with their respective county video teleconferencing systems.

11. **GOVERNING BOARD MEMBER COMMENTS – Board Member Tom Applegate** requested a status report on Assembly Member Dennis Cardoza's bill AB 2637 regarding Smog Check II in the Bay Area.

**Mr. Crow** responded that the bill was put on suspense about one week ago in the Assembly Appropriations Committee. It is our information that the bill will move out of the Assembly Appropriations and to the floor at which point then it's next stop will be the Senate's Policy Committee, Senate Transportation and then Senate Appropriations and to the floor. The information we have is it looks positive to move the bill out of the Assembly to the Senate.

**Board Member William Sanders** stated that regarding Mr. Hall's comments about including agriculture in discussions on the bump up to extreme. Board Member Sanders commented that those meetings are being conducted in the agriculture community. In fact he has been at two such meetings at the AgriCenter in Tulare that were widely attended by the District, businesses and agriculture representatives.

Board Member Sanders stated that the inclusion of agriculture and the possibility that the exemptions for agriculture will be lifted do represent some changes in philosophy. While we have something like three thousand sources in the District for agriculture engines he thinks probably half of those have already been changed out voluntarily. We do not want to overlook the fact that they have participated even though they haven't been part of the rule.

Board Member Sanders stated that a comment was made earlier today that there was something lacking today that we are not going to have and that is that we are not going to have an attainment plan. But, we are going to work hard for the demonstration plan to reach the goals. The fact that we cannot make it by 2005 doesn't mean we aren't going to continue to try. Board Member Sanders stated that he would just urge staff to look at all the technologies and all those things available to us to continue to reach achievement.

Board Member Sanders stated that he has been heartened recently because of the articles in the newspapers making people aware of how serious the problem is. He thinks that the more press we can get even though it doesn't reflect positively on us is o.k. because it makes people understand what the problems are.

**Board Member Mike Maggard** stated that he sent an email to Mr. Crow and staff respond quickly to that and he appreciates that. Board Member Maggard stated that both he and Board Member Patrick have been approached by a business owner in the Bakersfield area who helps to rebuild engines. His call was in respect to the Carl Moyer Program and the replacement of gas and diesel engines. Board Member Maggard noted that the question that he asked had to do with why it was necessary for a rebuilt engine to be factory rebuilt if indeed the

non factory rebuild could meet all the same standards. Board Member Maggard stated that it appeared at first to be a bit bureaucratic and arbitrary that they had to use factory supplied parts. That just makes compliance and the incentive to have cleaner burning engines more expensive and precludes certain people from participating in that effort. Board Member Maggard stated that he got a quick email back but basically it didn't say we could do much to try and help or look at whatever alternatives might be available. Board Member Maggard asked staff to help with this situation and explore what options and possibilities might exist.

**The Chair** stated that last year he asked staff to look into a mechanism by which the chair could recognize a Board Member who wishes to speak. Basically, it is a really simple system with a panel of lights so that a Board Member could push a button and light that particular area on the panel so that the chair can recognize that an individual Board Member wishes to speak. The Chair noted that it is difficult when you have Board Members in the Northern and Southern Region Offices and the public as well who may want to comment. The Chair noted that he asked for this six months ago and so far no one is talking about it.

**Mr. Crow** stated that staff just brought the Chair's request to his attention. Mr. Crow noted that he believes the Chair's request is doable.

**OTHER BUSINESS** – No Other Business.

**Philip M. Jay, District Counsel**, announced the following:

12. **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 – Carolyn Rose; Employee Organization: SEIU, Local 700.

**Mr. Jay noted that he did not believe there would be any announcements. Therefore, the Board will adjourn the meeting from Closed Session.**

**The Board adjourned to Closed Session at 11:44 a.m.**

**The Board adjourned from Closed Session at 12:26 p.m.**