

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

**Thursday, December 18, 2003
9:00 a.m.**

<p>Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.</p>

1. **CALL TO ORDER** – The Chair, Supervisor Ronn Dominici, called the meeting to order at 9:17 a.m.

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

Mike Maggard, Councilmember (*)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor	Merced County
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Dan Prince, Councilmember (**)	City of Ripon
Barbara Patrick, Supervisor, Vice Chair (*)	Kern County
Ronn Dominici, Chair	Madera County

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers (16-23) (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 from the Governing Board Meeting of Thursday, October 16, 2003.

17. Receive and file List of Scheduled Meetings for 2003 and 2004.

18. Receive and file Operations Statistics Summary for October and November 2003.

19. Receive and file Budget Status Report as of November 30, 2003.
20. Receive and file proposed amendments to Rule 4604 (Can and Coil Coating Operations) and set January 15, 2004 for the Public Hearing.
21. Receive and file Comprehensive Annual Financial Report and Single Audit Reports for the Fiscal Year Ended June 30, 2003.
22. Approve Budget Transfer #5 in the amount of \$20,000 to accommodate an unanticipated upgrade to the District's phone system.
23. Approve and authorize the Chair to execute Amendment No. 1 to Contract with Sonoma Technology, Inc. in the amount of \$8,500 for additional inventory improvement and control measure assessment tasks.

Supervisor Case requested Item #21 be postponed to next month's agenda. Supervisor Case requested Item #22 be removed for discussion.

APPROVED AS RECOMMENDED – Board Member Worthley made the motion to approve the Consent Calendar with Item #21 postponed to next month's agenda and Item #22 removed for discussion. Seconded by Board Member Case and carried unanimously with the following Roll Call Vote:
Ayes: *Sieglock, Nelson, Mayfield, Worthley, Armentrout, Case, Barba, Maggard, Prince, Patrick and Dominici.*
Absent: *No Board Members absent.*

Action: Approved Consent Calendar Items 16, 17, 18, 19, 20 and 23 as submitted. Item #21 postponed to next month's meeting and Item #22 removed for discussion.

Supervisor Case – requested a presentation on Item #22 with clarification regarding the cost of adding eight voice mail to the District's Telephone System.

Roger McCoy, Director of Administrative Services – deferred comment on Item #22 to Ken Pretzer, Information Services Manager.

Ken Pretzer – explained the District purchased additional hardware package which consists of eight voice mail ports to the District's PBX. The additional ports added additional capacity which accommodates a lot more calls than eight voice mails.

APPROVED AS RECOMMENDED – Board Member Case made the motion to approve Item #22 as submitted. Seconded by Board Member Worthley and carried unanimously with the following **Roll Call Vote**:

Ayes: Case, Mayfield, Barba, Prince, Nelson, Armentrout, Sieglock, Maggard, Worthley, Patrick and Dominici.

Absent: No Board Member absent.

Action: Approved Consent Calendar Item #22 as submitted.

4. **ELECTION OF OFFICERS** – Recommend electing the Chair and Vice Chair of the Governing Board for 2004.

APPROVED AS RECOMMENDED – Board Member Armentrout made the motion to elect Board Member Patrick Chair for 2004 and Board Member Mayfield Vice Chair for 2004. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**:

Ayes: Worthley, Prince, Nelson, Sieglock, Case, Mayfield, Armentrout, Maggard, Barba, Patrick and Dominici.

Absent: No Governing Board Members absent.

Action: the Board elected Supervisor Barbara Patrick, Kern County, Chair and Supervisor Thomas W. Mayfield, Stanislaus County, Vice Chair of the Governing Board for 2004.

5. **CHARLES SANT'AGATA** – Proclaim the Air District's appreciation of Charles Sant'Agata in recognition of his service to the American Lung Association of Central California. Mr. Sant'Agata is retiring from his leadership of the Lung Association.

The Chair read the proclamation and presented it to Charles Sant'Agata.

Charles Sant'Agata –thanked the Board for the special recognition. Mr. Sant'Agata noted he has been with the Lung Association for over 45 years. Mr. Sant'Agata stated “in regards to air pollution no one is to blame we all are to blame”.

Board Member Armentrout – presented a Proclamation to Ms. Josette Merced Bello who is retiring from the Air District after 9 ½ years as serving as the District's spokeswoman and taking the position of CEO and President of the American Lung Association of Central California. The Board thanked Ms. Josette Merced Bello for all her efforts and wished her success in her new position and look forward to working with her in the future.

Josette Merced Bello – thanked the Board for the proclamation. Ms. Merced Bello noted it truly has been an experience of a life time and a privilege and a pleasure to serve the Board and the residents of the San Joaquin Valley. Ms. Merced Bello stated she commends the Board and thanked them for their work and hopes to be their ally in the future.

The Chair presented a Certificate of Appreciation to Lee Smith, Environmental Primary Member, Madera County, in recognition of his significant contributions to air quality as Chair of the Citizens Advisory Committee from January 1, 2002 to December 31, 2003.

Approved as Presented – Board Member Case made the motion to approve the presentations as presented. Seconded by Board Member Barba and carried unanimously with the following **Roll Call Vote**:

Ayes: Prince, Worthley, Mayfield, Barba, Case, Sieglock, Armentrout, Maggard, Nelson, Patrick and Dominici.

Absent: No Governing Board Members absent.

Action: The Board approved the presentations made to Charles Sant'Agata, outgoing CEO and President of the American Lung Association, Josette Merced Bello, Public Education Administrator leaving the District after 9 ½ years and Lee Smith, Environmental Primary Member, Madera County, outgoing Chair of the Citizens Advisory Committee from January 1, 2002 to December 31, 2003.

6. **PUBLIC COMMENT** – **Floyd Judd** commended Charles Sant'Agata for his work with the American Lung Association. Mr. Judd stated the improvement in air quality will come when sacrifices are made by everyone. Mr. Judd stated we can't expect the Federal Government to come in and clean up our air if we are not willing to make sacrifices ourselves.
7. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – report made by Lee Smith, Chair, Environmental Primary Member, Madera County on the December 2, 2003 CAC Meeting. Mr. Smith announced the new Chair and Vice Chair of the CAC for a two year term: the new Chair is Les Clark, Industry/Agriculture Primary Member, Kern County and Vice Chair and Chris Savage, Industry/Agriculture, Primary Member, Stanislaus County.
8. **REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO CLASSIFY THE SAN JOAQUIN VALLEY AIR BASIN AS EXTREME NONATTAINMENT FOR THE FEDERAL 1-HR OZONE AMBIENT AIR QUALITY STANDARDS** – Staff presentation made by David L. Crow, Executive

Director/APCO, Dave Jones, Director of Planning and Don Hunsaker, Planning Manager.

Staff provided the Board and the public with a revised Resolution and a Response to Comments dated: December 5, 2003.

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

Rick Garcia, Nuevo Energy - urged the Board to adopt the extreme reclassification.

Debbie Moreno, Greater Bakersfield Chamber of Commerce - spoke in support of reclassifying to extreme.

Loron Hodge, Executive Director, Kern County Farm Bureau – spoke in support of reclassifying to extreme.

Susie Geiger, Public Affairs Manager, Occidental – spoke in support of reclassifying to extreme.

Bob Boston, Berry Petroleum – spoke in support of reclassifying to extreme.

Jerry Frost, Refiners Council and Kern Oil – spoke in support of reclassifying to extreme.

Charles Sant'Agata, CEO and President American Lung Association of Central California – spoke in opposition of reclassifying to extreme.

Henry Perea, Member of the Public – spoke in opposition of reclassifying to extreme. Mr. Perea submitted for the record from the City Council of the City of Fresno, Resolution No. 2002-213, in opposition of reclassifying to extreme.

David Farabee, San Joaquin Valley Air Quality Coalition – spoke in support of reclassifying to extreme.

Colby Morrow, Southern California Gas Company – spoke in support of reclassifying to extreme.

Manuel Cunha, Nisei Farmers League – spoke in support of reclassifying to extreme.

Rock Zierman, California Independent Petroleum Association – spoke in support of reclassifying to extreme.

Suzanne Noble, Western States Petroleum Association (WSPA) – spoke in support of reclassifying to extreme.

Brent Newell, Center of Race, Poverty, & the Environment – spoke in opposition to reclassifying to extreme without an environmental impact report and analysis of those health effects associated with delaying meeting those health based standards . Mr. Newell requested the Board table this decision and Mr. Newell submitted for the record correspondence to District staff dated December 12, 2003.

Mr. Newell showed the Board a document he titled Exhibit 5 which shows severe 2005 and extreme 2010.

Floyd Judd, Member of the Public – the public wants to see improvements in air quality now.

Roger Christy, Chevron/Texaco – spoke in support of reclassifying to extreme.

Vanessa Steward, Earthjustice – spoke in support of reclassifying to extreme.

Caroline Simunovic, Fresno Metro Ministry – spoke in opposition of reclassifying to extreme.

Correspondence/Documents received:

Comments for SJVAPCD Hearing on Reclassification of Ozone, December 18, 2003 from Alexander Ott.

Donald B. Hunsaker, Jr., qualifications

Correspondence from Schuyler Fishman re: reclassification, dated December 8, 2003 with attachments:

Exhibit 2, American Lung Association, State of the Air 2002,

Exhibit 3, American Lung Association, Annotated Bibliography of Recent Studies of the Health Effects of Ozone Air Pollution 1997-2001, dated: June 1, 2001,

Exhibit 4, American Lung Association, Annotated Bibliography of Recent Studies on the Health Effects of Air Pollution, dated: October 11, 2002

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

Ayes: Barba, Armentrout, Sieglock, Prince, Mayfield, Nelson, Worthley, Maggard, Case, Patrick and Dominici.

Absent: No Governing Board Members absent.

Action:

- (1) Request the U.S. Environmental Protection Agency (EPA) to classify the San Joaquin Valley Air Basin (SJVAB) as extreme Nonattainment for the federal 1-hour ozone standards**
- (2) Authorized the Chair to sign the revised resolution**
- (3) Direct staff to forward the revised resolution with cover letter to the California Air Resources Board (CARB) for timely transmittal to EPA.**

Philip M. Jay, District Counsel – Made the following announcement.

15. **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

The Board adjourned to Closes Session at 11:59 a.m.

The Board reconvened from Closed Session at 1:00 p.m.

Board Member Armentrout and Sieglock did not return to the meeting.

9. **APPROVE THE PROPOSED AMENDMENTS TO THE 2003 PM10 PLAN** - Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Dave Mitchell, Planning Manager.

District staff noted late comments were received from Earthjustice and Art Unger, Member of the Sierra Club. Staff indicated they responded to the late comments but they have not been distributed to the Board or the public.

The Chair directed District staff's written response to Earthjustice and Art Unger be included in the official record.

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

Manuel Cunha, Nisei Farmers League – thanked District staff for their efforts in respect to the 2003 PM10 Plan. Mr. Cunha spoke in support of the proposed amendments to the 2003 PM10 Plan but noted we need science to tell us what to do.

Kerry Drake, U.S. Environment Protection Agency – stated EPA has a brief list of things that need to be addressed in the 2003 PM10 Plan which staff has

accomplished. Mr. Drake commended District staff for working many hours with EPA on this issue.

Roger Isom, California Cotton Ginners and Growers Association – stated they support the combination of Rule 8081 in Regulation VIII and Rule 4550 which is going to be the agriculture Conservation Management Practices (CMP) rule. Mr. Isom made comments in respect to the PM10 Handbook.

Kevin Hall, member of the Sierra Club stated the handbook is the rule and they haven't seen it.

Vanessa E-H Stewart, Research Associate, Earthjustice spoke about various concerns regarding the amendments to the 2003 PM10 Plan.

Brent Newell, Center of Race, Poverty, & the Environment stated he was extremely troubled that EPA is engaged in a sort of a informal communication with Air District staff in order to correct some of these problems rather than publish those problems in the Federal Register and let people comment and participate in the process.

Charlie Peters, Clean Air Performance Professionals stated that the District's significant problem with PM10 is coming from mobile sources and the District does not have the authority to regulate mobile sources. Mr. Peters suggested the Board consider the possibility of providing support for the policy direction California has taken in asking for relief from the oxygenate requirement that is certainly being addressed in the energy bill that will come back the middle of January.

Mr. Peters stated that he would provide the Board with documents regarding the Bureau of Automotive Repair and the Smog Check Program. (Subsequent to the Board Meeting 15 copies were received and forwarded to the Board.)

Jerry Frost, Kern Oil stated he was encouraged and in support of District staff considering technical feasibility and cost effectiveness in their PM10 control measures in rules.

Karla Fullerton, Fresno County Farm Bureau stated she finds it terribly ironic that the environmental community has continually pushed that agriculture is a piece of the puzzle and that we should be a part of it. And, yet now are questioning the fact that we should not count the emission reductions that are being proposed in the PM10 Plan for the reductions that will come from agriculture.

Ms. Fullerton made comments in respect to the previously discussed PM10 Handbook.

APPROVED AS RECOMMENDED – Board Member Patrick made the motion to approve the proposed amendments as recommended. Seconded by Board Member Maggard and carried unanimously with the following **Roll Call Vote**

Ayes: Prince, Worthley, Case, Nelson, Barba, Maggard, Mayfield, Patrick and Dominici.

Absent: Armentrout and Sieglock.

Action:

1. **Approved and adopted the Negative Declaration.**
2. **Approved the Proposed Amendments to the 2003 PM10 Plan.**
3. **Authorized the Chair to sign the resolution.**
4. **Directed staff to forward the adopted Amendments to the 2003 PM10 Plan and the signed resolution to the California Air Resources Board (ARB).**

Comments and documents received:

Correspondence received from Earthjustice to District staff, regarding Proposed Amendment to 2003 PM10 Plan, dated: December 17, 2003

District staff comments in response to correspondence received from Earthjustice

District staff comments in response to comments received via email dated December 12, 2003 from Arthur Unger, Bakersfield, CA. on amendments to the 2003 PM10 Plan.

Received from District staff: Chapter 3, Emission Inventory, Table 3-4: Annual Average Volatile Organic Compounds (VOC) Tons per day, CH 3-21, CH 3-22 and Table 3-5: Annual Average Oxides of Nitrogen (NOx) Tons per day, CH 3-24.

10. **VERBAL REPORT: IMPLEMENTATION OF SB 700, SENATOR DEAN FLOREZ (PERMITS AND POLLUTION CONTROLS FOR AGRICULTURAL SOURCES)** – Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Seyed Sadredin, Director of Permit Services

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

Victor Lopez, member of the Public – stated he would like to see more on specifics of financing and available money for dairy farmers.

Roger Christy, Chevron/Texaco stated the District held an excellent public workshop in respect to SB 700 on December 17, 2004.

Loron Hodge, Executive Director, Kern County Farm Bureau stated we will do whatever we can to work with the District in respect to rule development. Mr. Hodge stated the District could work with the agriculture commissioners through the state organization would help speed up the permit process.

Brent Newell, Center of Race, Poverty, & the Environment commended Mr. Sadredin on his presentation and stated he looks forward to working with staff on the development of the BACT standard.

11. **RECEIVE AND FILE DISTRICT'S ANNUAL OFFSET EQUIVALENCY REPORT TO FEDERAL ENVIRONMENTAL PROTECTION AGENCY**

RECEIVED AND FILED AS SUBMITTED – Board Member Worthley made the motion to receive and file as submitted. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**:

Ayes: *Mayfield, Barba, Worthley, Prince, Case, Nelson, Maggard, Patrick and Dominici.*

Absent: *Armentrout and Sieglock.*

Action: The Board received and filed the District's annual offset equivalency report submitted to federal Environmental Protection Agency (EPA) for the 12-month period from August 20, 2002 through August 19, 2003.

12. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Mr. Ramalingam invited the Board to participate in a two day summit on the State Implementation Plan (SIP) that the ARB staff will be holding on January 13 and 14, 2004 in Sacramento, ARB Headquarters. Mr. Ramalingam noted that staff is looking for new ideas that will help us to define control measures to help the San Joaquin Valley, Sacramento and the South Coast our Nonattainment areas actually attain the Federal 1-HR Standard. Mr. Ramalingam stated the details on the meeting are on ARB's website.

13. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, invited Seyed Sadredin, Director of Permit Services, to share some statistics regarding permitting backlog.

Mr. Sadredin showed the Board a chart titled: How old are the applications and the Backlog Status. Mr. Sadredin stated currently most applications are thirty days olds. Mr. Sadredin stated that in the last three months we have reduced out backlog quite a bit with 580 applications getting very near the 500 target.

Mr. Crow reported to the Board that District staff Gary Reeves, Senior Air Quality Inspector, Northern Region Office, was the recipient of the 1st Annual Rodney Swartzendruber Outstanding Inspector Award. Mr. Crow reported this award was presented on October 15, 2003 to Gary Reeves, the 1st Inspector from a large district to receive this honor. The Board commended Gary Reeves for his efforts.

Gary Reeves stated he was proud to represent the District. Mr. Reeves stated we have an outstanding staff and he would not be surprised if more of these awards are given to the San Joaquin Valley staff.

The Chair thanked Mr. Reeves and his colleagues for all the work they do.

14. **GOVERNING BOARD MEMBER COMMENTS** – **Board Member Patrick** thanked Mr. Crow and Mr. Sadredin for their report on the backlog of applications. Board Member Patrick and Board Member Maggard wished everyone Happy Holidays!

OTHER BUSINESS – No Other Business.

The Chair adjourned the meeting at 3:10 p.m.