

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

**Thursday, July 17, 2003
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) participating via VTC.
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1. **CALL TO ORDER** – The Chair, Supervisor Ronn Dominici, called the meeting to order at 9:03 a.m.
2. **ROLL CALL** was taken and a quorum was present.

Mike Maggard, Councilmember (absent)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Bob Waterston, Supervisor (Alternate)	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
Barbara Patrick, Supervisor (Vice Chair)	Kern County
Ronn Dominici, Supervisor (Chair)	Madera County

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-23)**. (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).
 11. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, June 19, 2003.
 12. Receive and file List of Scheduled Meetings for 2003.
 13. Receive and file Operations Statistics Summary for June 2003.

14. Receive and file Budget Status Report as of June 30, 2003.
15. Receive and file Rule 4351 (Boilers, Steam Generators, and Process Heaters – Phase 1), Rule 4305 (Boilers, Steam Generators, and Process Heaters – Phase 2), and proposed Rule 4306 (Boilers, Steam Generators, and Process Heaters – Phase 3) and set August 21, 2003 for the Public Hearing to consider the proposed amendments and proposed rule.
16. Receive and file proposed amendments to Rule 4701 (Internal Combustion Engines – Phase 1) and Rule 4702 (Internal Combustion Engines – Phase 2) and set August 21, 2003 for the Public Hearing to consider the proposed amendments.
17. Approve contract with R&W Software for Programming Support for the Permit Administration System for an amount not to exceed \$118,560.
18. Approve Budget Resolution increasing District Budget by \$104,000 to allow receipt of EPA 103 Grant for Compliance Data System Modernization, and contract with Optigon Technical Associates for programming services for the Compliance Variance Tracking Application for an amount not to exceed \$28,250.
19. Receive and file listing of refunds for the Fiscal Year 2002/03.
20. Appoint / reappoint Primary and Alternate Public Members to Regional Hearing Boards.
21. Approve change to the District's Position Control List.
22. Approve Amendment 3 to Agreement with Council of Fresno County Governments to pass through Federal Highway Administration Transportation and Community and System Preservation grant funds to the District.
23. Approve Amendment 1 to Agreement with Jones & Stokes Associates to update the Air Quality Guidelines for General Plans to extend the term of agreement to August 29, 2003.

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

Vote:

Ayes: Sieglock, Nelson, Mayfield, Worthley, Armentrout, Waterston, Barba, Patrick and Dominici.

Absent: Maggard.

Action: Approved Consent Calendar items, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 as submitted.

4. **PUBLIC COMMENT – Bernadette Del Chiaro, Energy Advocate for Environment California (EC)**, addressed the Board regarding EC's interest in establishing air pollution standards for micropower, or distributed generation. Ms. Del Chiaro provided the Board with a fact sheet and a executive summary of their report: *The Good, the Bad and the Other: Public Health and the Future of Distributed Generation*. Ms. Del Chiaro stated that over the coming months they will continue to work with District staff on integrating such standards into the 2003 Ozone Plan.

Manuel Cunha, Nisei Farmers League – spoke in opposition to Senate Bill 700, 704, 705, 707 and 709.

Kevin Hall, member of the Sierra Club – stated that last month he requested a presentation regarding recent legislation bills on this months Governing Board agenda. Mr. Hall stated a through and fact based presentation from the various parties involved on these pieces of legislation would benefit the Board.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** - Les Clark, Industry/Agriculture, Primary Member, Kern County, reported the CAC held two meetings held on July 1, 2003, their regular meeting and the remainder of the June 3, 2003 Orientation Meeting.

Mr. Clark reported the CAC talked about the Northern Region of the Valley Air District in regards to a separate planning area.

Mr. Clark stated the Emission Reduction Credit (ERC) issue with EPA was discussed and it was reported to the CAC that EPA Headquarters understands the District's proposal and it seems to be acceptable to EPA.

Mr. Clark noted that Josette Merced Bello, Public Education Administrator, requested a workshop with the CAC during their September meeting to discuss ideas for theme messages and strategies for the upcoming wood burning season.

Mr. Clark reported that the CAC discussed the timelines for utilities to convert diesel engines over to electricity. Mr. Clark announced the CAC voted unanimously to send a recommendation to the Governing Board that the District as a whole encourage the utilities to assign a high priority for diesel IC Engine conversions to electricity.

Mr. Clark thanked District staff for the many hours they put in towards the CAC Orientation.

The Chair announced that Item #7 would be moved up on the Agenda

7. **PUBLIC HEARING: ADOPT AMENDMENTS TO RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS)** – Amendments would correct the Environmental Protection Agency (EPA) rule deficiencies to make the rule fully approvable for inclusion into the State Implementation Plan (SIP) and to implement a particulate matter emission control measure in the District's PM10 Plan.

Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Dave Jones, Director of Planning and Tom Jordan, Senior Air Quality Planner.

Staff provided the Board a copy of: Addendum to Draft Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), noting a change to Rule 4901 in response to an EPA comment a description of the term AQI has been added to <u>Section 5.6.1.2</u> , dated: June 19, 2003
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Break at 10:20 a.m.

Returned from Break at 10:32 a.m.

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

Glenda Hannig, resident – stated she had concerns on whether or not the Board had addressed the issue of people with disabilities or with health problems that need the heat from wood burning stoves.

John Crouch, Hearth, Patio & Barbecue Association – requested the District return to the two-stage wood burning curtailment approach that appeared in the District's proposal of November 11, 2002.

Chris Caron, Duraflame, Inc. – requested the following amendments to Rule 4901: 1.) Add a Level I voluntary curtailment, 2.) Revise the trigger for curtailment episodes and specify the regions in which curtailments will be implemented and 3.) Modify density limits.

Jeff Bembry, resident of Clovis – stated this rule should be voluntary. Mr. Bembry noted the mandatory part is really irritating.

Sarah Kidd, Travis Industries – stated Travis Industries urge a mandatory two-stage burn curtailment in Rule 4901 which exempts EPA-Certified wood burning units from the first level of curtailment.

Jay Hanson, Regional Hearth, Patio and Barbeque Association – stated it makes sense to add an exemption to Rule 4901 for EPA certified wood heating appliances and pellet stoves.

Break at 12:05 p.m.

Reconvened from Break at 1:05 p.m.

The public comment portion continued for Rule 4901.

Randy Abbott, R. C. Abbott and Associates – stated he agrees with the comments of a previous speaker Mr. Jay Hanson.

Sherrie Reese, resident, Fresno County – suggested the Board consider an exemption for Valley residents that have written statements from their physicians stating heat from wood burning stoves is required for health reasons versus natural gas.

Steve Combs, Energy House – stated that whatever the public education program is, make it good and make it clear.

Guy Fasaonaro, regional affiliate of the trade association of hearth products – stated unless we codify the two stage burn curtailment to make it very clear and get it in the rule so we all know what it is and the media can convey a consistent message it's going to change and the word will not get out clearly. Mr. Fasaonaro noted on the issue of density on new construction to not make a distinction in EPA clean burn technology and open fireplaces really misses the mark.

Tanya Wolford, President of the Hearth, Patio, Barbeque, Pacific Region and manufacturer's representative for fireplace products – discussed the issue of education and the impacts that these decisions will have on local dealers which are generally small business people. Ms. Wolford encouraged the Board to exempt the EPA approved stoves from the curtailment issue.

Rey Leon, Latino Issues Forum Environmental Health Project – spoke of concerns that Rule 4901 will penalize and cause economic hardships on many families. Mr. Leon noted the rule does not offer any incentives for a lot of families that will be impacted.

Kevin Hall member of the Sierra Club – asked if the rule in regards to density is gross acres or net acres. Mr. Hall requested the rule clarify if it is gross or net acres. Mr. Hall requested the trigger level for curtailment be moved from 150 Air Quality Index (AQI) to 100 AQI.

Doug Vagim, resident of Fresno – stated he was not in favor of Rule 4901. Mr. Vagim stated he believes the voluntary rule is sufficient.

Jean Kline, Duraflame – stated she believes the educational component should be in the form of a resolution.

Les Scott, California Hot Wood – stated he concurs with previous speakers regarding the density issue.

Bill Bonderov, resident of Kern County – stated he sees a big hole in the rule in that according to the District's statistics three to five percent of emissions generate twelve to twenty-one percent of the small matter in our air pollution. Mr. Bonderov noted that if traditional fireplaces generate ten to twenty times the pollution as a newer technology wood burning appliance the District is not addressing those fireplaces and the continued pollution that they generate.

Cassi Daniel, Bakersfield Association of Realtors – asked when Rule 4901 would be effective and who would enforce the change out requirement at point of sale or transfer of property.

Staff responded the rule becomes effective on January 1, 2004 as it relates to the change out of equipment and November of this year as it relates to curtailments. As far as the requirements for equipment change out it's the sellers responsibility to provide the documentation that the stove that was in the property is either gone if it's non-certified and if there is one in there that it is certified.

Correspondence received:

Hot Wood
Hearth, Patio & Barbecue Association, HPBA
Duraflame
Stanislaus County
David R. Pepper, MD, MS
American Lung Association of Central California
Travis Industries
Correspondence to Supervisor Case
Nona Fleming
Gloria Jensen
Sharon Wilgenburg
Hearth & Home Technologies

Philip R. Brothers
Fresno Association of Realtors
Fresno Bee and Modesto Bee editorial

Public Comment Closed

Supervisor Worthley suggested Section 5.3. be changed to read:

Revise 5.3.1 Beginning January 1, 2004, no person shall install a wood burning fireplace ~~or wood burning heater~~ in a new residential development with a density greater than two (2) dwelling units per acre.

A new 5.3.2 Beginning January 1, 2004, no person shall install more than two (2) EPA Phase II Certified Wood Burning Heaters in new residential development with a density greater than three (3) dwelling units per acre.

Previous

5.3.2 becomes 5.3.3

MOTION TO APPROVE MODIFICATIONS TO SECTION 5.3 AND MOTION AMENDED TO CLARIFY GEOGRAPHICAL REGIONS - Board Member

Worthley made the motion to revise Section 5.3, Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments and amended his motion to include language in Section 3.0, Definitions. Seconded by Board Member Waterston and carried with the following Roll Call Vote:

Ayes: Waterston, Barba, Worthley, Armentrout, Patrick and Dominici.

Noes: Mayfield, Nelson and Sieglock.

Absent: Maggard.

Action: The Board approved Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) with the following revisions:

Section 3.0 Definitions

3.7 Geographical region equals county

Section 5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments

Revised 5.3.1 Beginning January 1, 2004, no person shall install a wood burning fireplace ~~or wood burning heater~~ in a new residential development with a density greater than two (2) dwelling units per acre.

Revised 5.3.2 Beginning January 1, 2004, no person shall install more than two (2) EPA Phase II Certified Wood Burning Heaters in new residential development with a density greater than three (3) dwelling units per acre.

Revised 5.3.2 becomes 5.3.3

ADDENDUM TO RULE 4901 RESOLUTION – Board Member Sieglock made a motion to add an addendum to Rule 4901 resolution. Seconded by Board Member Armentrout and carried unanimously with the following Roll Call Vote:

Ayes: Worthley, Barba, Nelson, Sieglock, Waterston, Mayfield, Armentrout, Patrick and Dominici.

Absent: Maggard.

Action: The Board added the following addendum to Rule 4901 resolution. In connection with the episodic curtailment provisions of Rule 4901, the APCO is directed to develop an enhanced public education program that will encourage the public to refrain from operating wood burning fireplaces and wood burning heaters, except for EPA certified wood burning heaters and manufactured fire logs whenever an Air Quality Index (AQI) value in the range of 100 to 149 is predicted for the geographic region.

ADOPT AMENDMENTS TO RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS) – Board Member Patrick made a motion to adopt Rule 4901 with amendments. Seconded by Board Member Waterston and carried with the following Roll Call Vote:

Ayes: Worthley, Barba, Waterston, Armentrout, Patrick and Dominici.

Noes: Nelson, Mayfield and Sieglock.

Absent: Maggard.

Action: The Board took the following action:

- 1.) Adopted the Negative Declaration prepared for the proposed rule.
- 2.) Adopted Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) with amendments.
- 3.) Authorized the Chair to sign the resolution with addendum

Break at 2:59 p.m.

Reconvened from Break at 3:03 p.m.

6. **PUBLIC HEARING: APPROVE AMENDMENTS TO RULES 3010 (PERMIT FEE), 3070 (OTHER CHARGES), 3080 (ATMOSPHERIC ACIDITY PROTECTION PROGRAM FEE), 3090 (CALIFORNIA CLEAN AIR ACT FEES), 3110 (AIR TOXIC FEES), 3150 (FEES FOR PORTABLE EQUIPMENT REGISTRATION), AND 3170 (FEDERALLY MANDATED OZONE NONATTAINMENT FEE)** – No new or increased fees are proposed.

Amendments are primarily administrative in nature and are intended to correct typographical errors and simplify and improve language relating to the District's fee collection process.

Staff presentation made by Roger McCoy, Director of Administration Services.

No Public Comments on this item.

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

Ayes: Barba, Sieglock, Waterston, Mayfield, Nelson, Patrick and Dominici.

Absent: Armentrout, Worthley and Maggard.

Action: 1.) Approved amendments to Rules 3010, 3070, 3080, 3090, 3110 3150 and 3170.
2.) Authorized Chair to sign the resolution.

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – No ARB Report.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – No Executive Director/APCO Comments.

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

OTHER BUSINESS – No Other Business.

ADJOURN – The Chair adjourned the meeting at 3:07 p.m.