

**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, September 18, 2003  
9:00 a.m.**

<b>Meeting held via video conferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.</b>
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1. **CALL TO ORDER** – The, Vice Chair, Supervisor Barbara Patrick, chaired the meeting. The Chair called the meeting to order at 9:27 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
Barbara Patrick, Supervisor, <b>Vice Chair</b>	Kern County
Ronn Dominici, Supervisor, <b>Chair (absent)</b>	Madera County

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-21)**. (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).

13. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, August 21, 2003.

14. Receive and file List of Scheduled Meetings for 2003.

15. Receive and file Operations Statistics Summary for August 2003.

16. Receive and file Budget Status Report as of August 31, 2003.

17. Approve and authorize Spare the Air and Employee Orientation Video Production contract with Moonshadow Productions & Research for \$32,014.96.
18. Approve Amendment No. 2 to Agreement with Jones & Stokes Associates to update the Air Quality Guidelines for General Plans to extend the term of agreement to December 31, 2003.
19. Approve and authorize the Chair to execute Amendment No. 1 to the Heavy-Duty Engine Emission Reduction Incentive program Agreement # ALI-008 with the City of Fresno, Fresno Area Express to extend the term of the Agreement to June 30, 2004
20. Approve change to the District's Position Control List effective October 1, 2003.
21. Approve Amendment No. 2 to Agreement with Melvin D. Zeldin to increase compensation by \$20,000 and to extend the term of the agreement to June 30, 2004.

**Supervisor Case** requested a discussion on Consent Calendar Item # 17. Supervisor Case indicated she received a call from an interested individual regarding this item and she wanted to allow them the opportunity to speak today.

**Josette Merced Bello, Public Education Administrator** made the presentation for Item # 17.

**No Public Comments were received**

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

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

**Absent:** Dominici.

**Action: Approved Consent Calendar Items 13, 14, 15, 16, 17, 18, 19, 20 and 21 as submitted.**

4. **PUBLIC COMMENT** – No Public Comment received.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Les Clark, Industry/Agriculture Primary, Kern County, made the CAC report to the Board.

6. **PUBLIC HEARING: ADOPT REVISED PROPOSED RULE 4306 (BOILERS, STEAM GENERATORS AND PROCESS HEATERS – PHASE 3)** – This is a continuation of the hearing which began at the August 21, 2003 Board Meeting.

Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and George Heinen, Supervising Air Quality Engineer.

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

**Kerry Drake, EPA representative**, stated if NOx limit for boilers of 15 ppmv exists elsewhere it presents EPA problems finding adequate justification to approve a 30 ppmv.

**Roger Christy, ChevronTexaco**, provided a letter to the Board and the public regarding Proposed Rule 4306, Boilers, Steam Generators, and Process Heaters – Phase 3, dated September 18, 2003. Mr. Christy stated ChevronTexaco appreciates the District's consideration of their concern regarding the accounting of surrendered permits in the compliance schedule of the proposed rule.

**Les Clark, Independent Oil Producers Agency (IOPA)** – provided a letter to the Board and the public regarding SJVUAPCD Rule 4306 Final Comments (Revised), dated September 17, 2003. Mr. Clark noted IOPA still believe that an exemption should be provided in Rule 4306 for Heater Treaters. Mr. Clark stated IOPA request is still to look at a way you might be able to delay and give them more time to see if this technology can be developed. Mr. Clark stated IOPA is not asking for the Board not to adopt Rule 4306 but they are asking the Board for consideration of a extended compliance date.

Mr. Clark stated IOPA proposes the District incorporate a new Group into Table 2 of small producers called Group 5 with full compliance by June 1, 2007.

**Darryl Gunderson, Aera Energy**, supported Mr. Clark's requested for additional time for small producers.

**Mike Polyniak, Independent Oil Producers Agency (IOPA)**, echoed Mr. Clark's comments.

**Colby Morrow, Sempra Energy on behalf of Southern California Gas Company**, made comments regarding companies attempting to comply with technology forcing rules. Ms. Morrow stated her company has committed to trying to obtain the data staff needs for accurate socioeconomic and cost effective analysis.

**Jan Ennenga, Executive Director, Manufacturers Council of the Central Valley (MCCV)**, asked the Board to adopt staff's recommendation with adoption of Rule 4306 with Table 1, Option 1.

***(Item will continue after Item # 7) – The Chair requested additional inventory information in respect to Item # 6)***

**Break at 11:10 a.m.**

**Reconvened from Break at 11:17 a.m.**

<p><b>The Chair</b> requested the record reflect that the Board Members in the Central Region Office (Fresno) and the Northern Region Office (Modesto) at the time of Roll Call are still in attendance.</p>
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7. **PROPOSAL FOR A FEASIBILITY STUDY OF A SEPARATE AIR QUALITY PLANNING AREA FOR SAN JOAQUIN, STANISLAUS AND MERCED COUNTIES WITHIN THE SAN JOAQUIN VALLEY AIR BASIN** - Presentation made by Board Member Jack A. Sieglock, Supervisor, San Joaquin County.

**Board Member Michael G. Nelson, Merced County**, provided the Board with correspondence from Mike Carpenter, President, the Greater Merced Chamber of Commerce, dated August 7, 2003, in support of the feasibility study.

**Julia Greene, Executive Director, San Joaquin Council of Governments**, introduced David Calkins and Bill Sylte with the Sierra Nevada Air Quality Group and explained they would be presenting the feasibility proposal to the Board.

**David Calkins, Sierra Nevada Air Quality Group**, provided the background for the proposal.

**Bill Sylte, Sierra Nevada Air Quality Group**, responded to staff concerns that were contained in the agenda item.

**Kerry Drake, EPA representative**, stated that creating a separate planning for the Northern three counties faces significant hurdles in EPA's eyes. Mr. Drake noted if there was a request coming to EPA to form a separate planning area he couldn't even conceive that EPA would be able to act on that before the extreme decision.

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

**Gary Dickson, Executive Director, Stanislaus County Council of Governments**, stated he was in attendance to support the proposal. Mr. Dickson provided the Board with correspondence from Assemblyman Dave Cogdill, Twenty-Fifth Assembly District, Assemblyman Cogdill requested the Board conduct this study as well, dated September 12, 2003.

**Manuel Cunha, Nisei Farmers League**, mentioned the air quality studies that are currently taking place and noted we need to allow some of those studies to prevail as well as the modeling to be completed before making a decision on this issue. Mr. Cunha stated that we need to be very cautious with this issue.

**Kevin Hall, member of the Sierra Club**, stated he agreed with Mr. Cunha's comments in respect that we need to allow some of the studies to be completed. Mr. Hall stated that we are against a separate planning area.

**Suzanne Noble, Western States Petroleum Association (WSPA)**, stated the District's new ozone plan should include regional planning. Ms. Noble stated they would like to ask the Board to consider having staff maybe provide monthly updates on the Ozone Plan Development Progress at Board Meetings and make it a continuous Board Agenda Item. So they could participate a little bit more in that and maybe even advocate some regional and sub regional controls that would ultimately get us into attainment.

**MOTION TO APPROVE FEASIBILITY STUDY OF A SEPARATE AIR QUALITY PLANNING AREA FOR SAN JOAQUIN, STANISLAUS AND MERCED COUNTIES WITHIN THE SAN JOAQUIN VALLEY AIR BASIN FAILED – The motion to approve the feasibility study was made by Board Member Sieglock. The motion was seconded by Board Member Nelson. The motion failed with the following Roll Call Vote:**

**Ayes: Nelson, Sieglock and Mayfield.**

**Noes: Worthley, Barba, Case, Armentrout, Maggard and Patrick.**

**Absent: Dominici.**

**Action: The motion to approve a feasibility study of a separate air quality planning area for San Joaquin, Stanislaus and Merced Counties within the San Joaquin Valley Air Basin failed.**

**(Item # 6 continued with additional inventory information)**

6. **CONTINUED: PUBLIC HEARING: ADOPT REVISED PROPOSED RULE 4306 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – PHASE 3)**

This is a continuation of the hearing which began at the start of today's meeting.

Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and George Heinen, Supervising Air Quality Engineer.

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

**Kevin Hall, member of the Sierra Club**, asked if the motion applied to units as of today, or is it when the rule is approved, or will new units somehow fall into that category? Mr. Hall also asked the Board what option they were approving?

**George Heinen, Supervising Air Quality Engineer**, responded staff does not expect there will be any new units but those would have to go through a new source review rule and therefore they would probably have to strengthen the standard.

**The Chair** stated the motion applied to Option # 1

**APPROVED AS RECOMMENDED WITH AMENDMENT – Board Member Armentrout made the motion to adopt Rule 4306 with amendment. Seconded by Board Member Case and carried unanimously with the following Roll Call Vote:**

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

**Absent:** Dominici.

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| <b><u>Action:</u></b> | (1) <b><i>Adopted the Negative Declaration prepared for the proposed rule.</i></b>   |
|                       | (2) <b><i>Adopted Revised Proposed Rule 4306 with Table 1, Option 1. (with the following amendment): add to Table 2 – Compliance Schedule, Group 4, an Item C to read: category one "i" units at any stationary source that have no more than two units subject to the Rule.</i></b> |
|                       | (3) <b><i>Authorized the Chair to sign the resolution.</i></b>   |

8. **DISTRICT LEGISLATIVE REVIEW PROCESS** – *Continued to December 18, 2003.*
9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Mr. Ramalingam's report pertained to the July 24, 2003 ARB Board Meeting regarding amendments to the California Diesel Fuel Regulations.
10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, commented that a number of the District's Board Members Supervisor Nelson, Supervisor Sieglock and the Chair Supervisor Dominici participated in two meetings regarding transport to the Northern part of the Valley from the Bay Area. Mr. Crow stated we've been talking about first inventorying the degree to which there are emissions and we've also been looking at rule comparability. Presently, they are engaged in looking at the comparability of compliance and enforcement programs since they are a clear key to the total equation. Mr. Crow stated that these are important meetings because they have in the past a history of either legislation or litigation as means of solving those problems. And, now we're finding some common ground. Mr. Crow stated we can provide the Board with briefing reports to keep the Board up to speed on the conduct of these discussions.

Mr. Crow announced that just yesterday the Bay Area Air Quality Management District Governing Board appointed Mr. Jack Broadbent as their new Air Pollution Control Officer. Mr. Crow noted that Mr. Broadbent has been with EPA Region IX for a couple of years.

11. **GOVERNING BOARD MEMBER COMMENTS** – **Board Member Armentrout**, stated that he was pleased to announce that the City of Madera has been recognized nationally by the National Vehicle Coalition for their outstanding achievements in Clean Air Vehicles. Board Member Armentrout stated he would be accepting that award at the National Vehicle Conference at Las Vegas, Nevada.

**OTHER BUSINESS** – No Other Business.

12. **CLOSED SESSION - POSTPONED**

**The Chair** adjourned the meeting at 12:59 a.m.