

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
1990 E. Gettysburg Avenue, Fresno, CA.**

**Thursday, December 6, 2001
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 (Supervisor Judith G. Case) called the meeting to order at 9:07 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 (absent)	City of Newman
Jack S. Sieglock, Supervisor (***)	San Joaquin County
Sam Armentrout, Councilmember, Vice Chair	City of Madera
Judith G. Case, Supervisor, Chair	Fresno County

(*) Arrived at the start of Item #13

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

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

3. **APPROVAL OF CONSENT CALENDAR – Item Numbers (10-15).** (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.)
 10. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, November 15, 2001.
 11. Receive and file List of Scheduled Meetings for 2001 and 2002.

12. Renew contract with Thielen and Associates and Ken Fong and Associates for media outreach campaigns in English and Spanish.
13. Receive and file Rule 4663 (Organic Solvent Cleaning, Storage and Disposal) and proposed amendments to Rule 4602 (Motor Vehicle and Mobile Equipment Coating Operations), Rule 4603 (Surface Coating of Metal Parts and Products), Rule 4604 (Can and Coil Coating Operations), Rule 4605 (Aerospace Assembly and Component Coating Operations), Rule 4606 (Wood Products Coating Operations), Rule 4607 (Graphic Arts), Rule 4653 (Adhesives), Rule 4661 (Organic Solvents), Rule 4662 (Organic Solvent Degreasing Operations), and Rule 4684 (Polyester Resin Operations). Set December 20, 2001 for the public hearing to consider the proposed rule adoption and proposed amendments.
14. Receive and file proposed amendments to Rule 4623 (Storage of Organic Liquids). Set December 20, 2001 for the public hearing to consider the proposed amendments.
15. Approve employment contract for Philip M. Jay, District Counsel, effective December 1, 2001.

Staff requested that Consent Calendar Item #13 be removed from the Consent Calendar for discussion.

The Chair removed Consent Calendar Item # 13 for separate action by the Board.

APPROVED AS RECOMMENDED – A motion was made by Board Member O'Banion to approve the Consent Calendar minus item #13. The motion was seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: Applegate and Patrick.

Therefore, the Board approved Consent Calendar Items 10, 11, 12, 14, and 15 as submitted.

13. Receive and file Rule 4663 (Organic Solvent Cleaning, Storage and Disposal) and proposed amendments to Rule 4602 (Motor Vehicle and Mobile Equipment Coating Operations), Rule 4603 (Surface Coating of Metal Parts and Products), Rule 4604 (Can and Coil Coating Operations), Rule 4605 (Aerospace Assembly and Component Coating Operations), Rule 4606 (Wood Products Coating Operations), Rule 4607 (Graphic

Arts), Rule 4653 (Adhesives), Rule 4661 (Organic Solvents), Rule 4662 (Organic Solvent Degreasing Operations), and Rule 4684 (Polyester Resin Operations). Set December 20, 2001 for the public hearing to consider the proposed rule adoption and proposed amendments.

Staff presentation made by Mark Boese, Deputy Air Pollution Control Officer and Scott Nester, Supervising Air Quality Engineer.

Staff noted that a two page Addendum amending the proposed Regulation IV Rules (Prohibitions) and Rule 4663 (Organic Solvent Cleaning, Storage and Disposal) provided to the Board and the Public today supercedes the addendum dated November 27, 2001.

RECEIVED AND FILED AS AMENDED – Board Member O’Banion made a motion to Receive and File with amendments the proposed Regulation IV Rules and Rule 4663. The motion was seconded by Board Member Sanders and carried unanimously with the following Roll Call Vote:

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

Noes: None.

Absent: Applegate.

The Board Received and Filed with amendments to the proposed Regulation IV Rules and Rule 4663 and set December 20, 2001 for the public hearing to consider the proposed amendments to Regulation IV Rules and Rule 4663.

4. **PUBLIC COMMENTS – Manuel Cunha, Nisei Farmers League**, stated that it was recently brought to industry’s attention the budget shortfall in the State of California. Mr. Cunha noted that industry has also been informed that the California Air Resources Board will be going after a portion of the State Subvention funds that has been allotted to all the thirty five air districts. Mr. Cunha requested that industries, Governing Board Members as well as individual counties and city councils send a letter to Governor Gray Davis, Dr. Alan C. Lloyd and Winston H. Hickox expressing concern that ARB is considering tapping into air district’s Subvention Funds. Mr. Cunha also suggested that the environmentalist in the Valley should also write letters in regards to maintaining subvention funds in the Valley.

Mr. Cunha noted that he is disappointed with the media in regards to recent news articles that have said unfavorable things in respect to the ag industry being exempt from regulations. Mr. Cunha also noted that the media has not done justice to the ag industry, the Districts Governing Board nor the San Joaquin Valley Air Pollution Control District.

5. **PUBLIC HEARING: ADOPT PROPOSED 2001 AMENDMENT OF 1994 OZONE ATTAINMENT DEMONSTRATION PLAN (OADP)** – Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Dave Jones, Planning Manager and Scott Nester, Supervising Air Quality Engineer.

Manuel Cunha, Nisei Farmers League, thanked Scott Nester and Dave Jones for their work on this rule.

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

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

Noes: None.

Absent: Applegate.

Therefore, the Board took the following action: approved the proposed 2001 amendment to Chapter 4, "Proposed Actions and Effects – 1999" of the 1994 Ozone Attainment Demonstration Plan (OADP), hereafter referred to as, 2001 Amendment.

A discussion arose regarding the District's informational item from the November 15, 2001 Board Meeting regarding a potential request for voluntary reclassification to extreme areas for the San Joaquin Valley Unified Air Pollution Control District.

Mr. Crow announced that on January 8, 2002 at 1:30 p.m. the District will hold a workshop on the Ozone Attainment Plan as well as the Extreme Option versus a Severe Option then again on January 9, 2002 at 6:30 p.m. Mr. Crow noted that during the December 4, 2001 Citizens Advisory Committee (CAC) Meeting the CAC suggested that the District hold a third workshop. Mr. Crow noted that the third workshop will be held on January 16, 2002 at 1:30 p.m. Mr. Crow noted that all three workshops will be held via video teleconferencing.

Mr. Crow announced that in conversations with the California Air Resources Board (ARB) it appears that the Board has an opportunity to look at both of these options and to make some decisions with respect to severe versus extreme. Mr. Crow noted that it also appears that the ARB has a similar opportunity. Mr. Crow stated that the ARB Executive Officer has indicated that they believe that the ARB has some authority as regard to what our status would be. Mr. Crow stated that he wanted to share this information with the Board that it is their option but it may not be exclusively the Board's option.

6. **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. Mr. Ramalingam reported on the Air Resources Board meeting held on November 15, 2001 in Sacramento. Mr. Ramalingam stated that the Board held hearings regarding the adoption of a regulation to establish distributed generation or a DG Certification Program and also approval of guidance for the permitting of electrical generation technologies.

Board Member Patrick, District and ARB Board Member, noted that the ARB and the District have five Board dates that are conflicting. Board Member Patrick asked if Staff would contact ARB to work with the District regarding the conflicting Board Meeting dates.

7. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced the following workshops to be held on the District's Ozone Attainment Plan as well as the Extreme Option versus a Severe Option on January 8, 2002 at 1:30 p.m., January 9, 2002 at 6:30 p.m. and January 16, 2002 at 1:30 p.m. Mr. Crow noted that all three workshops will be held via video teleconferencing.

Mr. Crow noted that the District has been experiencing several problems with its phone system. Mr. Crow gave the Board a run down on activities that have been performed by the equipment vendor and the folks responsible for maintaining the system and their efforts to resolve the problems.

Mr. Crow reported on the vote taken by ARB on November 1, 2001 with regard to the Bay Area State Implementation Plan (SIP). Mr. Crow stated that unfortunately, it does not appear that it will bring us timely resolution to the implementation of Smog Check II in the Bay Area. Mr. Crow stated that it is his intention to bring the Board an item on the December 20, 2001 agenda to discuss in detail what has transpired and what its implications may mean for the San Joaquin Valley and the Sacramento Valley.

Board Member Maggard asked for an update on the status of EPA's approval process for our Regulation VIII amendments.

Dave Jones responded that Regulation VIII has been submitted to ARB and we have been informed that they will be submitted to EPA this week and we expect EPA to take rapid action.

Board Member Maggard noted that the City of Bakersfield is considering amending rules for or putting in place some rules regarding leaf blowers predominately used by gardeners. Board Member Maggard asked the District to

assist them with any information about how much dust is created by leaf blowers and whether or not this item is worthwhile in pursuing?

Staff responded that they would be more than happy to assist Board Member Maggard with any information they have available.

8. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Sanders asked for a list of contact people with respect to a request earlier in the agenda pertaining to ARB taking a portion of state subvention funds.

Mr. Crow noted that staff will put together a sample letter regarding the issue of loss of state subvention funds and send it to jurisdictions asking them for their support on the matter. Mr. Crow stated that as Mr. Cunha pointed out it would be extremely helpful if each of your Boards or councils would take the matter up and draft a resolution supporting this matter.

OTHER BUSINESS – No Other Business.

9. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section 54956.9 of the Government Code (Ralph M. Brown Act) as follows:

- ◆ Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (B) (1): one potential case.

Philip M. Jay, District Counsel, announced the following: the Board will hold a Closed Session as indicated on the agenda followed by adjournment from Closed Session.

Meeting adjourned to Closed Session at 10:07 a.m.

Meeting adjourned from Closed Session at 10:47 a.m.