

Action Summary Minutes  
San Joaquin Valley Unified Air Pollution Control District

**GOVERNING BOARD**

Central Region Office, Governing Board Room  
1990 E. Gettysburg Avenue, Fresno, CA

**Thursday, August 21, 2008**  
**9:00 a.m.**

*Meeting held via teleconferencing with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).  
This meeting was webcast.*

1. CALL MEETING TO ORDER  
The Chair, Supervisor Ornellas, called the meeting to order at 9:09 a.m.
2. ROLL CALL was taken and a quorum was present.

*Present*

Judy Case, Supervisor	Fresno County
Tony Barba, Supervisor	Kings County
Raymond Watson, Supervisor	Kern County
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor*	Stanislaus County
Henry T. Perea, Councilmember	City of Fresno
J. Steven Worthley, Supervisor	Tulare County
Chris Vierra, Councilmember, <b>Vice Chair*</b>	City of Ceres
Leroy Ornellas, Supervisor, <b>Chair</b>	San Joaquin County
John G. Telles, M.D.	Appointed by Governor

*Absent*

Ronn Dominici, Supervisor	Madera County
---------------------------	---------------

\* Attended meeting in Northern Region Office (Modesto)

3. APPROVE AMENDMENTS TO THE DISTRICT'S ADMINISTRATIVE POLICIES REGARDING MINIMUM REQUIREMENTS FOR A QUORUM AND AN AFFIRMATIVE VOTE

Seyed Sadredin, Executive Director/APCO, reminded the Board that at their December 2007 meeting, they adopted a new administrative policy regarding quorum requirements and the number of votes necessary for taking an affirmative action. This action was based on legislation that expanded the Governing Board to 15 members effective January 2008. Mr. Sadredin explained that because only one of the two Governor

appointments has been made, and no city appointments have been made, there are currently 4 vacancies on the Board. Furthermore, Councilmember Perea's term expires at the end of 2008 and there is the potential for 5 vacancies on the Board, making it difficult to conduct business.

Mr. Sadredin explained that the recommendation before them retains the spirit of the original District formation agreement which required a simple majority of the 11 Board Members (6) be present for a quorum, and the same number of votes (6) for an affirmative action. He further explained that the recommended policy change would take Board vacancies into consideration by basing the quorum requirement and the affirmative action requirement on a simple majority of appointed Board Members. The number required for a quorum and affirmative action will increase or decrease as appointments are made or vacancies are created.

Supervisors Worthley and Watson both gave their support to amend the policy, based on the fact that the Governing Board does not have control over appointments and can be put in a position of not being able to conduct business due to vacancies.

Public Comment— None

*Moved:* Worthley

*Seconded:* Watson

*Ayes:* Case, Watson, Worthley, Nelson, Barba,  
O'Brien, Perea, Vierra, Ornellas, Telles

*Nays:* None

***Motion unanimously carried to approve Amendments to the District's Administrative Policies regarding minimum requirements for a quorum and an affirmative vote.***

8. APPROVE THE DISTRICT'S CLIMATE CHANGE ACTION PLAN (CCAP)  
*This item was taken out of order.*

Mr. Sadredin, Executive Director/APCO, gave the report. This item was discussed at the June 19, 2008 Governing Board meeting and the Board requested this item be brought back for full debate by the entire Board. Mr. Sadredin stated that the State has passed major legislation on climate change (AB32 - the Global Warming Solutions Act) and that federal mandates are also expected in the future. He emphasized that although

AB32 imposes no direct mandates on the District, it does impose very demanding mandates on Valley land use agencies and businesses who are looking to the District for technical assistance, and that the District can play a supportive role and take leadership in facilitating compliance with state law.

The goals of the Plan are to assist local land use agencies with issues relative to projects with greenhouse gas emissions, assist Valley businesses in complying with state law related to climate change, and to ensure that climate protection measures do not adversely impact public health or environmental justice communities in the Valley. Mr. Sadredin stated the recommendation before the Board is not to take legislative action at this time, but to authorize the District to begin a public process to bring together stakeholders, land use agencies, environmental groups, business groups, and to conduct public workshops. Specific recommendations will be brought back to the Board in early summer or late spring. The Plan would authorize the APCO to formulate recommendations for CEQA guidelines and a carbon exchange bank, craft voluntary greenhouse gas mitigation agreements for Board consideration, support win-win measures that also reduce criteria pollutants, and oppose measures that result in significant increases in toxic or criteria pollutant emissions.

Mr. Sadredin stated that many of these issues must currently be addressed less efficiently on a case-by-case basis. Local land use agencies are facing CEQA challenges and litigation related to greenhouse gases and are looking to the District for guidance, and the District itself is a lead or responsible agency required to address issues such as these for approximately 6,000 CEQA projects annually. A comprehensive policy would save both time and money.

Supervisor Worthley stated that he continues to support this recommendation. He stated this is very critical to cities and counties and special districts for projects and EIRs, therefore, the Board needs to support this recommendation.

*Supervisor Worthley left the meeting at 9:40 a.m.*

Supervisor Case also expressed support for this recommendation. She stated for businesses to conduct their operations, they need to get through the regulatory process and it is easier and more efficient to do so with the assistance of a local entity.

Dr. Telles expressed concerns about the use of District resources in an area where the State of California is charged with the leading authority. After extensive discussion, Dr. Telles moved to accept the staff recommendation except for the carbon exchange bank. Councilmember Perea seconded this motion.

Supervisor Watson addressed Dr. Telles's motion. He stated it is important for the Valley to be proactive in the development of standards and regulations, and that the public should be involved in that process. There should be no restrictions to the Plan. He is strongly in support of staff's recommendation.

Supervisor Nelson stated that this is an important issue and the District needs to be a part of this issue. Dr. Telles's concerns and questions are valid, but will not be answered unless we allow staff to move forward and start the public process. Therefore, he supported staff's recommendation.

Councilmember Vierra, Supervisor Barba and Supervisor O'Brien expressed their full support for the Climate Change Action Plan as recommended.

Public Comment –

*The following persons provided testimony supporting this item:*

George Berman – Central CA Chapter of the US Green Building Council.  
Dennis Tristao – San Joaquin Valley Association of Certified Professionals  
Shawn Edgar – Coalition for Clean Air  
Manual Cunha – NISEI Farmer's League  
Sarah Sharpe – Fresno Metro Ministry  
Sarah Jackson – Earth Justice  
Kevin Abernathy – California Dairy Campaign  
Suzanne Noble - WSPA

After public testimony, Dr. Telles rescinded his motion and Councilmember Perea rescinded his second to accept the District's CCAP with the exception of the Carbon Exchange Bank. Dr. Telles then made a motion to accept the complete Climate Change Action Plan. Dr. Telles stated one of his concerns is redirecting resources away from our primary goals. As the ARB Board member, he will address this to the State, and request additional help in funding.

*Moved:* Telles

*Seconded:* Perea

*Ayes:* Case, Watson, Nelson, Barba,  
O'Brien, Vierra, Worthley, Ornellas, Telles, Perea

*Nays:* None

***Motion unanimously carried to approve the District's Climate Change Action Plan (CCAP).***

7. HEALTHY AIR LIVING: RECEIVE STAFF REPORT ON THE INAUGURAL HEALTHY AIR LIVING WEEK, TAKE ACTION ON RELATED AWARDS AND RECOGNITIONS, AND DISCUSS FUTURE ACTIONS ON HEALTHY AIR LIVING INITIATIVE

*This item taken out of order.*

Mr. Sadredin began a report on the inaugural campaign for Healthy Air Living Initiative. He thanked District staff, and particularly Management staff, for countless hours of work and for their efforts in making the program a success.

Jaime Holt, Chief Communications Officer, thanked the Board for their support and presented a recap of the 2008 Healthy Air Living Week, which occurred July 7-13.

Tom Jordan, Senior Policy Advisor, briefed the Board on the internal activities that District employees participated in during Healthy Air Living Week. Staff participated in activities such as van pool and telecommuting programs, on-site lunches, and utilizing District-provided bikes for errands. There was 98% participation among District employees which translated into the elimination of 26,780 vehicle miles and 381 pounds of emissions.

Mr. Sadredin asked the Board to pass a motion to authorize the Chair to sign the resolutions for the cities and counties that adopted Healthy Air

Living Proclamations. Recognition was given to all the cities and counties that adopted a Healthy Air Living Week proclamation; Commute Green in the San Joaquin winners; and the winner of the Healthy Air Living video contest. A drawing was also held to determine the winner of a new Toyota Prius, pending eligibility verification. The District received four-thousand, six-hundred entries for the contest.

The following Clean Air Champions were also recognized:

Pelco Security – Fresno County  
OK Produce – Fresno County  
Frito-Lay - Stanislaus County  
Costco Distribution Center – San Joaquin County  
South San Joaquin Irrigation District – San Joaquin County  
Best Buy Distribution Center – Tulare County  
IKEA Wholesale – Kern County  
Paramount Farms – Kern County  
Kings County Area Public Transit Agency  
City of Fresno  
City of Tulare  
Catholic Diocese of Stockton – San Joaquin County  
Unitarian University Church of Fresno  
Golden Valley Health Centers – Merced County  
Art Unger, MD – Kern County  
Saira Delgado – Fresno County  
Tom Sabatino – Fresno County  
Jose Reams – Fresno County

Supervisor Ornellas congratulated District staff for putting together an effective campaign and for demonstrating such enthusiasm.

Mr. Sadredin asked the Board for feedback on the Healthy Air Living Initiative. The Board commended the District staff for their efforts and gave their support for the initiative. The Board encouraged the District to

continue the program and to consider having a wintertime campaign in addition to the Healthy Air Living week during summer.

Moved: Case

Seconded: Watson

Ayes: Case, Watson, Worthley, Nelson, Barba,  
O'Brien, Vierra, Ornellas, Telles, Perea

Nays: None

***Motion unanimously carried to authorize the Chair to sign the resolutions for the cities and counties adopting Healthy Air Living proclamations.***

4. APPROVAL OF CONSENT CALENDAR – Item numbers 16-24.  
*This item was taken out of order.*

*These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.*

Board Member Comments –Regarding Consent Item 19, Dr. Telles asked for an explanation of why such a large percentage of Budget Account 7295 has been expended after only one month of the fiscal year. Roger McCoy, Director of Administrative Services, explained that this budget account is used for many large contracts and funds are encumbered for the full amount of the contracts during the first month of the fiscal year.

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, JUNE 19, 2008
17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2008
18. RECEIVE AND FILE OPERATION STATISTICS SUMMARIES FOR JUNE AND JULY 2008
19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF JULY 31, 2008 AND CASH BALANCE REPORT AS OF JUNE 30, 2008

20. APPOINT MEMBERS TO THE DISTRICT'S ENVIRONMENTAL JUSTICE ADVISORY GROUP
21. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4354 (GLASS MELTING FURNACES)
22. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4306 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – PHASE 3) AND RULE 4307 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – 2.0 MMBTU/HR TO 5.0 MMBTU/HR) AND PROPOSED NEW RULE 4320 (ADVANCED OPTIONS FOR BOILERS, STEAM GENERATORS, AND PROCESSED HEATERS GREATER THAN 5.0 MMBTU/HR)
23. APPROVE BUDGET RESOLUTION RELEASING \$45,000 FROM THE LONG TERM BUILDING MAINTENANCE RESERVE FOR MODIFICATIONS TO THE CENTRAL REGION OFFICE BUILDING HVAC SYSTEM
24. RECEIVE AND FILE LISTING OF REFUNDS FOR FISCAL YEAR 2007/08

Moved: Watson

Seconded: Perea

Ayes: Case, Watson, Worthley, Nelson, Barba,  
O'Brien, Vierra, Ornellas, Telles, Perea

Nays: None

***Motion unanimously carried to approve Items 16-24 as recommended.***

5. PUBLIC COMMENT:

Dennis Tristao – J.G. Boswell Company, stated his company had a problem getting PG&E to provide electricity to a new tomato paste processing plant in Corcoran. The company had permits and crops were ready to be harvested. J.G. Boswell solicited the assistance of the District in working with them and approaching PG&E to receive electricity. The District worked with the J.G. Boswell and PG&E to promptly facilitate electricity for the plant. Mr. Tristao thanked Seyed Sadredin, Air Pollution Control Officer, Rick McVaigh, Deputy Air Pollution Control Officer, Tom Jordan, Senior Policy Advisor, Jim Swaney, Permit Services Manager, and staff who assisted the company with this situation. He stated the District works

closely with agricultural operations in addressing air quality issues and has an understanding of the timeliness necessary for many of the agricultural products that need to be processed.

Mr. Sadredin thanked Mr. Tristao for praising the District. He emphasized to the Board that the District's interest in this project was from an air quality standpoint. The alternative the company would have been forced to use would have been the use of emergency diesel generators with massive NOx and particulate emissions.

Shawn Edgar – Operation Clean Air, officially announced the “Make Tracks to Cleaner Trucks Summit” will be held October 4, 2008, 8:00 a.m. - 3:00 p.m., at the convention center in downtown Fresno. The focus will be on-road and off-road rule requirements. Mr. Edgar noted that Councilmember Perea's support for Operation Clean Air has been outstanding. The Summit will focus an outreach session for businesses and residents in the Valley to understand the practical and near term steps they can take to move toward cleaner equipment.

6. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT)  
Carolyn Rose, Director of Personnel, acknowledged the following District employees for their contribution of years of service:

Five Years – Rick Dyer, Derek Fukuda, Vanessa Gonzales, Dora Griggs,  
Don Hunsaker, Ramon Norman, Janelle Schneider

Ten Years – David Tori

Fifteen Years – George Heinen, Phil Jay, Bryan Wong, Emilia Yuan

9. PROVIDE MATCHING INCENTIVE FUNDING TO SCHOOL DISTRICTS IN ENVIRONMENTAL JUSTICE COMMUNITIES FOR THE PURCHASE OF NEW SCHOOL BUSES THROUGH THE LOWER-EMISSION SCHOOL BUS PROGRAM

Samir Sheikh, Director of ERIP gave the report. He stated the goal is to reduce school children's exposure to both cancer-causing and smog-forming pollution. The impact is more severe in environmental justice (EJ) communities and without assistance many school districts cannot replace buses.

Mr. Sheikh referred to a recent study, posted on the ARB website that shows the importance of replacing or retrofitting older buses with new technology. The study concluded that children riding on older buses are exposed to significantly higher health impacts vs. those riding on newer buses. The District is focusing their assistance in EJ communities because they have a harder time paying for newer buses and consequently have the oldest buses. He gave a brief summary of background information on the success of the Lower Emission School Bus Program.

Mr. Sheikh informed the Board that the District will receive \$39 million over the next 2 years for retrofit and replacement of our dirtiest school buses. However, ARB guidelines now require a match of \$25,000 per school bus replacement for model years 1976 and 1977, which is a large portion of the old school buses remaining in the Valley. State guidelines allow a case-by-case match funding waiver, and the District is working with ARB to establish criteria for granting waivers. For those school districts in EJ communities that do not qualify for waivers, the District is recommending the use of up to \$550,000 in DMV incentive funds to provide the required match for the purchase of new school buses through the Lower-Emission School Bus Program. Mr. Sheikh stated the District will base the award of these funds using the Free and Reduced Price Meals (FRPM) data as the key poverty indicator of environmental justice communities.

Supervisor Case asked that the District reach out to all school districts to encourage them to take advantage of this program because it is a critical issue in the San Joaquin Valley and if there is 100% coverage of the 1977 year vehicles and prior, to make sure the EJ communities get through the application phase. This should be high on our priority list because the children are being exposed to high levels of toxic pollutants that may affect their health throughout their lifetime.

Mr. Sadredin stated some of the school districts may have held back because of the matching requirement and have not filed an application. He stated if the Board approves this recommendation, the District will contact the school districts and make sure they are aware of the funding availability.

**PUBLIC COMMENT:**

Sarah Sharpe, Fresno Metro Ministry, requested the District focus on matching funds and recommended the District assist school districts in the EJ communities in writing grants for funding.

*Moved:* Case

*Seconded:* Watson

*Ayes:* Case, Watson, Worthley, Nelson, Barba,  
O'Brien, Vierra, Ornellas, Telles, Perea

*Nays:* None

***Motion unanimously carried to approve the District to match incentive funding to school districts in Environmental Justice Communities.***

10. **ADOPT CLARIFICATIONS AND DOCUMENTATION REGARDING THE 2004 EXTREME OZONE ATTAINMENT DEMONSTRATION PLAN FOR THE REVOKED FEDERAL 1-HOUR OZONE STANDARD**

Scott Nester, Director of Planning, gave the presentation. He stated this information was compiled at the request of EPA and will allow them to take positive action on the 2004 Extreme Ozone Attainment Demonstration Plan. Mr. Nester reported that local measures adopted by the Governing Board have far exceeded the expectations and achieved more reductions. Mr. Nester also detailed a few other clarifications that more accurately reflect the latest emissions inventory, and demonstrate adherence to a recently revised EPA policy concerning the credibility of the State's pre-1990 mobile source control measures. Mr. Nester also explained the reasoning for withdrawing the 1-hour ozone RACT SIP and its substitution with the more robust RACT analysis submitted for the 8-hour ozone standard.

District staff recommended the Board adopt the clarifications and documentation regarding the 2004 Extreme Ozone Attainment Demonstration Plan for the revoked Federal 1-hour Ozone Standard and direct staff to forward the clarifications regarding the 2004 Extreme Ozone Attainment Demonstration Plan and the attached resolution to ARB for incorporation as part of the SIP.

**Public Comment:**

Colby Morro, Southern California Gas Company, requested clarification from EPA if the submittal of the new RACT SIP would stop the sanction clock.

Kerry Drake, Environmental Protection Agency, commended the Governing Board for having taken strong action to improve air quality making today's action possible. Mr. Drake also stated that the submittal of an 8-hour RACT updated plan would stop any sanction clocks that would be caused by withdrawing the 1-hour RACT. He stated the Board needs to take this action to enable the proposed approval of the attainment demonstration portion of this Plan.

*Motion:* Case

*Second:* Watson

*Ayes:* Nelson, O'Brien, Barba, Watson, Perea, Telles, Vierra, Ornellas

*Nays:* None

***Motion unanimously carried to adopt clarifications and documentation regarding the 2004 Extreme Ozone Attainment Demonstration Plan.***

11. VERBAL PRESENTATION BY ECO TRANSPORT CONCERNING A POTENTIAL PROJECT TO BUILD A GOODS MOVEMENT MARINE HIGHWAY (SHORT SEA SHIPPING) BETWEEN THE PORT OF OAKLAND AND THE PORT OF STOCKTON

Alex Yeros, Managing Director for The BROE Group, presented a report about a short sea shipping project that has the potential to significantly reduce daily truck trips between the Port of Oakland and the San Joaquin Valley. Currently about 1,600 containers move daily between the Oakland and Stockton ports, which is a major source of both air pollution and traffic congestion.

Mr. Sadredin asked the Board to permit the District to work with Mr. Yeros' company to further evaluate the project and explore joint funding possibilities with the Bay Area Air Quality Management District. Mr. Sadredin informed the Board that short sea shipping is a major component of our Fast Track measures and will also benefit the Bay Area region.

*The Board accepted the report.*

12. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)  
Jeff Lindberg, ARB Planning Liaison to the San Joaquin Valley, gave the report. He gave a presentation on the upcoming truck regulation that ARB staff is working on. Mr. Lindberg stated the Ozone and PM2.5 State Implementation Plans call for dramatic emission reductions and numerous

meetings have been held throughout the State to discuss the language and provide opportunity for public input, including in the Valley and Arvin. The proposal is currently scheduled to be presented to the ARB at their October meeting.

13. EXECUTIVE DIRECTOR/APCO COMMENTS

Mr. Sadredin stated he will be sending the Board a briefing relating to the composting rule which was to be brought to the Board in February 2009. It is likely that the staff will recommended changes to allow time for the needed scientific studies to better quantify emissions and the effectiveness of work practice standards that can reduce emissions from composting. Mr. Sadredin also stated that more work is needed to ensure that the District rule does not cause unintended consequence such as diverting the waste to landfills which could cause more emissions into the air and hinder local government efforts to meet their waste diversion goals. He informed the Board that AB2522, (Arambula), relating to DMV funding, passed by 21 votes and SB1548 (Florez) regarding the city selection process of Board Members has cleared the legislature. The process will take several months for cities to go through and there should be new city appointments by the middle of next year.

14. GOVERNING BOARD MEMBER COMMENTS

Supervisor Case requested a report on the air quality statistics in July that identifies and delineates the impact of wildfires in the region.

15. CLOSED SESSION

Mr. Jay stated closed session will be heard on two items, one litigation matter and two labor negotiation matters. He stated they will be followed by adjournment with no announcement.

*Meeting adjourned at 1:05 p.m.*

*Next scheduled meeting of the Governing Board: Thursday, September 18, 2008. Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.*

*SJVAPCD Governing Board*  
**ACTION SUMMARY MINUTES**  
*August 21, 2008*