

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

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

Thursday, December 16, 2021
9:00 a.m.

Given the international COVID-19 pandemic, and consistent with public health recommendations and Assembly Bill 361, this meeting was held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast.

1. CALL MEETING TO ORDER – The Chair, Supervisor Craig Pedersen, called the meeting to order at 9:01 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor	Stanislaus County
David Couch, Supervisor	Kern County
Christina Fugazi, Vice Mayor	City of Stockton
Deborah Lewis, Mayor Pro Tem	City of Los Banos
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, Ph.D.*	Appointed by Governor
Lloyd Pereira, Supervisor, Vice Chair	Merced County
Craig Pedersen, Supervisor, Chair	Kings County
Alvaro Preciado, Mayor	City of Avenal
Monte Reyes, Mayor	City of Porterville
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

Absent:

Robert Rickman, Supervisor	San Joaquin County
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**arrived at 9:05 a.m.*

3. PLEDGE OF ALLEGIANCE

4. ELECTION OF OFFICERS FOR 2022 – Samir Sheikh, Executive Director/APCO, reported that in accordance with the Governing Board Officer Selection Policy, the Ad Hoc Governing Board Officer Nomination Subcommittee was formed to evaluate candidates and put forth nominations for the Board to consider for the 2022 officers. The subcommittee met on November 18, 2021, and nominated:
- Mayor Monte Reyes to serve as Chair for 2022
 - Supervisor Vito Chiesa to serve as Vice Chair for 2022

Public Comment: None

Moved: Mendes

Seconded: Wheeler

Ayes: Bessinger, Chiesa, Couch, Lewis, Mendes, Pareira,
Preciado, Reyes, Sherriffs, Shuklian, Wheeler, Pedersen

Nays: None

Motion unanimously carried to elect Mayor Monte Reyes as Chair and Supervisor Vito Chiesa as Vice Chair for 2022

5. END OF YEAR ADDRESS BY CHAIRMAN PEDERSEN – Chairman Pedersen delivered his end of year address, which highlighted the District’s ongoing progress in improving air quality and the quality of life for San Joaquin Valley residents during this past year.

On behalf of the Governing Board, Mr. Sheikh presented a plaque to Chairman Pedersen in appreciation for his leadership as Chair for the past two years.

Vice Mayor Fugazi briefly left the meeting at 9:10 a.m.

6. APPROVAL OF CONSENT CALENDAR – Item Numbers (18 - 23): *These matters are routine in nature and are usually approved by a single vote. Prior to any action by the board, the public was given the opportunity to comment on any consent item.*

18. ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFERENCING UPDATE

19. RECEIVE AND FILE DISTRICT’S 2020-21 ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

20. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, NOVEMBER 18, 2021

21. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2021
22. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR NOVEMBER 2021
23. RECEIVE AND FILE BUDGET STATUS REPORTS AS NOVEMBER 30, 2021

Public Comment: None

Moved: Wheeler
Seconded: Bessinger
Ayes: Bessinger, Chiesa, Couch, Lewis, Mendes, Pacheco-Werner, Pareira, Preciado, Reyes, Sherriffs, Shuklian, Wheeler, Pedersen
Nays: None

Motion unanimously carried to approve Consent Calendar (Items 18-23)

7. PUBLIC COMMENT – *The following persons provided public comments at this meeting:*
 - Janet Dietz-Kamei, Fresno Resident
 - Connie Young, Citizens Climate Lobby (CCL)
 - Clare Statham, Fresno Resident
8. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – this item was tabled to a later time.
9. ACCEPT AND APPROPRIATE \$20,768,770 IN ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND THE REPLACEMENT OF AGRICULTURAL TRACTORS, HEAVY-DUTY TRUCKS AND WOOD BURNING DEVICES – Aaron Tarango, Program Manager in the District's Grants and Incentives Department, presented this item which asked the Board to accept and appropriate \$20,768,770 from the United States Environmental Protection Agency for the following projects:
 - \$8,000,000 to replace agricultural tractors that have uncontrolled, Tier 1 or Tier 2 engines with new agricultural tractors that have Tier 4 engines;
 - \$8,000,000 to change out open-hearth fireplaces or non-certified wood burning devices with new electric heat pumps, gas devices, or certified wood-burning devices;
 - \$4,768,770 to replace heavy-duty diesel trucks with zero and near-zero emissions heavy-duty trucks.

Supervisor Wheeler said it was great to see so much funding awarded to the

District. He asked if pellet burning devices were better now than 10 years ago. Mr. Sheikh responded they continue to get better over time and said funding for these devices is available in areas that do not have access to natural gas.

Supervisor Mendes congratulated staff for receiving this funding and said this just proves that District staff are the best in the nation.

Vice Mayor Fugazi returned at 9:55 a.m.

Councilmember Bessinger also congratulated staff on receiving this level of funding for the Valley and said it is indicative of commitment on the federal level to the problem which was nice. He suggested targeting outreach for gas fireplaces towards senior citizens who are more likely than not to be living in older homes with wood burning fireplaces. He added they would greatly benefit from this program. Mr. Sheikh thanked Councilmember Bessinger for his great suggestion and said he would follow up with him to help develop more targeted outreach.

Dr. Sherriffs said there is a great need in the Valley and said this large award definitely speaks to the quality of work that staff have been doing on these programs. He said there are local health effects as well as regional effects and every step does make a difference for residents in the Valley.

Public Comment: *The following persons commented on this item:*

- Janet Dietz-Kamei, Fresno Resident
- Thomas Menz, Fresno Resident

Moved: Mendes

Seconded: Wheeler

Ayes: Bessinger, Chiesa, Couch, Fugazi, Lewis, Mendes, Pacheco-Werner, Pereira, Preciado, Reyes, Sherriffs, Shuklian, Wheeler, Pedersen

Nays: None

Motion unanimously carried to accept and appropriate \$20,768,770 in additional revenue from the United States Environmental Protection Agency to fund the replacement of agricultural tractors, heavy-duty trucks and wood burning devices; and to authorize the Chair to sign Budget Resolution 21-12-09 to amend the 2021-22 District Budget to appropriate the additional funding

This item was taken out of order

8. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Kevin Abernathy, Citizens Advisory Committee Chair, presented the report to the Board.

On behalf of the Board, Chairman Pedersen presented a plaque recognizing Mr. Abernathy's service on the Citizens Advisory Committee as Chair for the past two years. Manuel Cunha, incoming Citizens Advisory Committee Chair also thanked Mr. Abernathy for his service. Supervisor Pereira thanked Mr. Abernathy for his dedication to the Valley and the District and for serving so diligently and professionally.

10. ADOPT PROPOSED AMENDMENTS TO RULE 4905 (NATURAL GAS-FIRED, FAN-TYPE CENTRAL FURNACES) – Jon Klassen, Director of the District's Air Quality Science and Planning Department, presented this item asking the Board to adopt proposed amendments to Rule 4905 (*Natural Gas-Fired, Fan-Type Central Furnaces*).

Dr. Sherriffs said once again the flexibility of the District has to be commended in terms of how we approach these things, continue to get input and not be afraid of readjusting courses. He said it was important to continue to look for the cleanest available technologies.

Dr. Pacheco-Werner asked when Board members should expect an assessment of whether the 2023 timeline will be sufficient. She echoed Dr. Sherriffs' comments about continuing to look for the cleanest available technologies. Mr. Sheikh responded that while the technology is advancing, the pandemic has caused many uncertainties. As the new compliance date approaches, if there are major concerns from the manufacturers in developing the technology staff will likely hear during that year. Mr. Sheikh said staff would continue working with District partners at South Coast and Bay Area AQMD and other jurisdictions such as land-use agencies that are looking at new building standards as well.

Public Comment: *The following persons commented on this item:*

- Matthew Perry, Johnstone Supply
- Cynthia Pinto-Cabrera
- Jeff Small, US Air Conditioning Distributors
- Janet Dietz-Kamei, Fresno Resident

Moved: Wheeler

Seconded: Sherriffs

Ayes: Bessinger, Chiesa, Couch, Fugazi, Lewis, Mendes, Pacheco-Werner, Pereira, Preciado, Reyes, Sherriffs, Shuklian, Wheeler, Pedersen

Nays: None

Motion unanimously carried to adopt proposed amendments to Rule 4905 (Natural Gas-Fired, Fan-Type Central Furnaces), and to authorize the Chair to sign Resolution 21-12-10

11. ADOPT PROPOSED AMENDMENTS TO RULE 4354 (GLASS MELTING FURNACES) – Mr. Klassen presented this item asking the Board to adopt proposed amendments to Rule 4354 (*Glass Melting Furnaces*).

Public Comment: *The following persons commented on this item:*

- Cynthia Pinto-Cabrera, CVAQ

Moved: Mendes

Seconded: Sherriffs

Ayes: Bessinger, Chiesa, Couch, Fugazi, Lewis, Mendes,
Pacheco-Werner, Pereira, Preciado, Reyes, Sherriffs,
Shuklian, Wheeler, Pedersen

Nays: None

Motion unanimously carried to adopt proposed amendments to Rule 4354 (Glass Melting Furnaces), and to authorize the Chair to sign Resolution 21-12-11

Vice Mayor Fugazi left briefly at 11:01 a.m.

Mr. Wheeler left at 11:08 a.m.

Mr. Pereira left at 11:09 a.m.

Mr. Couch left briefly at 11:11 a.m.

Ms. Shuklian left briefly at 11:11 a.m.

12. ADOPT PROPOSED AMENDMENTS TO RULE 4352 (SOLID FUEL FIRED BOILERS, STEAM GENERATORS, AND PROCESS HEATERS) – Mr. Klassen presented this item asking the Board to adopt proposed amendments to Rule 4352 (*Solid Fuel Fired Boilers, Steam Generators, and Process Heaters*).

Councilmember Bessinger asked about the facilities that would no longer be exempt. Mr. Klassen responded that one facility was dormant so it should not be immediately affected. The other facility operates a small solid fuel fired boiler and they are aware of these new requirements.

Dr. Sherriffs asked what the rest of the municipal solid waste facilities were doing with their waste. Mr. Sheikh responded that another primary method for non-hazardous waste was landfilling the material so they are subject to the general waste requirements.

Public Comment: *The following persons commented on this item:*

- Cynthia Pinto-Cabrera, CVAQ
- Janet Dietz-Kamei, Fresno Resident
- Thomas Helme, Valley Improvement Projects, EJAG and CAC member

Moved: Pacheco-Werner

Seconded: Bessinger
Ayes: Bessinger, Chiesa, Lewis, Mendes, Pacheco-Werner,
Preciado, Reyes, Sherriffs, Pedersen
Nays: None

Motion unanimously carried to adopt proposed amendments to Rule 4352 (Solid Fuel Fired Boilers, Steam Generators, and Process Heaters), and to authorize the Chair to sign Resolution 21-12-12

13. RECEIVE AND FILE THE 2021 ANNUAL REPORT ON THE DISTRICT'S INDIRECT SOURCE REVIEW PROGRAM – Brian Clements, Director of the District's Permit Services Department, presented the Board with the 2021 Annual Report on the District's Indirect Source Review Program.

*Vice Mayor Fugazi returned at 11:28 a.m.
Supervisor Shuklian returned at 11:29 a.m.*

14. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES – Dr. Pacheco-Werner reported on highlights from the CARB Board meeting held on November 19, 2021.

Mr. Sheikh recognized Dr. Pacheco-Werner for her work on recent items that CARB has considered on a wide variety of complex issues. He also voiced appreciation for her representation of the Valley on the CARB Board.

15. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh wished the Board and public a happy holiday season and new year.

16. GOVERNING BOARD MEMBER COMMENTS – Vice Mayor Fugazi thanked Chairman Pedersen for all of his work and bringing out the lighter side of Board meetings, which is always welcomed because the information can be very high level. She also welcomed incoming Chairman Reyes to his new role and said she looked forward to his leadership in 2022. She also mentioned a recent Tune in Tune Up event in Stockton with approximately 450 vehicles participating. She added there were several community partners also participating to provide vaccinations, a food give-a-way, and other community services.

Dr. Sherriffs said this has been a challenging year for everyone but said we can all be grateful for things and he is grateful for the work that staff has done, for his opportunity to work with them on the Board, and for Chair Pedersen's example.

Supervisor Chiesa left at 11:46 a.m.

Supervisor Mendes thanked Chairman Pedersen for his leadership over the last two years and said he looked forward to working with Chairman Reyes in his new role. He also wished everyone a Merry Christmas.

Mayor Reyes congratulated Chairman Pedersen and thanked him for a job well done, saying he has really exemplified leadership and promoted proper decorum. He also thanked Vice Chair Pareira for his solid performance and congratulated incoming Vice Chair Chiesa. He thanked Mr. Abernathy for his service and said he looked forward to working with Mr. Cunha on the CAC. He also thanked the Board for electing him to serve the Valley stakeholders and the Board as Chair and said he was excited to work with the staff and Board next year.

Mayor Preciado congratulated incoming Chairman Reyes and Vice Chair Chiesa. He also thanked Chairman Pedersen for his service to the Board and the District. He wished all Happy Holidays.

Councilmember Bessinger thanked Chairman Pedersen for his excellent work and said the Board was looking forward to seeing incoming Chairman Reyes in person over the next year. He wished all a Merry Christmas and Happy New Year.

Mayor Pro Tem Lewis thanked Chairman Pedersen for her first year on the Board, saying it has been an enlightenment and truly educational for her. She welcomed incoming Chairman Reyes and said she looked forward to his leadership. She also thanked Mr. Sheikh and his staff for working closely with her over the past year and said it was her goal to ensure Merced County has every opportunity to take advantage of all of the available incentives. She also wished everyone a Merry Christmas and Happy New Year.

Chairman Pedersen thanked the Board for the opportunity to serve and thanked staff for their professionalism.

17. CLOSED SESSION: Annette Ballatore, District Counsel, announced that the Governing Board would hold a Closed Session pursuant to the Ralph M. Brown Act as follows:

- Public Employee Performance Evaluation pursuant to Government Code Sections 54957 and 54957.6 for the following:
 - a) Executive Director/APCO
 - b) District Counsel

Public Comment: None

ADJOURN

Chairman Pedersen adjourned the meeting to Closed Session at 11:52 a.m.

Meeting adjourned from Closed Session at 12:33 p.m.

The next scheduled meeting of the Governing Board is: Thursday, January 20, 2022. The meeting starts at 9:00 a.m., in the Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via Zoom audio and video teleconference (VTC).