

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

CITIZEN'S ADVISORY COMMITTEE

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

Tuesday, October 7, 2008
9:00 a.m.

The Citizens Advisory Committee Meeting was held via video teleconference (VTC): Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, the Southern Region Office, VTC Room, 2700 M Street, Bakersfield and the Northern Region Office, VTC Room, 4800 Enterprise Way, Modesto. The CAC Meeting was webcast.

1. CALL TO ORDER - The Chair, Mary-Michal Rawling, called the meeting to order at 9:13 a.m.

2. ROLL CALL - was taken and a quorum was present to hold a meeting. There was not a quorum from all three interest groups to vote.

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Location</u>
Fresno	Manual Cunha Jr./IAIG (P)	Central
	Kevin Hamilton/EIG (P)	Central
	Amarpreet Dhaliwal/CIG (P)	Central
Kern	Les Clarke/IAIG (P)	Southern
	Brent Green/CIG (P)	Southern
	Dana Karcher/EIG (P)	Southern
Kings	Kelly Deming/EIG (P)	Central
	Dennis Tristao/CIG (P)	Central
Madera	Donald Horal/IAIG (P)	Central
	Lee Smith/EIG (P)	Central
Merced	Mary-Michal Rawling/EIG (P)	Central
San Joaquin	Roger Hoffdahl/IAIG (A)	Northern
Stanislaus	Chris Savage/IAIG (P)	Northern
Tulare	Christine Foster/EIG (P)	Central
	Gary Rohman/IAIG (A)	Central

*P)=Primary, (A)=Alternate, IAIG=Industry/Ag Interest Group,
EIG=Environmental Interest Group, CIG-City Interest Group*

Staff present in Central Region Office (Fresno)— Seyed Sadredin, Executive Director/APCO; Rick McVaigh, Deputy APCO; Samir Sheikh, Director of ERIP; Errol Villegas, Manager of Planning; Tom Jordan, Senior Policy Advisor; Jessi Hafer, Senior Air Quality Specialist, Rich Burt, Communication Systems Analyst; Angie DeSantiago, Clerk to the Board; Michelle Franco, OPS Supervisor

Staff present in the Northern Region Office (Modesto) – Dottie Shoffner,
Senior Office Assistant

Staff present in the Southern Region Office (Bakersfield) - Nannette Manzo,
Senior Office Assistant

3. APPROVE MINUTES OF SEPTEMBER 2, 2008—the minutes were approved.

The order of the agenda was changed due to not having a quorum to vote on action items.

6. EXECUTIVE DIRECTOR/APCO COMMENTS – Seyed Sadredin, Executive Officer/APCO informed the CAC of three Bills that are of interest to the Valley. Senator Flores' SB1548 which outlines the City selection process for appointing members to the District's Governing Board, was approved and signed by the Governor. This Bill establishes a special Selection Committee comprised of representatives from the 59 cities in the Valley, and appoints the Air Pollution Control Officer as the permanent Secretary in charge of public noticing and convening the meetings. Every appointment to the Board will be voted upon at a Public Meeting by the majority of the cities. Currently, there are 3 City vacancies on the Governing Board, not including Councilmember Perea's term which ends in December 2008. AB2522, regarding DMV fees, was supported by our Board, Environmental, and Industry groups, and gives the District authority to fund emission reduction projects that fall outside of our legal jurisdiction. Senator Lowenthal's SB974 (Port Investment/Container Feed Bill) was vetoed by the Governor for various reasons, which included not addressing the Valley's needs. Senator Boxer has been pursuing legislation to create Air Quality Empowerment Zones at the Federal level, with an authorization for 20 million dollars directed towards areas such as the San Joaquin Valley, which suffer both economic adversity and air quality problems. This Bill passed to the Senate Environmental Committee and is making its way through the process.

Mr. Sadredin stated Rule 4306 (Boilers, Steam Generators, and Process Heaters – Phase 3) and Rule 4354 (Glass Melting Furnaces) are postponed until the Governing Board meeting on October 16, 2008 due to failure of one newspaper to publish the notice. Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) will also be presented for action at that meeting. Mr. Sadredin added the meeting will be of great controversy and length due to these complex rules.

Mr. Sadredin briefed the CAC on the Annual Report to the Community presentation given at the September 16, 2008 Governing Board Meeting. The Annual Report to the Community is a progress report designed to tell the public what has been accomplished over the past year. At the Board's request, a section highlighting Industry's commitments in the last 20-25 years

has been added, as well as regulations that have been imposed on various sectors and the costs incurred. The report will be available for CAC members upon request and is available on the District website.

Manual Cunha and Amarpreet Dhaliwal arrived at 9:26 a.m.

4. PUBLIC COMMENTS – *The following persons provided testimony during the Public Comments portion of the meeting:*

Central Region: Georgia Stewart, Dora Griggs/SJVUAPCD Employees
Northern Region: Rhonda Mansur/SJVUAPCD Employee
Southern Region: Ellyse Baldwin, Mike Buss, Robert Rinaldi, Kari Fuqua,
Angela Frantz, Bob Goon/SJVUAPCD Employees

Laura Fultz, Coalition of Clean Air, asked how the deferment of the Greenwaste Rule would affect the Ozone SIP and when the proposed changes to the New Source Review will be presented. Mr. Sadredin gave a brief account of these items and stated they may be on the Governing Board agenda for the December 18, 2008 meeting.

The Chair asked Mr. Sadredin what the timelines are for SB1548 and SB2522. Mr. Sadredin stated SB1548 will take effect in January 2009, and could take up to six months to accomplish. A letter will be sent to each of the 59 cities from the District, addressing the logistics facing this committee. For AB2522, the District is developing a spending plan between now and January and a proposal will be taken to the Board before March 2009. Monies will not be available until after July 2009.

7. UPDATE: THE CLIMATE CHANGE ACTION PLAN - Rick McVaigh, Deputy APCO, gave a detailed presentation on the Climate Change Action Plan. The three specific goals of the Plan are: to assist local land-use agencies with greenhouse gas/CEQA issues; to assist Valley businesses to comply with the mandates of AB32; and to ensure that the climate protection measures do not cause emissions that adversely affect public health or environmental justice. The CAC was presented with several options to contribute to the District's Climate Change Action Plan.

- The CAC could request the staff to provide updates as draft proposals are developed;
- CAC representatives could participate in the work groups and workshops throughout the process;
- The CAC could establish a sub-committee to review the work products of the workgroups and provide recommendations on the proposals. These could be modeled after Rule Sub-committees; and,
- The CAC could develop a recommendation to the Governing Board on the proposals.

Mr. McVaigh noted the contact information for involvement with all Climate Change Action Plan meetings will be noticed on the District's website, list server, and newspapers. Dave Warner, Director of Permits, will coordinate the workgroups and scoping meetings that will begin in November.

Mr. Sadredin stated he is hopeful the ARB will participate in the workgroups because it involves the trade-off between public health and climate change. The District wants to find many opportunities where there are mutual benefits for greenhouse gas reductions as well as ozone and particulate precursors reduction. These issues have already occurred in the Valley in such arenas as dairy digesters and land-use.

Mr. Sadredin suggested the CAC send members to participate in workshops. The following indicated they were interested in participating in the CCAP:

Northern Region: Lee Smith

Central Region: Dennis Tristao, Kevin Hamilton, Manual Cunha

South Region: Dana Karcher, Susan Noble, Les Clarke

Manual Cunha recommended the Climate Change Action Plan be a standing agenda item and report update.

8. ACTION ITEM: PROPOSED CHANGES TO CAC BYLAWS TO ADDRESS QUORUM AND MINIMUM VOTES REQUIRED FOR ACTIONS BY THE CAC – Mr. Sadredin presented the CAC guidelines with the changes to Sections 2, 3, 9, and 14. The additions and deletions were reviewed and it was recommended that a red line version indicating the changes be provided to the CAC as part of the December 2, 2008 meeting agenda packet.

Mr. Sadredin suggested following the Governing Board's recommendation that the CAC establish a quorum based on the members appointed. There was discussion on the concerns of attendance from the interest groups and the conditions that determine when a member can be replaced by the appropriate appointing authority. Mr. Sadredin stated for next month he will prepare a revised draft of the bylaws that can be reviewed by the CAC, outlining specific concerns to quorum and other issues for affirmative action. His recommendations will include:

- Dealing with quorum issue for individual interest group
- What constitutes a quorum - To ensure there is broad representation of at least one or two members from each group, and to make it an enforceable provision; if a CAC member fails to attend a number of meetings they will be disqualified. This will start the process for the District to notify the counties to make appointments.
- Maintaining the spirit to have broad representation from each interest group.

The Chair asked the Chairs of each interest group to convene with their groups and put this item on their agenda to discuss how to address vacancies within their groups. She stated this item will be on the agenda for the next few meetings until it is resolved.

9. UPDATE: SURPLUS OFF-ROAD OPT-IN FOR NOX (SOON) PROGRAM -Seyed Sadredin, Executive Director/APCO briefed the CAC on the SOON program. He stated the ARB adopted this program with their off-road rule which gave the District and South Coast the option of adopting a more stringent requirement if money was available. Several issues need to be addressed including ARB's desire to have the District fund industry that predominantly uses equipment outside the District. The District is proposing to only fund projects spending at least 50% of time in the District. Another issue is that ARB requires the District to pay a minimum 85% of the retrofit cost for most projects such as 3-tier retrofit and the District may not have enough money to do this. If these issues cannot be resolved, the District may propose a more effective voluntary Grant program and propose not to opt into SOON.

Les Clark left at 11:27 a.m.

10. ACTION ITEM: RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS) - Jessi Hafer, Senior Air Quality Specialist, gave the presentation on the Proposed Amendments to Rule 4901. The Rule amendment lowers the No Burn level from 65 µg/m³ to 30 µg/m for residential wood burning fireplaces and stoves, and is expected to increase the number of No Burn days. These amendments also apply to chimineas and outdoor fireplaces. The Rule amendment reduces 16.9 tons of PM_{2.5} on a Valleywide No Burn day and achieves an average of 2.4 tons per day of PM_{2.5} reductions in the winter. Rule 4901 is coupled with the District's Burn Cleaner grant program and Winter Healthy Air Living program which will give incentives to both students and teachers for their participation in Healthy Air Living. Mr. Sadredin stated he welcomes ideas from the CAC to use in contacting the schools.

Ms. Hafer stated in August the District held nine evening workshops throughout the San Joaquin Valley, with approximately 115 attendees. The first public comment period ended on August 28, 2008. The comments are summarized in the staff report available on the District's website.

The Chair asked if there were concerns or support expressed at the workshops. Ms. Hafer stated there were concerns over the removal of the elevation exemption, even though many homes above the 3,000 feet do not have natural gas and remain exempt. There was concern on the economical ability to keep warm this winter. Others expressed frustration about not being able to go outside because of wood smoke. The Chair encouraged the CAC

members to participate at the public hearing on October 16, 2008.

11. RULES UNDER DEVELOPMENT - George Heinen, Supervising Air Quality Engineer presented the report. In addition to the information in the CAC packet, he stated the Board will receive and file proposed amendments to three rules and set December 18, 2008 for Public Hearings to adopt Rule 4607 (Graphic Arts and Paper, Film, Foil and Fabric Coatings), Rule 2201 (New and Modified Stationary Source Review Rule) and Rule 2530 (Federally Enforceable Potential to Emit). He stated the 30-day commenting period is tentatively scheduled for October 2008 for Rule 1020 (Definitions). The Rule amendments would change the definition of volatile organic compound (VOC) to consider tertiary butyl acetate and methyl formate as exempt compounds to make it consistent with EPA's definition of VOC.
12. UPDATE: ENVIRONMENTAL JUSTICE ADVISORY GROUP - Jaime Holt, Chief Communications Officer, notified the CAC of the Governing Board's approval of the members to the EJAG Committee and that there is still a vacancy for a CAC municipality representative. The first EJAG meeting will be on October 20, 2008 at 11:00 a.m.

Chris Savage left at 11:55 a.m.

Manuel Cunha left at 12:06 p.m.

Dana Karsher and Brent Green left at 12:07 p.m.

Kevin Hamilton left at 12:10 p.m.

14. ARB COMMENTS – CALIFORNIA AIR RESOURCES BOARD
Jeff Lindberg, ARB Planning Liaison for the San Joaquin Valley updated the CAC on the ARB Board Meeting and the agenda for the upcoming week.
15. CAC MEMBER COMMENTS AND SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE CAC REPORT DURING THE GOVERNING BOARD MEETING ON THURSDAY, OCTOBER 16, 2008 - The Chair will present a report to the Governing Board on the discussion of the Hearing Board recommendations, quorum issues, and interest groups for the Clean Air Action Plan Scoping Meetings.
16. VOLUNTEER TO PRESENT THE CAC REPORT DURING THE GOVERNING BOARD MEETING ON THURSDAY, OCTOBER 16, 2008 - The Chair volunteered to give the report at the October 16, 2008 Governing Board Meeting.

Meeting adjourned at 12:13 p.m.

NEXT MEETING – The next CAC Meeting is scheduled on Tuesday, December 2, 2008.