

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, September 2, 2008
10:00 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 10:05 a.m.

2. ROLL CALL - was taken and a quorum was present.

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Location</u>
Fresno	Rico Aquayo/CIG (A)	Central
	Manual Cunha Jr./IAIG (P)	Central
	Kevin Hamilton/EIG (P)	Central
	Ryan Jacobsen/IAIG (A)	Central
Kern	Brent Green/CIG (P)	Southern
	Les Clark/IAIG (P)	Southern
	Dana Karcher/EIG (P)	Southern
Kings	Kelly Deming/EIG (P)	Central
	Riley E. Jones/IAIG (P)	Central
	Dennis Tristao/CIG (P)	Central
Madera	Donald Horal/IAIG (P)	Central
	Lee Smith/EIG (P)	Central
Merced	Mary-Michal Rawling (P)	Central
	Dean Wilson/CIG (P)	Northern
San Joaquin	Roger Hoffdahl/IAIG (A)	Northern
	Wade Broughton/CIG (P)	Northern
Stanislaus	Chris Savage/IAIG (P)	Northern
	Richard Gibson/EIG (P)	Northern
Tulare	Christine Foster/EIG (P)	Central
	David Harrald/IAIG (P)	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; Roger McCoy, Director of Administrative Services; Errol Villegas, Manager of Planning; Rich Burt, Communication Systems Analyst; ; Erin Green, Office Assistant; Angie DeSantiago, Clerk to the Board

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

Rich Burt, Communication Systems Analyst, gave a brief overview of the new video equipment. He stated flat panel monitors have been installed and there is a redesign of the audio system. Due to problems with the connections, the Northern Region was connected by audio conference.

3. APPROVE MINUTES OF JUNE 3, 2008 - The minutes were approved with correction to the spelling of Donald Horal's name on page 5.
4. PUBLIC COMMENTS - There were no public comments.
5. CHAIR COMMENTS - There were no comments.
6. EXECUTIVE DIRECTOR/APCO COMMENTS - Seyed Sadredin, Executive Director/APCO informed the CAC of the key actions taken at the August 21, 2008 Governing Board Meeting.
 - A report was given on the inaugural campaign for Healthy Air Living Week initiative. Forty-two cities and all eight counties signed on for proclamations declaring Healthy Air Living Week. The District will continue the program and is preparing a proposed winter campaign. The CAC is asked to have a role in participating in the Healthy Air Living initiative and to assist the staff with ideas that could make the program even more effective and broadly accepted by various sectors including the general public, businesses and government.
 - The Governing Board adopted clarifications to the 2004 Extreme Ozone Attainment Demonstration Plan for the revoked Federal 1-hour Ozone Standard and directed staff to forward the clarifications regarding the 2004 Extreme Ozone Attainment Demonstration Plan for incorporation as part of the SIP.
 - The Board approved up to \$55,000 in matching incentive funding to assist school districts in environmental justice communities with the purchase of new school buses through the **Lower Emission School Bus Program**. The matching funding assistance is a significant step in moving forward with replacing older, diesel school buses with new buses, and will reduce the health impact associated with children riding on school buses. School districts will have further opportunity to submit applications to replace their older school buses and take advantage of the available matching funding assistance.

- The Board appointed nine members of the District's first **Environmental Justice Advisory Group**. The EJAG is a key initiative of the District's Environmental Justice Strategy and has been formed to assist the District with the implementation of that strategy including such things as providing compliance assistance, communication and outreach to ethnic and low-income communities. Applications are still being taken for three remaining positions.
- Rules 4306, 4307, 4320 and Rule 4354 scheduled to be adopted at the Governing Board Meeting on September 18, 2008 will be postponed until October 16, 2008. The Notice of Hearing was not published in the Tulare newspaper and it is a legal requirement for a Notice of Hearing to be published for general circulation in all eight counties. Rule 4901 (Fireplace rule) will also be considered for adoption at the Governing Board Meeting on October 16, 2008. He emphasized that the October meeting will have a full agenda.

Mr. Sadredin briefed the CAC with background information on a current controversy involving a few dairies in the Valley. This matter involves a handful of dairies that have obtained, or are in the process of obtaining, permits from the District to capture and burn methane gases from dairy lagoons to fuel engines that produce electricity. This is an example of where we have to weigh public health against measures that reduce greenhouse gas emissions.

While capturing methane from digesters is a good climate change action measure, the solution that is being proposed is to burn gases in an internal combustion engine without minimal controls. Without proper controls, widespread implementation of these types of projects could result in an increase of approximately 5 tons per day of NOx in the Valley. In comparison, the District's 2007 Ozone Plan, which will cost businesses billions of dollars, will result in 8 tons per day of reduction in NOx emissions from stationary sources in the Valley. Allowing such projects to proceed could wipe out much of the reductions planned for smog control and make it even more difficult to reach attainment with the federally prescribed deadlines. This would have a significant detrimental impact on public health and the District would be forced to come up with more regulations on businesses to negate the impact.

Dennis Tristao asked if the only issue is the NOx control of flares or with combustible engines that meet current BACT.

Mr. Sadredin stated the businesses are proposing to use combustible engines to burn the dairy gases. The District is asking that engines used to burn digester gases be equipped with exhaust controls similar to catalytic convertors used on automobiles.

Kevin Hamilton asked what the difference is between these types of methane driven generators and what makes it difficult to add a catalytic device.

Mr. Sadredin stated there are technical challenges, but the key decision factor is whether the businesses in the Valley and the public are willing to absorb 5 tons per day of NOx.

Rick Gibson asked if the District was aware of the situation with Fiscalini Dairy.

Mr. Sadredin stated this is one of the projects that is caught in this NOx vs. greenhouse gas situation. The dairy wants to deviate from the construction permit that they obtained by installing an engine without the required controls. The District has informed Fiscalini that they must either install the equipment as proposed and permitted, or reapply for a permit to install some other equivalent technology.

Lee Smith asked about proposed amendments to the New Source Review Rule.

Mr. Sadredin stated it will go before the Board in December.

The Chair asked Mr. Sadredin what items will be on the agenda for the September 16, 2008 Governing Board Meeting.

Mr. Sadredin stated the adoption hearings for Rules 4306 and 4354 will be continued to the October 16, 2008 meeting. The Annual Report will be presented at the September meeting and will capture all the activities that occurred from the 2007 Ozone Plan last April to the present, as well as the PM efforts, and a description of the District's permitting programs and air quality data.

7. HEARING BOARD SUBCOMMITTEE RECOMMENDATION FOR SOUTHERN REGION HEARING BOARD - Christine Foster stated the subcommittee recommends appointing Donna L. Carpenter to fill the position of alternate public member.

Motion: Cunha Second: Deming

Ayes: Cunha, Clark, Jones, Horal, Hoffdahl, Savage, Harrald, Hamilton, Karcher, Deming, Smith, Rawling, Gibson, Foster, Aguayo, Green, Tristao, Wilson, Broughton

Nays: None

Motion passes to select Ms. Donna Carpenter to fill the position for alternate public member for the Southern Region Hearing Board.

8. RECOMMENDATION TO SET UP A COMMITTEE TO ASSIST DISTRICT STAFF WITH THE CLIMATE CHANGE ACTION PLAN - Mr. Sadredin gave a report on the Climate Change Action Plan which was adopted at the August 21, 2008 Governing Board meeting. 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.

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 it would be beneficial for the CAC to have a formal role to play providing information and guidance.

The CAC agreed that members should be part of the District's committees that are formed throughout the various regions. It was also recommended that the Air Resources Board be part of the committees.

Mr. Sadredin suggested the Climate Change Action Plan be continued on the CAC agenda. At the October CAC meeting he will present a more defined work plan and goals to share with the CAC.

9. RECOMMENDATION TO NOMINATE THE EJAG REPRESENTATIVE FROM THE CITY INTEREST GROUP - The Chair asked the City Interest Group to give an update on the city representation on the Environmental Justice Advisory Group.

Dennis Tristao stated the City Interest Group was not aware of a meeting.

The Chair will contact Amapreet Dhaliwal to convene the interest group.

10. DISCUSSION OF QUORUM ISSUES - Mr. Tristao stated the CAC has two city interest groups with vacancies that are inhibiting the CAC from having the ability to handle business. He suggested the CAC quorum be based on a majority of "appointed members" consistent with the Governing Board quorum policy.

Manual Cunha concurred it would be best to follow the guidelines that were adopted by the Governing Board.

The CAC discussed 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 he will come back next month with a revised draft of the CAC Bylaws for review by the CAC. The proposed changes will hopefully address the concerns expressed by the CAC regarding the minimum requirements for

quorums of the interest groups and the CAC as a whole, the minimum requirements for an affirmative vote, and the process for dealing with CAC members who do not regularly attend.

The Chair asked the Chairs of each interest group to convene with their groups and discuss how to stimulate filling vacancies within their groups.

The Chair stated this item will be on the agenda for the next few meetings until it is resolved.

11. UPDATE: SURPLUS OFF-ROAD OPT-IN FOR NO_x (SOON) PROGRAM - Mr. Sadredin informed the CAC that the Air Resources Board adopted Rule 9210 at the urging of the District and the South Coast AQMD. It gives the two districts some flexibility for controlling off-road engines primarily in the construction industry and to help them with funding. The second workshop on Rule 9210 was conducted on August 28, 2008. This new Rule would require operators of large, off-road diesel-fueled equipment fleets to accelerate retrofit or replace older equipment, providing funds are available from the District to offset some of the costs.

David Harrauld stated that CAC member Gary Rohman requested this item be put on next month's agenda.

12. RULES UNDER DEVELOPMENT - Errol Villegas, Program Manager for Planning, presented the report. In addition to the information in the CAC packet, he stated workshops were held in August in all 8 counties to provide opportunity for widespread public input on Rule 4901 (Woodburning Fireplaces and Woodburning Heaters).

Mr. Sadredin stated Rule 4901 amendments would implement a control measure in the PM_{2.5} Plan. To better protect public health, amendments would include lowering the Air Quality Index level from 65 micrograms per cubic meter to 30 micrograms per cubic meter. In order for this program to work, major outreach needs to be made to the community along with implementation of a grant program to replace the woodburning devices. He asked the CAC to make a policy recommendation on this Rule.

The Chair requested to put Rule 4901 (Woodburning Fireplaces and Woodburning Heaters) as an action item on the October 7, 2008 meeting.

13. ARB COMMENTS –CALIFORNIA AIR RESOURCES BOARD (ARB) - Jeff Lindberg, ARB Planning Liaison for 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 PM_{2.5} 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. The proposal is currently scheduled to be presented to ARB at their October meeting.

14. CAC MEMBER COMMENTS AND SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE CAC REPORT DURING THE GOVERNING BOARD MEETING ON THURSDAY, SEPTEMBER 18, 2008 - The Chair will present a report to the Governing Board on the discussion of the Hearing Board recommendations, quorum issues, and the Climate Change Action Plan.
15. VOLUNTEER TO PRESENT CAC REPORT DURING GOVERNING BOARD MEETING, THURSDAY, SEPTEMBER 18, 2008 AT 9:00 A.M. - The Chair volunteered to give the report at the September 18, 2008 Governing Board Meeting.

Adjourned at 12:16 p.m.

NEXT MEETING – The next CAC Meeting is scheduled on Tuesday, October 7, 2008.