

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, April 7, 2009
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, 34946 Flyover Court, 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 10:13 a.m.
2. ROLL CALL - was taken and a quorum was present to hold a meeting. There was a quorum from all three interest groups to vote.

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Location</u>
Fresno	Rico Aguayo/CIG (A)	Central
	Ryan Jacobsen/IAIG (A)	Central
	Manuel Cunha, Jr./IAIG (P)	Central
	Kevin Hamilton/EIG (P)	Central
Kern	Les Clark/IAIG (P)	Southern
Kings	Dennis Tristao/EIG (P)	Central
	Riley Jones/IAIG (P)	Central
	Alene Taylor/EIG (A)	Central
Madera	Donald Horal/IAIG (P)	Central
Merced	Mary-Michal Rawling/EIG (P)	Central
	Tim Durham/IAIG (P)	Central
	Dean Wilson/CIG (P)	Northern
San Joaquin	Roger Hoffdahl/IAIG (A)	Northern
Stanislaus	Chris Savage/IAIG (P)	Northern
	Richard Gibson/EIG (P)	Northern
Tulare	None	

**Dean Wilson arrived at 10:36 a.m.*

**Chris Savage arrived at 10:20 a.m.*

**Kevin Hamilton arrived at 10:50 a.m.*

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

Staff present in Central Region Office (Fresno)— Rick McVaigh, Deputy APCO; George Heinen, Supervising Air Quality Engineer; Scott Nester, Director of Planning; Jamie Holt, Chief Communications Officer; Rich Burt, Communication Systems Analyst; Angie DeSantiago, Clerk to the Board

Staff present in the Northern Region Office (Modesto) – Karen Morris - Administrative Analyst

Staff present in the Southern Region Office (Bakersfield) – Emily Gonzalez-Demont, Administrative Analyst

3. APPROVE MINUTES OF MARCH 3, 2008 - The Minutes were approved as submitted.
4. PUBLIC COMMENTS – There were no public comments.
5. CHAIR COMMENTS – Mary-Michal Rawling thanked Mr. Tristao for assisting as Chair at the March 3, 2009 meeting and she introduced and welcomed two new members to the CAC; Tim Durham, Industry/Ag Primary member and Alene Taylor, Environmental Interest Alternate member.

Mr. Durham is the Operations Director for Ingomar Packing Company, LLC a tomato processor in Los Banos. He represents both the industrial and agricultural division of the organization. Ms. Alene Taylor is a former Citizens Advisory Committee member and Kings County Supervisor; and represents Kings County Citizens for a Healthier Environment.

6. EXECUTIVE DIRECTOR/APCO COMMENTS – Rick McVaigh, Deputy APCO, gave the presentation. He reported the Board approved the adoption of amendments to Rule 4902 (Residential Water Heaters) which will require new and replacement water heaters sold after January 1, 2010 to meet lower NOx limits. The installation of Low-NOx burners in water heaters will reduce 1 ton/day of NOx in the valley. The Board approved the Healthy Air Living campaign which will involve putting together a year-long calendar of Healthy Air Living events. The Board also agreed to accept \$1 million dollars in revenue for the Carl Moyer Air Quality Standards Attainment Program from the Antelope Valley and Mojave Desert air districts. These districts were unable to utilize all of their funds and they will now be used to fund qualifying emission-reduction projects in the Valley. In addition, he stated at the Board meeting on April 16, 2009, the Governing Board will consider a proposal to set May 21, 2009 as the date for a public hearing to determine whether to set aside rule 4570 (Confined Animal Facilities). This action is in response to a court order stemming from a legal action taken by the Association of Irrigated Residents (AIR). In that action, trial and appellate courts rejected AIR'S main arguments relating to the rule adequacy and the projected reduction in emissions. However, the appellate court reversed a lower court decision and

ruled that the District's staff report did not sufficiently address the public health impact for the rule. At the request of AIR, the court has ordered the District to set the rule aside pending its completion of the health assessment analysis. The proposed Board action complies with the court's direction. The Board may also set June 18, 2009 for a public hearing to consider the District's assessment of the public health impacts of Rule 4570 (Confined Animal Facilities) and to consider either readopting Rule 4570 without changes, or to direct staff to proceed with development of amendments to that Rule. At the same time, independently, the District is developing a more stringent version of this Rule, based on the District's 2007 Ozone Plan.

Mr. McVaigh also stated the Board will receive a summary report on the implementation of the 2007 amendments to Rule 4103 (Open Burning), which prohibited the burning of most material from orchard removals. He stated the District has met all of its commitments with regard to implementing these burning restrictions. In addition, he noted several of the findings that would be included in the report; the increased number of days that wood-burning was banned resulted in improved air quality; 1,189 public inquiries were received; 402 Notice of Violations were issued; and as expected, with this new Rule there was a drop in the PM2.5 concentrations and the number of exceedances of the standard. He stated the biggest improvement in air quality was between 8:00 p.m. -12:00 a.m., which is prime wood burning time. The report also states the District's Incentive Program to replace the high polluting wood burning stoves was successful and sold out in 14 days. The District is proposing to increase the funding by \$175,000 in next year's budget to fund more changes.

Chris Savage arrived at 10:20 a.m.

Mr. McVaigh also stated a 300-plus page technical report on the Reasonably Available Control Technology (RACT) Demonstration for the Ozone State Implementation Plans (SIP) will be presented to the Board on April 6, 2009. This is a demonstration required by the EPA that all of the District's rules require at least Reasonable Available Control Technology (RACT) at all major sources of air pollution. Under California law, the District is required to have Best Available Retrofit Control Technology (BARCT) which is more stringent than RACT. The Board will also be asked to adopt new positions on three legislative proposals: support Senator Florez's Bill SB382, which consistent with current District policy, bans agricultural burning on days when residential burning is prohibited; support Assembly Member Galgiani's Bill, AB414, which requires the Air Resources Board (ARB) to establish a trade-down program to replace older, higher-emitting trucks with newer, lower-emission trucks; and to oppose Senator Hollingsworth's SB554, which prohibits any air district from implementing regulations restricting or prohibiting wood burning devices in new or existing structures. He also reported the City Selection Committee has made progress and established a rotation schedule. The next step will

be for the cities to propose actual members to be on the Governing Board and the City Selection Committee will meet to approve or disapprove those choices of the actual members.

Mr. Tristao asked for clarification on the procedures for selection of the small cities. Ms. Rawling replied the District will send out the application packets to city council members; submit the applications of those interested to all the city councils in the county to vote on at their regular scheduled meetings; and select who they want to propose as their representative. The candidate's name is then submitted to the full City Selection Committee for approval or disapproval.

Dean Wilson arrived at 10:36 a.m.

Mr. Jones asked about AB414 and how the truck trade-downs work. Mr. McVaigh replied the Bill will require ARB to develop a truck trade-down program. Vehicles being replaced that are newer would be made available to others to replace older dirtier trucks as part of the program and would provide benefits in the Valley where there are a number of older, seasonal agricultural trucks in use. Mr. Cunha commended the District for supporting AB414.

7. APPROVE RECOMMENDED CANDIDATE FOR APPOINTMENT TO THE ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG) - Maricela Velasquez, Senior Public Information Representative, gave the presentation. She stated the Environmental Justice Advisory Group (EJAG) appointment subcommittee interviewed the two candidates. The subcommittee recommends Fabian Caballos, owner of Fabian's Collision Center, Inc., for the ethnic small business owner seat. Upon approval of this recommendation, there will be two seats remaining open on the EJAG membership roster; one ethnic small-business owner and the at-large Tulare County seat.

MOVED: Cunha

SECONDED: Tristao

AYES: Cunha, Clark, Jones, Horal, Durham, Hoffdahl, Savage, Taylor, Mary-Michal Rawling, Gibson, Aguayo, Tristao, Wilson

Motion unanimously carried to approve Fabian Caballos for appointment to the Environmental Justice Advisory Group (EJAG)

8. REPORT FROM THE ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG) - Lourdes Medina, At-large representative, gave the update. She stated the committee has adopted the By-laws and are focusing on the objectives of their goals. The committee will be using a mapping system to determine through their constituents the air quality issues they need to be informed about and how they should be addressed. The next EJAG meeting is May 18, 2009 at 5:30

p.m. Ms. Medina added there will be an agenda item on diesel trucks and she invited the CAC members to attend.

Mr. Hamilton arrived at 10:50 a.m.

9. UPDATE ON AGRICULTURAL AND RESIDENTIAL WOOD BURNING RESTRICTIONS
Rick McVaigh, Deputy APCO, gave the presentation on agricultural and wood burning restrictions. Preliminary data indicate that more stringent residential wood burning restrictions have resulted in improved wintertime air quality. Ag burning is being phased out, declining from 14,000 acres to 4,000 acres per year, Valleywide. Most agricultural burning is prohibited most days of the year, but exceptions remain for diseased crops and where alternatives to burning are not economically feasible. He stated the burning that is allowed is strictly subject to the District's Smoke Management System, which takes various factors, including meteorology, into account. Under a new District policy, on days when residential wood burning is prohibited, agricultural burning is also prohibited. The District's goal is to ensure that Ag burning doesn't cause a nuisance or any significant deterioration in air quality. Mr. Hamilton asked for an explanation of the burn zones as illustrated on the presentation. Mr. McVaigh replied once it is determined based on meteorological conditions that it is a burn day, the District has a computerized system that allocates the amount of burning that is allowed in each of the 103 zones. It depends on the specific meteorology and the amount of applications in each area. Ms. Rawling asked about the status of biomass plants in the Valley. Mr. McVaigh reported some biomass plants have come on line this year which have helped in accommodating the level of chipping; approximately 90% of orchard removals are being sent to biomass plants.

Mr. Jones asked if the District has solved the issue with vineyard stakes. Mr. McVaigh stated the District has been able to work with the farmers and industry representatives to develop an alternative to burning. Treated vineyard stakes are still prohibited from burning and must be put in special land fills. This has been accomplished by funding provided by the U.S. Department of Agricultural. By 2010, the District will need to look at eliminating the rest of the agricultural burning in the Valley. The District is looking at other alternatives to handling these materials and in some cases will be able to extend the prohibitions and exceptions will be based on economic necessity.

10. RULES UNDER DEVELOPMENT – George Heinen, Planning Manager, gave the presentation. He stated the Board adopted Rule 4902 (Residential Water Heaters), the amendments will require new water heaters sold in the Valley to emit less nitrogen oxides (NOx) and the Study Agency approved the final proposal for the San Diego State University Research Foundation to conduct the study on Rule 4566 (Organic Waste Operations). He stated workshops and scoping meetings have been held on Rule 4601 (Architectural Coating),

Rule 4311 (Flares), and Rule 4570 (Confined Animal Facilities). In addition, workshops will be held for Rule 4308 (Boilers, Steam Generators, and Process Heaters, rated 0.075 to <2.0 MMBtu/hr.), Rule 4692 (Commercial Charbroiling), Rule 4695 (Brandy and Wine Aging), Rule 9410 (Employer Based Trip Reduction Programs), and Rule 4612 (Motor Vehicle and Mobile Equipment Coating Operations-Phase II). Also, the District is developing amendments to Rule 2301 (Emission Reduction Credits for Carbon Exchange) and a workshop is scheduled in May.

CAC members discussed the complexity and importance of the Rules that were presented.

11. OUTREACH AND COMMUNICATIONS REPORT – Jaime Holt, Chief Communications Officer gave the presentation. She stated a recap will be given to the Board at the April 16, 2009 meeting regarding the Healthy Air Living Winter Outreach Program. Included will be an overview of Kids for Clean Air Contest. There were 68 schools that participated, 27 classrooms were winners, and 7,455 pledge cards were turned in. In addition, Ms. Holt stated the Burn Cleaner Wood Burning Device Change out Program will be discussed. She stated incentives of \$750 and \$1,500 to low-income residents were given toward the purchase of a cleaner burning gas, pellet or certified wood burning stove or insert. In addition, Ms. Holt reported the District is working on revisions to the Flag Program. She stated this year's partners include Stanislaus Asthma Coalition, Merced/Mariposa Asthma Coalition, and the American Lung Association which will be working with the six counties not covered by these coalitions. In addition, she added the Board requested to have one comprehensive list of all the schools participating in the Flag Program. The District has received great partnership and she thanked Ms. Rawling for assisting by getting the list of schools from the Merced area. Ms. Holt also added at the March meeting the Governing Board approved activities and events to support two of the Healthy Air Living initiatives. Among the Healthy Air Living events planned for 2009 are: air quality summits in each of the District's three regions; establishing a Healthy Air Partner program with businesses and organizations Valleywide; implementing a broad range of outreach events and activities oriented toward public participation; and partnering with other organizations throughout the year to support activities such as Bike-to-Work days, commute challenges and energy-efficiency campaigns. The Board also approved a contract with Jeffrey Scott Agency (JSA) for comprehensive public outreach and education media campaigns to support Healthy Air Living. Ms. Holt reported the Board approved changes aimed at increasing participation in the District's Gross Polluting Vehicle Program. She stated under the revised program, more Valley residents will be eligible to receive up to \$5,000 in funding to help buy a newer, cleaner vehicle. To improve the program acceptance and name recognition, the name will be changed to Polluting Automobile Scrap and Salvage (PASS) and a new bilingual marketing campaign is also being

launched. She also stated the Clean Green Yard Machine lawn mower trade-in program kicks off April 22, 2009. This program is a partnership with Neuton who manufactures a 16" and 19" lawn mower unit that will be offered. Customer cost will be \$150 or \$250 with a trade-in as well as a discount incentive for those without a trade-in. Ms. Holt answered questions relating to the Polluting Automobile Scrap and Salvage (PASS) program and the various activities that the District is sponsoring. The CAC expressed their support and agreed to participate in the involvement by notifying their communities about the District's activities.

12. ARB COMMENTS – PRESENTED BY ARB REPRESENTATIVE – Jeff Lindberg, ARB Liaison, gave the presentation. He stated at the ARB meeting on April 23, 2009 ARB staff will present to their Board technical amendments to the 2007 State Strategy. The proposed amendments document recent regulatory activities that ARB has under taken to implement the SIP commitment made in the Valley 2007 Ozone and 2008 PM2.5 Plans. The SIP amendments would track ARB's recent progress in terms of emission reductions from recently adopted state regulations and clarify ARB's legal commitments in light of EPA'S approval criteria. In addition, clarify the discussion of the States long term strategy for identifying future emission reduction technologies that would be needed to attain the last increment of emission reductions in the South Coast and San Joaquin Valley Air basin.
13. MEMBER COMMENTS AND SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE REPORT DURING THE GOVERNING BOARD MEETING ON MAY 21, 2009 - Mary-Michal Rawling, Chair, requested the District give a report on the Fast Track measures at the next CAC meeting.
12. VOLUNTEER TO PRESENT REPORT DURING GOVERNING BOARD MEETING - Mary-Michal Rawling, Chair, volunteered to present the report to the Governing Board at their next meeting on May 21, 2009.

ADJOURN

Meeting adjourned at 12:02 p.m.

NEXT MEETING – The next CAC Meeting is scheduled on Tuesday, June 2, 2009.