

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, March 2, 2010
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, Manuel Cunha, called the meeting to order at 10:01 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	Manuel Cunha/IAIG (P)	Central
	Ryan Jacobsen/ IAIG (A)	Central
	Kevin Hamilton/EIG (P)	Central
	Amarpreet Dhaliwal/CIG (P)*	Central
Kern	Les Clarke/IAIG (P)	Southern
	Brent Green/CIG (P)*	Southern
Madera	Donald Horal/IAIG (P)	Central
	Lee Smith/EIG (P)	Northern
Merced	Mary-Michal Rawling/EIG (P)	Northern
San Joaquin	Roger Hoffdahl/IAIG (P)*	Northern
	Wade Broughton/CIG (P)	Northern
Stanislaus	Richard Gibson/EIG (P)	Northern
	Chris Savage/IAIG (P)	Northern
Tulare	Christine Foster/EIG (P)	Central
	Derek Williams/IAIG (P)	Central
	Mike Santana/CIG (P)	Central

**Brent Green arrived at 10:08 a.m.*

**Amarpreet Dhaliwal Arrived at 10:12 a.m.*

**Roger Hoffdahl arrived at 10:12 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) - Seyed Sadredin, Executive Director/APCO; Todd DeYoung, Program Manager; Jaime Holt, Chief Communications Officer; George Heinen, Supervising Air Quality Engineer; Rich Burt, Communication Systems Analyst; Angie DeSantiago, Clerk to the Board

Staff present in the Northern Region Office (Modesto) - Dottie Shoffner, Air Quality Assistant

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

3. Approve Minutes of March 2, 2010 - The minutes were approved as noted.
4. Public Comment – None.
5. Chair Comments – None.
6. Executive Director/APCO Comments – Mr. Sadredin provided an update regarding the last Governing Board meeting. He stated the Governing Board approved the bylaws for EJAG, the changes in the EJ strategy and proposed recommendations that were based on previous discussions between the APCO and the CAC. He suggested the agriculture/industry group deliberate on assigning at least one person to EJAG, in case the recruitment effort to find a minority business owner to fill the current EJAG vacancy fails, and it becomes necessary to fill the vacancy from CAC.

Mr. Sadredin said the Governing Board also approved 1.1 million dollars for funding a statewide Zero-Emission Agricultural Utility Terrain Vehicle (UTV) program. In addition, the Governing Board approved receiving \$464,000 for the lawn and garden equipment replacement program, which is a two-year program. The Governing Board also approved a park-and-ride lot near Bakersfield, which will serve employees that work in the Tejon Ranch complex. The overall cost for the park-and-ride lot is over 1 million dollars and the District funded \$510,000 towards the building of the facility. It is believed the park-and-ride will be a good role model that could be copied throughout the valley.

Mr. Sadredin also described the issue of non-attainment fees, a topic of an extensive discussion at the last Governing Board meeting. Under the Federal Clean Air Act, the fees must be charged to major stationary sources in the event an area fails to meet an ozone attainment deadline. Although the District had originally proposed to exempt businesses with “clean units” from these fees, EPA did not approve this exemption in its limited approval/limited disapproval of District Rule 3170. The Governing Board approved a recommendation to craft an EPA approvable alternative program, which could exempt sources that have already installed Best Available Control Technology from the fees and, to the extent legally permissible, distribute the responsibility for the fees proportionally between stationary and mobile sources. A proposal will be brought back to the Board in late 2010 or early 2011.

Mr. Sadredin stated a City Selection Committee meeting has been scheduled for March 29, 2010 in order to appoint the city member to the Governing Board. The cities of Tulare County have nominated Mike Lane, who is a council member from the City of Visalia.

Public comment: No public comment.

7. Report from Environmental Justice Advisory Group (EJAG) – A written report was provided to CAC members. Catherine Garoupa gave an overview of the report.

After Ms. Garoupa's update, Mr. Sadredin suggested CAC members attend EJAG meetings and EJAG members attend CAC meetings in order to encourage better communication between the two groups. In addition, he advised the term for EJAG members is 2-years and the term for many of the initial members will expire in August; therefore, the District will begin the recruitment process in a couple of months. He requested CAC help in the recruitment effort.

Mr. Williams suggested the three CAC representatives who sit on EJAG have alternates who could attend EJAG meetings in their absence. He also suggested this matter be an agenda item for a future CAC meeting.

Mr. Williams suggested providing EJAG's agendas to CAC members via email prior to EJAG's monthly meeting. This will allow CAC members to review the agenda and if there is an item of specific concern, EJAG could present information to the CAC to further review that particular item. Mr. Cunha stated receiving EJAG's agenda would also help with the open communication process.

8. CAC Action Plan to Assist in Outreach for Rule 9410 Registration – Mr. Sadredin summarized the discussion from last month's CAC meeting, stating Rule 9410 applies to businesses with 100 or more employees and the deadline for registration is July 1, 2010. It was desired that each CAC interest group meet and develop an action plan to help the District get the word out to businesses about this Rule and the registration process. Then, the groups could present their ideas to the CAC as a whole. Mr. Sadredin suggested, in order not to be encumbered by the public notice process and to handle the matter expeditiously, the CAC interest groups form ad-hoc committees and that the committees meet between now and March 15, in order to discuss and develop ideas to present to CAC in April. He advised the District has literature on Rule 9410 available and the District's website has information regarding this rule that is easily assessable. Mr. Sadredin stated that due to the complex nature of this Rule, CAC could often assist the District simply by referring people to the District.

Jaime Holt, Chief Communications Officer, explained the one-page fact sheet for Rule 9410 that was put together by the District's Planning and Outreach and Communication Departments and stated she would provide this fact sheet to CAC members prior to the end of the meeting. She stated information regarding Rule 9410

is available on the valleyair.org website (“e-TRIP” icon near the top of the page). Ms. Holt said once the District’s step-by-step outreach plan is in place, the District will be using Facebook and twitter as a means to get the information out to the public. She also stated the District desires for the timing of the outreach to correspond to the timing of when employers can register. The web portal for registration should be available within the next couple of months.

Public comment: The following persons provided testimony on this matter:

- Laura Fultz-Stout, Coalition for Clean Air

9. Review and Consider Approval of District Policy for Waiving Copying Charges for Public Information as Drafted by the Environmental Justice Advisory Group (EJAG) – Mr. Sadredin provided an overview of EJAG’s draft policy, stating it was EJAG’s desire to develop a process to allow certain people or organizations to have access to public records free of charge, due to economic hardship imposed upon an individual or organization because of the cost associated to obtaining copies of public documents. He stated this waiver would require anyone who requests information to fill out a public records release, describe the purpose of the request, identify any active or pending litigation related to the documents requested, and indicate the economic hardship. Then, the District may waive the fee, provided the request is not for pending or acting litigation and the person or organization has demonstrated economic hardship to the satisfaction of the APCO. In addition, the request must not be for more than 500 pages, require no more than an hour of staff time to prepare it, and an individual or organization could only receive 3 such waivers per year. He also stated this fee waiver, if approved by CAC, would require the District to begin the public process for a rule workshop to change the fee rule, then the rule would need to be approved by the Governing Board.

A discussion then ensued prior to a motion by Ms. Foster to accept the proposed SJVAPCD fee waiver for copying of public records. Ms. Foster included in her motion Mr. Williams’ suggestion to approve the fee waiver with the provision of a 1 year sunset clause. Ms. Foster’s motion was to – “accept the proposed SJVAPCD fee waivers for copying of public records with the provision of a 1 year sunset clause.”

Public comment: The following persons provided testimony on this matter:

- Catherine Garoupa

Moved: Foster

Seconded: Hamilton

Ayes: Horal, Hoffdahl, Williams, Gibson, Dhaliwal

Nays: Clarke, Rawlings, Green, Broughton, Santana, Cunha

Motion does not pass because there was not a majority vote for the City/

Industry Interest Group: City/Industry interest Group – 1 yes and 3 no;

Environmental Interest Group – 3 yes and 1 no; Industry/Ag Interest Group – 3 yes and 2 no.

After the vote, Mr. Broughton suggested a motion to vote for this proposal without the sunset rule included in the verbiage. Because a quorum no longer existing for each interest group, Mr. Cunha stated this matter would be carried over to the April CAC board meeting.

10. Proposed Technology Assessment Program – Todd DeYoung, Program Manager of the Emission Reduction Incentive Program, gave a PowerPoint presentation on the District's new technology advancement program.

Public comment: The following persons provided testimony on this matter:

- Laura Fultz-Stout, Coalition for Clean Air

11. Rules Under Development – George Heinen, Supervising Air Quality Engineer, provided an update. He stated in February the District briefed the Governing Board on Rule 3170 (Federally Mandated Ozone Nonattainment Fee) and held a workshop on Rule 4653 (Adhesives). He then described three rules coming up:

- Rule 4103 (Open Burning) – the District is proposing to adopt the burn prohibition language from the California Health and Safety Code in April and then adopt a comprehensive Report of Findings, which justifies any further exemptions in May.
- Rule 4566 (Organic Waste Operations) – the District completed the study and is waiting on the final report.
- Rule 4570 (Confined Animal Rule) – the District is looking at some of the technical aspects, control possibilities and the latest studies in order to incorporate the information into the rule.

In addition, Mr. Heinen said the District will be looking at the South Coast emission limits for Rule 4702 (Internal Combustion Engines) to see what the current source test for the existing equipment has shown. Regarding projects listed in April, he explained the District will be comparing the District's standards with both the federal standards and other air district standards before starting on any of the projects.

Public comment: No public comment.

12. Outreach and Communication Report – Jaime Holt, Chief Communications Officer, advised the wood-burning season ended on February 28 and stated that, once again, the Valley had a clean winter compared to past years. She indicated a full report should be available within a couple of weeks. Ms. Holt also stated the District still has incentive money available for the "Burn-Cleaner" Wood Stove Change-Out Program and the information is available on the District website.

Public comment: No public comment.

13. ARB Comments – Jeff Lindberg, Air Resources Board Representative, provided a brief update on two actions that the board took during its February meeting. The first action dealt with greenhouse gas emissions (GHG) from light-duty passenger cars and trucks. He stated the board made changes to the GHG emission standards indicating vehicles manufactured that would be in compliance with the pending Federal regulations would be considered in compliance with California regulations between 2012 and 2016, based on an agreement between the Air Resources Board, US EPA, and the auto makers. He said the second item relates to quantification protocols for voluntary GHG emission reductions. Mr. Lindberg stated the board withdrew its approval of all previously adopted voluntary GHG reduction protocols. Those protocols were initially developed by the California Climate Action Registry and they were adopted to encourage the voluntary early reductions of greenhouse gas emissions. He explained because ARB is moving into a cap-and-trade world, and because several of those protocols were outdated, the board decided to move away from voluntary protocols and move into compliance grade protocols. ARB Staff will be working on updating those protocols to be compliance grade, so they can be used potentially in the future in any cap-and-trade program for compliance purposes.
14. Member Comments and Suggestions to be Included in the Presentation of the Report During the Governing Board Meeting on March 18, 2010 - Mr. Hamilton reminded members to encourage all businesses to participate in the 2010 Census.
15. Volunteer to Present Report During Governing Board Meeting - Mr. Cunha will present the report to the Governing Board on March 18, 2010.

Meeting adjourned at 12:09 p.m.