

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 6, 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 10:04 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)	Southern
	Ryan Jacobsen/ IAIG (A)	Central
	Kevin Hamilton/EIG (P)****	Central
	Amarpreet Dhaliwal/CIG (P)	Central
Kern	Les Clark/IAIG (P)*	Southern
	Brent Green/CIG (P)	Southern
Kings	Riley E. Jones/IAIG (P)	Central
	Kelly Deming/EIG (P)	Central
Madera	Donald Horal/IAIG (P)***	Central
	Lee Smith/EIG (P)	Northern
	David Randall/CIG (A)	Central
Merced	Tim Durham/IAIG (P)	Northern
	Mary-Michal Rawling/EIG (P)**	Central
San Joaquin	Wade Broughton/CIG (P)	Northern
Stanislaus	Richard Gibson/EIG (P)	Northern
Tulare	Derek Williams/IAIG (P)	Central
	Mike Santana/CIG (P)	Central

**Les Clark arrived at 10:08 a.m.*

***Mary-Michal Rawling arrived at 10:10 a.m.*

****Donald Horal arrived at 10:15 a.m..*

*****Kevin Hamilton arrived at 11:18 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; Scott Nester, Senior Projects Manager; Jaime Holt, Chief Communications Officer; George Heinen, Supervising Air Quality Engineer; Rich Burt, Communication Systems Analyst; Cathy Blevins, Network Systems Analyst; Angie DeSantiago, Clerk to the Board; Michelle Franco, Operations Supervisor

Staff present in the Northern Region Office (Modesto) – Theresa Haywood, Senior Office Assistant

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

3. Approve Minutes of March 2, 2010 – No discussion. Minutes approved.

Mr. Clark arrived at 10:09

Ms. Rawling arrived at 10:10

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

- Melissa Kelly-Ortega, Environmental Justice Advisory Group

5. Chair Comments – No comments.

6. Executive Director/APCO Comments – Mr. Sadredin stated currently the CAC agenda is posted on the District's website. He advised in addition to publishing the agenda online, in the future supporting documents will also be made available.

Mr. Sadredin said he recently returned from Washington D.C. This is a trip that he, a few CAC members, coalition of business and environmental representatives. He stated it was a successful trip, as they had opportunities to talk to congressional speakers, our congressional delegation, and key staff representatives from various committees. Mr. Sadredin expressed confidence regarding the District receiving the requested earmark for emission reduction incentive grants, which will amount to between 5 and 10 million dollars. Regarding the Air Quality Empowerment Zone proposal, although there is interest by Senator Boxer, Congressman McNerney and other legislators, it is uncertain whether this will be approved this year due to the current political climate.

Mr. Sadredin said an amendment to Rule 4103 (Agricultural Burning) will be presented to the Governing Board on April 15, 2010. The amendment will incorporate the provisions of State law which requires that open burning be phased out unless economically feasible alternatives are unavailable. Further prohibitions on burning will be considered in May, when the Board receives a staff report on the availability of alternatives.

Mr. Sadredin said a couple of grants the District has been successful in receiving will be taken before the Governing Board in order to appropriate the funds. He said the District will receive block grants from the California Energy Commission, amounting to approximately \$4 million, which will be for energy efficiency projects throughout the Valley. In addition, the District will receive \$1.7 million from the Federal Diesel Emission Reduction Act.

Mr. Sadredin advised the District will take a report concerning the implementation of the Glass Plant Rule to the Governing Board in April. He stated approximately 18 months ago, the District adopted amendments to this rule and at that time, the industry had concerns that the District had underestimated the cost of complying with the rule. The District was directed by the Governing Board to work with the businesses in order to develop actual cost estimates. After a comprehensive process and working with the representatives from the glass plant industry, Mr. Sadredin said the findings showed the District did not underestimate the costs, however, one of the glass plants indicated that due to the downturn in the economy, complying with the rule would result in the plant going out of business, resulting in the loss of approximately 100 jobs. Representatives from this glass plant developed a proposal that Mr. Sadredin feels warrants consideration to the rule. The proposal would require the plant to comply with tougher requirements approximately 4 years ahead of the deadline. This would result in lower emissions and a shorter timeline, but would exempt the plants from complying with interim deadlines. Mr. Sadredin stated it is his recommendation to the Governing Board to accept the proposal and recommend District staff begin the rule development process, making the changes to the glass plant rule to accommodate that one particular glass plant.

Mr. Sadredin advised that now the wood burning season is over, the District will present the end of the year annual report to the Governing Board. He stated this winter was cleaner than last year, and last year was one of the cleanest winters on record. Mr. Sadredin stated the District's analysis shows that despite the cooperative weather conditions, which helped dispersion, the Residential Woodburning Program had, once again, a major impact in reducing the PM concentrations. Due to the positive results, he said the District needs to continue the public outreach efforts to insure the public is aware of the rule.

Mr. Sadredin stated he will make a recommendation to the Governing Board in May to increase the compensation for hearing board members to \$150 per meeting. He said the \$50 increase is warranted because of the amount of work required by the board members.

Another item of interest Mr. Sadredin discussed involved the Air Resources Board and Proposition 1B. He provided a brief history surrounding Proposition 1B and ARB's allocation formula. ARB has come up with a revised inventory for trucks, which if used would result in the Valley receiving an increase in funding of 1 to 2 percent; however, because ARB is not using the revised inventory, the District is considering other

alternatives to achieve a fair resolution to this matter. Mr. Cunha requested Mr. Sadredin provide a presentation at the next CAC meeting regarding this matter.

Mr. Sadredin advised beginning April 16, all the fee payers should receive a postcard in the mail soon regarding the budget summary, which will be available for review. By law, two hearings are required prior to the adoption of the District's budget. The first hearing will be in May to receive public comment, and the second hearing will be in June, when the Governing Board will take action on the budget.

As a cost cutting efficiency measure, Mr. Sadredin stated the District has reorganized and combined two departments - the Planning Department and the Grant Program Department. There are a number of areas where these two programs will work better together. In addition, through consolidation, the District has been able to eliminate positions. This will be noted in the upcoming budget.

Public comment: No public comment.

7. a. Report from Environmental Justice Advisory Group (EJAG) – Ms. Kelly-Ortega stated during the last EJAG meeting, on March 15, 2010, EJAG dedicated the entire meeting to developing goals and objectives for EJAG to accomplish this year. She referred to the summary provided to CAC members, which listed the highlights from that meeting. Ms. Kelly-Ortega said the goals and objectives have been sent to Mr. Sadredin for review and changes. EJAG will then review any changes at the next meeting scheduled for April 19, 2010 at 4:30 p.m. She indicated EJAG looks forward to receiving input from CAC, and CAC members could email EJAG or District staff with suggestions and recommendations.

Mr. Smith inquired as to why EJAG was reaching out to CARB. Ms. Kelly-Ortega explained Dr. Telles recommended EJAG become more involved in the meetings, as well as utilize EJAG's connections with EJ communities in order to assist these communities in understanding the California Air Resources Board's rules and regulations. Mr. Sadredin interjected that, despite his encouragement to do so, EJAG did not list this as one of their goals and objectives for this year due time constraints.

Mr. Sadredin explained that the bylaws, as adopted by the Governing Board, give the APCO the final authority on finalizing the goals and objectives in consultation with CAC. He further stated he can add or delete items depending on how the items relate to EJ policy and the goals and objectives of the District. Mr. Sadredin said he would present his revisions to EJAG at their next meeting and then bring it to the next CAC meeting for CAC's comments.

Mr. Clark requested to look at EJ maps. Mr. Sadredin stated he believed the maps were available on the District's website; however, he would ensure a copy is provided to CAC members.

Public Comment – *The following persons provided testimony during the Public Comments portion of this meeting:*

- Linda MacKay, Environmental Justice Advisory Group Chair
- Ray Leon, Latino Environmental Advancement and Policy Project

b. CAC Members Attendance at EJAG Meeting - Mr. Sadredin stated some of the CAC members who were appointed to EJAG have, from time to time, been unable to attend EJAG meetings; therefore, Mr. Williams had suggested alternates, in order to facilitate CAC attendance at EJAG meetings. Mr. Sadredin suggested CAC come up with a mechanism to seek volunteers to attend EJAG meetings not only to facilitate attendance, but also develop communication between EJAG and CAC.

Mr. Jones stated he supported Mr. Williams' position. He pointed out EJAG holds their meetings at different times in order to accommodate various interest groups, which has caused scheduling conflicts for him. Having alternates would help to insure CAC representatives from the various interest groups were in attendance at these meetings.

Ms. Rawling commented that the issue of communication between EJAG and CAC is a topic that has continued to come up. She asked if it was possible to consider an annual joint session with the two groups, where items of mutual interest could be discussed. Mr. Sadredin stated that during the last EJAG meeting having a joint session, involving CAC and EJAG, was also discussed; however, EJAG was unclear whether the session would be an informal get-together or some kind of workshop or conference. Mr. Sadredin explained due to the hierarchy involved, with CAC having oversight of EJAG, the agenda should not include action items.

Mr. Clark expressed concern that topics involving EJAG have dominated CAC agendas for the past 5 or 6 meetings. In addition, he expressed doubt in the need and ability for EJAG and CAC to hold a joint session. Mr. Clark then motioned for it to be placed on the May agenda to designate 3 CAC members from each interest group ad-hoc committees as an alternative chair.

Public Comment – *The following persons provided testimony during the Public Comments portion of this meeting:*

- Linda MacKay, Environmental Justice Advisory Group Chair

Moved: Clark

Seconded: Deming

Ayes: Cunha, Clark, Jones, Horal, Durham, Williams, Deming, Smith, Rawling, Gibson, Dhaliwal, Green, Randall, Broughton, Santana

Nays: None

Motion passes unanimously to direct each Interest Group Ad-Hoc Committee to meet and select an alternate chair.

8. Receive Report from Each Interest Group Ad-Hoc Committee and Finalize a CAC Action Plan For Assistance in Implementation of Rule 9410 – Mr. Sadredin suggested District staff and representatives meet to accomplish this task. Due to CAC members' busy schedules, the meetings would be held via conference call.
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 stated this matter came before the CAC last month and it was voted on and subsequently did not pass. Because there were questions during the last meeting as to the need for this form, he suggested the best way to go forward with this item now is to allow members from EJAG to describe the need for the Fee Waiver.

Ms. Kelly-Ortega, an EJAG board member, explained the idea for the Fee Waiver came up at one of EJAG's first meetings. The cost and the time involved was a concern for EJ communities and residents who have difficulty paying for the documents and have difficulty arranging the time off work to obtain copies.

Ms. Kelly-Ortega stated she felt having documentation of Fee Waiver Requests would not only keep track of how many times the District has worked with EJ groups or communities, but the documentation may protect the District from any possible claims. Ms. MacKay, Chair of EJAG, added it is a matter of making the District's documentation accessible to communities that would otherwise not have the information available to them. Ms. Mataka, an EJAG member, explained the Fee Waiver Request would serve as documentation as to when a request was approved or denied, as well as create a process for someone to pursue if they could not afford the copying fee.

Mr. Sadredin suggested EJAG members identify what type of documents they are referring to, as anyone can come to the District to look at information free of charge, the fee only applies to copying documents. He also reminded the committee when the District goes through a permit process that is subject to review and public comments, all that information is provided to the public free of charge at that time.

Mr. Cunha asked Mr. Sadredin if the District has turned away anyone who has requested information. Mr. Sadredin replied no one who has requested to look at public information has been turned away or denied. He stated there are some restrictions and laws concerning trade secrets, which have very strict requirements, and these types of documents are not public information. Mr. Sadredin explained anyone can come to the District go through any file, take notes, and take all the time needed to review documents.

Mr. Sadredin explained he did not have a problem with the Fee Waiver Request, but since this item came before the committee last month and it failed to pass, he felt it would be helpful if CAC was informed of what is at issue here. He advised if the CAC approved this policy, the CAC would only be authorizing the District to begin the rule making process, which requires the item to go through the public process and be

presented to the Governing Board for final adoption. Mr. Sadredin said the decision before the CAC today is to approve this item to move forward with the rule making process or bring this item to a conclusion.

Mr. Hamilton said there is legitimacy to the purpose of the Fee Waiver, as it assists certain individuals who desire to become more involved in the process and who want to find out more of what is going on in their communities; however, the fees involved in obtaining documentation create a barrier.

Mr. Rawling asked how long the EJAG Ad-Hoc Committee had been working on developing this proposal. Mr. Sadredin said the Fee Waiver Request was one of the earlier items EJAG took on. He also explained the format he has presented to CAC is quite a bit different than what EJAG had initially put together. Mr. Sadredin stated the proposal before CAC today is reasonable and could be accomplished without a lot of difficulty for the District.

Ms. Rawling commended EJAG for their work on this matter, which was undertaken due to a request from a member of the public, as it is part of EJAG's responsibility – interact with the public, listen to concerns, and find solutions to matters brought to their attention. Ms. Rawling expressed she felt it was in CAC's interest to support EJAG, allow this to go through the public process, and defer the matter to the Governing Board.

Mr. Dhaliwal agreed with Ms. Rawling; however, he suggested to revisit Mr. Williams' suggestion from last meeting, which was to include the sunset clause, which would provide the opportunity to evaluate the merits of a Fee Waiver.

Mr. Jones inquired as to the cost involved with this proposal going through the public process. Mr. Sadredin stated the cost would be minimal, as the District would not require additional staffing or resources.

Mr. Clark stated he felt the existing process is more than adequate to fulfill any requests for information. Mr. Smith said he was concerned that the examples provided as to why documents were requested dealt with violations at facilities. He, therefore, suggested the language in the policy be changed from stating "pending" or "active" to instead state "prospective" litigation, in order for documents not to be used in furtherance of litigation at a future time.

Mr. Cunha agreed with Mr. Clark's expressed concern. He then asked if there was a motion and if the motion would include the sunset clause. Mr. Sadredin explained if the CAC wished to introduce the same motion, which failed at the last meeting, the motion would need to be made by a CAC member who had voted against the Fee Waiver. Mr. Williams (who had made the motion during the last meeting) inquired if he could make a motion that included the sunset clause and the new language change as requested by Mr. Clark. Mr. Sadredin suggested incorporating something different in the motion, perhaps a 2-year sunset clause. Mr. Williams then made the motion to

accept the policy with the changes – there would be a 2-year sunset clause and the word “prospective” be used in the litigation section.

Mr. Dhaliwal left prior to the vote.

Ms. Deming left prior to the vote.

Public Comment – *The following persons provided testimony during the Public Comments portion of this meeting:*

- Rosenda Mataka, Environmental Justice Advisory Group
- Ray Leon, Latino Environmental Advancement and Policy Project

Moved: Williams

Seconded: Santana

Ayes: Horal, Williams, Hamilton, Smith, Gibson, Santana

Nays: Cunha, Clark, Jones, Durham, Rawling, Green,
Randall, Broughton

Motion does not pass for lack of three yes votes from each of the three Interest Groups: City Interest Group – 2 yes and 4 no; Environmental Interest Group – 3 yes and 1 no; Industry/Ag Interest Group – 1 yes and 3 no.

10. Rules Under Development – George Heinen, Supervising Air Quality Engineer provided a brief update (a written summary was provided to the committee members).

Mr. Heinen stated the District had a workshop on Rule 4570 (Confined Animal Facilities) on April 15. The District is expecting more comments and dialogue with interested parties and stakeholders regarding this rule.

Regarding Rule 4103 (Open Burning), the District is hoping to have the draft report later this week, which will be presented to the Governing Board. The District is planning a workshop for this rule on April 14 at 1:00 p.m. This information was not included on the summary provided to CAC members, as it was an update since the summary was prepared.

The District will have a scoping meeting for Rule 4702 (Internal Combustion Engines) rather than a workshop, as it is felt further public input is needed before the District comes out with a draft rule.

Mr. Heinen stated the District will use postcards for public announcements for upcoming workshops. The postcards are a cost saving device for the District and the District has saved approximately 30 percent in mailing costs.

Public Comment: None.

11. Outreach and Communication Report – Jaime Holt, Chief Communications Officer, stated that in addition to speaking to employers about Rule 9410 (Employer Based Trip Reduction), she has been providing presentations at Chamber of Commerce

meetings and at Rotary Clubs, Lions Clubs, and Kiwanis Clubs. She requested CAC members to get in touch with her (via email or phone) if they have contacts with any of these organizations, so she could speak to those groups as well.

Ms. Holt stated the Grants Program received a large amount of money from ARB to enhance the District's Clean Green Yard Machine Program. The program will not happen for a few more months; however, the District does have a limited amount of funds remaining from last year's program and the District is accepting requests for vouchers. Ms. Holt said the program also provides a discount to people who wish to purchase a new electric mower but do not have a gas mower to trade-in.

Ms. Holt advised there are bike-to-work events occurring throughout the San Joaquin Valley and the entire list is available online at HealthyAirLiving.com. She encouraged CAC members to ride a bike to work at least one day during the month of May.

Public comment: None.

12. ARB Comments – Jeff Lindberg, Air Resources Board Representative, briefed CAC on some changes that ARB made to the Proposition 1B incentive program guidelines. The changes were made at the March 2010 board hearing in Sacramento. The changes were focused on lower cost modernization options for truck owners and increasing access to project financing for truck owners. He stated ARB also revised the statewide category funding targets, which would free up more of the money to go towards trucks, and not specifically port trucks, as it broadens the category to the other truck categories by grouping them all together rather than looking at them as individualized fleets. Mr. Lindberg said ARB also increased the funding opportunities for advanced technology trucks, such as hybrid electric or zero emission equipment, as well as directed staff to look at what other funding opportunities might be available for truck owners, including: opportunities for subsidized loan programs that would help small fleets; and the tiered truck transaction type programs and changes, such as a two-for-one option, where an owner of two vehicles could trade in two older underused vehicles potentially for one newer, cleaner vehicle. He also stated ARB approved changes that would allow grant recipients to operate trucks for brief periods of time (10 percent or less of the vehicle miles travelled) outside of California, so they could service warehouses and distribution centers just across the state border; this would be allowed at the discretion of the local agency funding the program.

Public Comment – *The following persons provided testimony during the Public Comments portion of this meeting:*

- Linda MacKay, Environmental Justice Advisory Group Chair.

13. Member Comments and Suggestions to be Included in the Presentation of the Report During the Governing Board Meeting on April 15, 2010 - Ms. Rawling expressed she was disappointed the CAC members did not have an opportunity to develop an alternative motion in regards to the Fee Waiver Request. For items that fail, she felt it should be a point of order to ask if there are other courses of action the CAC members

would like to take. Mr. Cunha said there is an opportunity to bring an item back to the CAC during the next meeting if desired by the members; however, due to the amount of time spent on this item, it was the Chair's prerogative not to allow that process at this time; however, it could be brought back in a couple of months, after people have had time to reconsider and discuss the proposal.

Mr. Green requested the "Rules Under Development" be moved higher up in the agenda, in order to allow more time for this section. Mr. Cunha stated he would work with Mr. Sadredin and this item will be moved up on the agenda.

14. Volunteer to Present Report During Governing Board Meeting - Mr. Cunha will present the report to the Governing Board on April 15, 2010.

Meeting adjourned at 12:22 p.m.