

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

CITIZENS ADVISORY COMMITTEE

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

August 5, 2014
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 teleconference in the Northern Region Office, VTC Room, 4800 Enterprise Way, Modesto. The CAC Meeting was webcast.

1. Call to Order – The Chair, Lee Smith, called the meeting to order at 10:04 a.m.
2. Roll Call – was taken and a quorum was present to hold a meeting.

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Location</u>
Fresno	Amarpreet Dhaliwal/CIG (P)	Central
	Manuel Cunha/IAIG (P)	Central
Kern	Carolyn Temple/EIG (P)	South
	Brent Green/CIG (P)	South
	Les Clark/IAIG (P)**	South
Kings	Dennis Tristao/CIG (P)	Central
	Diane Friend/IAIG (P)***	Central
	Alene Taylor/EIG (A)*	Central
Madera	Lee Smith/EIG (P)	North
	Donald Horal/IAIG (P)	Central
Merced	Jack Lemen/CIG (P)	Central
	Tim Durham/IAIG (P)	Central
San Joaquin	Wade Broughton/CIG (P)	North
	Roger Hoffdahl/IAIG (P)	North
Stanislaus	Richard Gibson/EIG (P)	North
Tulare	Michael Brown/EIG (P)	South
	Derek Williams/IAIG (P)	Central

*Ms. Taylor arrived at 10:09 a.m.

**Mr. Clark arrived at 10:06 a.m.

***Ms. Friend arrived at 10:15 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 Officer/APCO; Dave Warner, Deputy APCO; Mehri Barati, Director of Administrative Services; Sheraz Gill, Director of Strategies and Incentives; Errol Villegas, Strategies and Incentives Program Manager; Nhia Vu, Supervising Air Quality Specialist; Cat Thao, Senior Air Quality Specialist; Anna Myers, Senior Air Quality Specialist; Alex Krivobok, Network Systems Analyst; Michelle Franco, Deputy Clerk of the Boards

Staff Present in the Northern Region Office (Modesto) – Ann Marie Collins, Office Services Manager

Staff Present in the Southern Region Office (Bakersfield) – Nannette Diaz, Senior Office Assistant

3. Approve Minutes of May 6, 2014 and June 3, 2014 – The Minutes were approved with correction to the May 6, 2014 Minutes, stating Mr. Horal is a representative from Madera County and not Merced County.
4. Public Comments – None
5. Chair Comments – Mr. Smith encouraged all CAC members to attend future CAC meetings.
6. Executive Director/APCO Comments – Seyed Sadredin, Executive Director/APCO, reported the Governing Board met on June 19, 2014 and approved a voluntary emissions mitigation agreement (VERA) with the High Speed Rail Authority (HSR) for up to \$35 million to mitigate the impact of emissions created during the various building phases of the project in the Valley. He noted approving the VERA was not an indication of District support for the HSR project but was intended to ensure mitigation for excess emissions during the construction phase. Mr. Sadredin also reported the Board approved \$4 million for continuation of the Tune In Tune Up program as well as \$500,000 for the replacement of vehicles incorporated into this program. He noted the Air Resources Board (ARB) approved an additional \$1.5 million of funding in the San Joaquin Valley for the vehicle replacement program at their June hearing, representing 50% of available statewide funding for the program.

Mr. Sadredin stated the Board discussed a suggestion made by Councilmember Baines from the City of Fresno regarding a possibility of the District providing assistance to new businesses that would like to locate into the Valley and to existing businesses that want to expand. He added the Board, after much consideration, directed staff to work with business economic development communities throughout the Valley and determine if

the District can assist with businesses that want to locate or expand in the Valley through expedited permitting processes and when possible, offering leveraging opportunities through the District's existing voluntary emission reduction incentive grants. He explained this could be a win-win situation for the Valley as more vehicle charging stations would be funded. Mr. Sadredin suggested placing this item on a future CAC agenda for further discussion.

Mr. Sadredin reported the improved Air Alert Program will be utilized this coming season. He explained the Valley achieved a historic milestone by having zero 1-hour ozone violations last year and a major factor in this achievement was the Air Alert Program which encouraged residents to reduce emissions during the back-to-school season. He noted back-to-school traffic coincided with violations in previous years. He added the District has requested EPA deem the Valley in attainment but there has not been any response as of yet. Mr. Sadredin explained an Air Alert will be called valley-wide when the 8-hour ozone concentrations exceed 100 ppb anywhere in the Valley. He noted outreach campaigns are currently being conducted, and encouraged CAC members to do what they can to encourage businesses and members of the public to reduce emissions during Air Alerts. Mr. Sadredin stated messaging used in the outreach campaigns includes the Valley is having another record breaking ozone season, not only for 1-hour but also for 8-hour concentrations. He said during July, the Valley set a record for consecutive zero 8-hour ozone violations for the toughest new standard and did not violate the 1-hour ozone standard, despite durations of triple digit temperatures.

Mr. Sadredin explained staff proposed to the Board emergency measures to assist farmers, water districts and water agencies to deal with the drought conditions by offering them a number of options. He added the Board drafted a letter to the Governor requesting CEQA exemptions which were ultimately implemented for urgent drought relief efforts, as the timing of CEQA processes is likely inconsistent with the need to respond rapidly to drought emergencies. One week later, the Governor approved such an exemption. He noted another issue that has arisen is residents are running out of water due to wells running dry. He said this is a serious public health issue that many people are facing in the Valley. Mr. Sadredin reported Supervisor O'Brien from Stanislaus County requested the District look into the shortage of water well drillers after the Stanislaus Board of Supervisors discussed the issue. Mr. Sadredin described the details of an initiative being presented to the Governing Board in August which will aim to assist residential well drillers while providing air quality mitigation.

Mr. Cunha commented the Tune In Tune Up program is an excellent model and commended staff for a great job. He explained out of state well drillers were not able to enter California because of the Truck and Bus Rule and the

State Portable Equipment Registration Rule. He noted the emergency declaration from the Governor has allowed out of state drillers to enter California for 90 days and go through expedited processes wherever permits are required. Mr. Cunha asked if the District can verify the agreement to allow out of state drillers is in writing and signed by all pertinent parties. Mr. Cunha expressed concern that persons calling ARB are not being helped with proper information, nor are they being directed to the District. Mr. Cunha acknowledged District staff efforts for the VERA with HSR and the no-idling campaigns at school sites.

Mr. Dhaliwal asked what criteria are for the proposed program to entice businesses to the Valley. Mr. Sadredin explained the Board decided utilizing District funds was inappropriate to assist with compliance costs but existing grant funds can be used. Mr. Dhaliwal asked if the \$35 million from HSR would be from permitting fees. Mr. Sadredin explained the VERA is a contract that obligates HSR to quantify the emissions to the satisfaction of the District. He added HSR will pay the District for the emissions generated by the construction phase of that project and the funds will go back to the community by way of investing in clean air projects such as new pumps for farmers, school busses, trucks, etc.

Mr. Smith asked if the monies from the VERA will be spent in the communities where the HSR is built. Mr. Sadredin responded that the District will first target those dollars where emissions are generated and will ensure emission reductions provide air quality benefits to those communities.

Ms. Friend asked if the District challenged the calculations HSR proposed for the impact of the construction phase. Mr. Sadredin explained the District submitted several comments about the quantification methodology. He noted the VERA requires them to use the best available technology. He added the VERA is based on best estimates by the District then adds an additional 50% safeguard. He said ultimately HSR will pay for actual emissions generated and there are safeguards in place to obtain more funds if necessary.

Mr. Smith asked if, with the VERA in place, there will be less of an air quality impact from the HSR project. Mr. Sadredin responded the VERA will ensure HSR mitigates all their construction phase emissions.

Public Comment: None

7. Rule Updates – Anna Myers, Senior Air Quality Specialist, updated CAC members on upcoming rule projects. She stated District staff is continuing to work with ARB on the emissions inventory and the modeling aspect of the upcoming ozone attainment plan and continuing to research and study efforts to identify potential opportunities for further emissions reductions. Ms.

Myers reported the District hosted a public workshop for Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and a more detailed presentation would be provided later in the meeting.

Public Comment: None

This item was presented out of order at the Chair's prerogative

11. Environmental Justice Advisory Group (EJAG) Business

- a. Verbal Report on EJAG Activities for June – Derek Williams, Tulare County At-Large Representative, reported updates were provided on the pilot program through Tune In Tune Up to replace high-polluting vehicles and on AB 32 Cap and Trade funding for Valley EJ communities. He added Esperanza Vielma, San Joaquin County At-Large Representative, was elected Vice Chair.
- b. Appoint CAC Environmental Interest Group Alternate Representative to EJAG – Mr. Sadredin reported Ms. Sharpe and Mr. Brown both expressed interest in serving as an alternate representative to EJAG from the CAC Environmental Interest Group. He explained the process as a member of the CAC must make a motion to nominate a person and then a vote will be taken.

Mr. Cunha asked if Mr. Brown could provide some information about himself. Mr. Brown stated he currently lives in Visalia, California and works in Bakersfield as an attorney. He added he represents small businesses before the California Public Utilities Commission. He noted he's also an engineer and tends to do public policy work including energy, water and quality issues.

Mr. Cunha made a motion to nominate Mr. Brown as the CAC Environment Interest Group Alternate Representative to EJAG. Mr. Lemen seconded the motion.

Public Comment: None

Moved: Cunha

Seconded: Lemen

Ayes: Cunha, Clark, Friend, Horal, Durham, Hoffdahl, Williams Temple, Taylor, Smith, Gibson, Brown, Dhaliwal, Green Tristao, Lemen, Broughton

Nays: None

**Motion unanimously carried to appoint Mr. Brown as the CAC
Environmental Interest Group Alternate Representative to EJAG.**

8. Verbal Report from California Air Resources Board (ARB)

- a. ARB Board Meeting Summary – Elizabeth Melgoza, ARB representative, reported the Board met in June and July 2014. She noted on June 26, 2014 the Board approved the 8-hour ozone state implementation plan emission inventory submittal. She added the Board heard an informational update on the measurement method and tools that ARB staff and researchers use to evaluate emissions from on-road and off-road mobile sources in California. Ms. Melgoza also reported the Board approved amendments to the Enhance Fleet Modernization Program (EFMP) and the Fiscal Year 2014-15 Funding Plan. She added the Board heard an update on Federal Climate Activities.

Ms. Melgoza reported the Board met on July 24 and 25, 2014 and approved five research proposals that were developed based on the Fiscal Year 2014-15 Annual Research Plan. She stated the Board heard an update from staff and a representative from California Air Pollution Control Officers Association (CAPCOA) on a joint evaluation process of the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer). She added the Board approved staff revisions to the Carl Moyer Program guidelines. She said the Board heard updates on the Revised Office of Environmental Health Hazard Assessment (OEHHA) Health Risk Assessment Guidelines, Air Resources Board's Greenhouse Gas Measurement Program and the Megacities Project. She also said the Board heard updates on the Compliance Offset Program under the Cap-And-Trade Program, San Joaquin Valley Sustainable Communities Strategies and the Proposed Re-Adoption of the Low Carbon Fuel Standard.

Ms. Melgoza reviewed the upcoming training courses. She noted a public workshop scheduled for August 25, 2014 pertaining to the regulatory activities for the oil and natural gas production and also the processing and storage operations. She added the workshop would be webcast and she would forward more information to Michelle Franco, Deputy Clerk of the Boards.

Mr. Clark expressed concern regarding the upcoming changes to the OEHHA Health Risk Assessment Guidelines that will impact local and State air toxic programs. Mr. Sadredin reported the Governing Board provided guidance to staff to amend the risk thresholds for permitting and CEQA purposes and to ensure the actual risk does not increase and that implementing the new guidelines will not result in unreasonable and impossible requirements on businesses. He noted the new methodology from OEHHA will lead to higher risk numbers but the actual risk stays the same and members of the public need to be informed as such. Mr. Clark requested more information on the workshop pertaining to regulatory activities for the oil and natural gas production. Mr. Sadredin commented ARB is looking at adopting some regulations on fugitive emissions from oil and natural gas operations. He added in the view of ARB this is a greenhouse gas emission measure to lower methane or other emissions from those operations. He noted several conversations with ARB included information about the District already having strict regulations on all of the operations and aimed at controlling VOCs which also control methane and greenhouse gas emissions they are targeting. Mr. Sadredin stated he pointed out to ARB it would not be valuable to have redundant and duplicative processes. He encouraged industry representatives to participate in the workshop and in this process.

Ms. Friend asked Ms. Melgoza to what year the Carl Moyer Program is extended. Ms. Melgoza responded 2023. Ms. Friend asked if funds are allocated to the Carl Moyer program for the extended period of time. Mr. Sadredin explained the funding each year goes through a budget process from the state legislature and the formulas of how to distribute are already written into law. He added part of the funding is obtained from DMV accounts and part from tire taxes and a fully funded program has \$11 million. Ms. Friend asked if the program has been fully funded in previous years. Mr. Sadredin explained due to the recent economic recession the amount did decrease but is picking back up again.

Public Comment: None

9. Update on Upcoming PM2.5 Plans and Subpart 4 – Errol Villegas, Strategies and Incentives Program Manager, gave the presentation on this item. He provided updates on the upcoming District planning activities related to federal PM2.5 standards. He explained the District was on the path to attain the federal 1997 annual PM2.5 standard before the 2014 deadline but the

exceptional weather conditions experienced in 2013-14 resulted in extreme drought conditions. Mr. Villegas stated that because of the resulting detrimental air quality impacts associated with the extreme drought, attainment cannot be demonstrated even if the Valley were to experience zero PM2.5 pollution during the last three quarters of 2014. He noted EPA's current framework does not recognize the recent weather conditions as "exceptional events" under the Clean Air Act. He added a recent court ruling required EPA to now implement PM2.5 standards under the Clean Air Act under subpart 4 instead of subpart 1. Mr. Villegas said that given the impracticability of attaining the 1997 standard by the 2014 deadline and new flexibility provided under subpart 4, the Governing Board will consider for approval in August a request that EPA reclassify the Valley as a serious nonattainment area. He noted this approach would establish a new attainment deadline of 2015 and the District would subsequently develop a new plan utilizing the available attainment deadline extension of up to 5 years.

Mr. Villegas reported with respect to the federal 2006 annual PM2.5 standard, the Governing Board will consider for approval in September, submitting supplemental documentation to EPA demonstrating that the adopted 2012 PM2.5 Plan for the 2006 standard satisfies all subpart 4 requirements. He added the Board will also consider requesting the District be reclassified as a serious nonattainment area for the 2006 standard.

Mr. Sadredin stated staff, Board members and other stakeholders had discussions with EPA and congressional representatives to raise the issue of the Valley being on the path to attainment but due to extreme weather conditions it is now impossible for the next few years. He added the request was made that EPA declare the extreme weather conditions an exceptional event. He commented legislation has been presented to call prolonged drought conditions an exceptional event. He noted ARB's preliminary position is that these weather events are due to climate change and are now normal. Mr. Sadredin noted the Governing Board will be updated with information regarding proposed changes to the Clean Air Act.

Mr. Cunha expressed concern regarding the lack of ARB and EPA support towards declaring the recent extreme weather conditions and severe drought as exceptional events.

Ms. Taylor commented if the recent weather conditions are considered normal then the state should consider other sources to assist residents with the current circumstances such as dams and pipelines.

Mr. Smith asked what the outcome would be when District staff demonstrates it is not practicable or possible to meet the standards. Mr.

Sadredin explained failure to reach attainment results ultimately results in sanctions and penalties. Mr. Smith asked what would happen if the District did not complete the plans that are already superseded. Mr. Sadredin explained the District must follow federal law because it will be the businesses that will pay the penalty.

Mr. Cunha asked if action should be taken to demonstrate support of the recommendations from staff. Mr. Sadredin suggested placing an item on the CAC September agenda to discuss upcoming PM2.5 Plans.

Public Comment: None

10. Update on Rule 4901 – Ms. Myers explained the District's efforts to develop amendments to the District's residential wood burning curtailment rule, as committed to in the 2012 PM2.5 Plan. She noted achieving additional emissions reductions from residential wood combustion is necessary for the Valley's attainment of federal PM2.5 standards. She explained since 2003, Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and the associated Check-Before-You-Burn residential wood burning curtailment program have reduced harmful species of PM2.5 when and where those reductions are most needed in urbanized areas when the local weather conditions are forecast to inhibit PM dispersion. She added the rule has been the single most cost-effective PM reduction strategy the District has implemented, reducing PM2.5 emissions by an estimated 16 tons per day on curtailment days.

Ms. Myers outlined the amendments under consideration, including strengthening the threshold for calling wood-burning curtailments for non-certified high polluting devices; allowing the use of qualifying clean-burning devices during specified curtailment levels; and enhancing the Burn Cleaner grant program through increased funding levels for clean wood burning devices and low income residents. She also reviewed a draft of the wood burning heater registration concept and registration process.

Mr. Brown requested clarification on the proposed amendment to the Burn Cleaner Incentive Program of extending low income provisions to residential property owners with low income tenants. Ms. Myers explained the low income provisions are currently to increase the incentive up to \$2500 per unit. She noted that another issue is that homes located in EJ areas are often rentals, and to assist in improving the air quality and provide accessibility to certified units in those areas the District is proposing to allow the owners of the homes to take advantage of the higher incentive amount, provided their tenants qualify as low income.

Mr. Lemen asked if a member of the public wanted to buy a cleaner burning device should they request an EPA Phase II Certified heater. Ms. Myers explained the vendors in the Valley are required to sell and install EPA Phase II Certified devices. Mr. Sadredin noted an authorized reputable dealer will only have these devices available, as it's illegal to sell noncertified units, but beware of third party or non-authorized dealers.

Mr. Sadredin noted this Rule, if adopted, will become effective this coming burning season in November 2014, adding that due to time constraints the District is offering free online registration of certified clean burning devices.

Mr. Cunha asked the amount of funds available for the Burn Cleaner program. Jaime Holt, Chief Communication Officer, responded \$2 million. Mr. Cunha asked if the outreach campaign for the Burn Cleaner program will be extended to rural communities. Mr. Sadredin explained an outreach campaign of this magnitude requires a multifaceted approach and is expected for the season of 2014-15. He noted the justification for this program is to allow nearly unlimited burning if a resident owns and registers a certified clean burning device. He added that with the clean devices burning the emissions are reduced by over 90%. Mr. Sadredin suggested adding this as a regular item to the CAC and EJAG agendas to encourage outreach for this program. Mr. Cunha asked if a one page bilingual flyer was available to distribute. Mr. Sadredin stated the Governing Board must approve the amendment but the suggestion will be included in the presentation.

Ms. Friend asked if an open hearth fireplace can be considered a clean burning device. Mr. Sadredin explained an open hearth fireplace will be allowed to burn on non-curtailed days. He added residents are eligible to apply for a District grant to assist in the cost of replacing an open hearth fireplace with a clean burning unit.

Mr. Lemen asked how the curtailment is enforced. Mr. Sadredin explained historically neighbors would call the District and report their neighbors. He added inspectors are assigned at critical times to patrol. He said the registration process will assist because if a house has a registered device then resources can be targeted where needed instead.

Public Comment: None

12. Outreach and Communications Report – Ms. Holt, reported staff are performing significant summer Healthy Air Living outreach and encouraging members of the public to drive less and engage in emission reducing activities. She also mentioned that the Air Alert episodic call-to-action program will be relaunched for back-to-school. She added entries for the

Kids Calendar Contest are currently being accepted and the District's Android application should be launched within the next couple of weeks.

13. CAC Member Comments; CAC Member Suggestions To Be Included In The Presentation Of The CAC Report During The Governing Board Meeting on August 21, 2014 – Ms. Friend suggested the high speed rail comments should be reported to the Governing Board. Mr. Smith encouraged suggestions and comments be forwarded regarding the District's assistance to businesses locating to the Valley.
14. Volunteer to Present Report During Governing Board Meeting – Mr. Smith volunteered to present the report during the Governing Board meeting.

Meeting adjourned at 12:11 p.m.

Next Meeting –The next meeting is scheduled on September 2, 2014. The meeting will be held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.