

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

December 2, 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.

County	Member Name/Interest Group	Location
Fresno	Manuel Cunha/IAIG (P)*	Central
	Sarah Sharpe/EIG (P)	Central
Kern	Carolyn Temple/EIG (P)	South
	Brent Green/CIG (P)	South
	Les Clark/IAIG (P)**	South
Kings	Dennis Tristao/CIG (P)	Central
Madera	Lee Smith/EIG (P)	Central
Merced	Jack Lemen/CIG (P)	Central
San Joaquin	David Phippen/IAIG (A)	Central
	Katelyn Roedner/EIG (P)	Central
Stanislaus	Chris Savage/IAIG (P)	North
Tulare	Michael Brown/EIG (P)	South
	Derek Williams/IAIG (P)	Central

* Mr. Cunha arrived at 10:15 a.m.

**Mr. Clark 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; Samir Sheikh, Deputy APCO; Morgan Lambert, Deputy APCO; Mehri Barati, Director of Administrative Services; Sheraz Gill, Director of Strategies and Incentives; Errol Villegas, Strategies and Incentives Program Manager; Jim Swaney, Permit Services

Manager; Todd DeYoung, Strategies and Incentives Program Manager; Anna Myers, Senior Air Quality Specialist; Brandon Swedblom, 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 for September 2, 2014 – The Chair asked if there were any member or public comments regarding the CAC Minutes for September 2, 2014. Hearing no comments, the Chair declared the Minutes approved as submitted.
4. Public Comments – None
5. Chair Comments – None
6. Executive Director/APCO Comments – Seyed Sadredin, Executive Officer/APCO, discussed a bad air quality episode that occurred in November that resulted in a number of days with high PM2.5 concentrations. The episode was caused primarily by unusual weather conditions. He explained that rain followed quickly by warm, dry conditions lead to the reduction of the inversion layer, which reduced the volume of air for dispersion of PM2.5. Although the episode occurred during the wood burning season, he noted residential wood burning was not a factor due to warm temperatures. He reported the District's outreach tools, including press releases and the RAAN program, were utilized to ensure members of the public and schools received timely and accurate air quality information to inform their decisions.

Mr. Sadredin reported this is the second consecutive year without a 1-hour ozone standard violation in the Valley. He added that last month the Board approved sending a new request to EPA to deem the Valley in attainment for the 1-hour ozone standard. When the EPA deems the Valley in attainment of the 1-hour ozone standard, it will remove the federal mandate for the \$29 million penalty for non-attainment of the federal standard. Mr. Sadredin stated he will be taking an item to the Board in the future, following the completion of a public process, to consider and decide at the local level (absent the mandated \$29 million federal penalty) the need to retain the \$12 DMV fee to continue providing incentive funding to assist with the reduction of air pollution and with attainment of the toughening federal standards. He noted this would result in a fair distribution amongst the public and businesses in meeting the tougher standards.

Mr. Sadredin reported EPA proposed a new 8-hour ozone standard and are continuing to accept comments on the proposed levels. He noted the new standard will not have a material impact on air quality in the Valley in the near-term as the District is currently identifying new regulatory strategies and developing new technologies just to meet the existing standards. Mr. Sadredin stated there will be some areas throughout the nation that will be out of attainment for the first time and they will have to put in place some of the measures already implemented in the Valley during the last ten or twenty years. He noted that while it is the District's position to support the EPA's use of best available science to set health protective standards, there continue to be issues faced by the Valley due to the antiquated provisions of the Clean Air Act. Specifically, the Act fails to take into account the geography and topography of a region and the measures that have already been put in place or reductions that have already been achieved.

Mr. Sadredin reported the Burn Cleaner Program has been a huge success. He explained the initial amount allocated was \$2.1 million that was spent in less than a month and at their November 13th meeting the Board allocated an additional \$2 million which has already been exhausted. He noted there is \$1 million worth of applications that are waiting to be funded. He stated he will present an item to the Board at their December 18th meeting requesting additional funding as well as a consideration to possibly reduce the amount per unit being funded. He welcomed any ideas or suggestions on the subject from CAC members.

Mr. Sadredin also discussed that the District is working with the agricultural industry to explore alternate ways of disposing of agriculture waste due to the current concerns regarding the ongoing viability of the biomass power plants in the Valley. He explained the biomass industry is currently unable to compete with solar power companies when it comes to securing contracts with the utilities.

Mr. Sadredin invited CAC members to attend the District's Transboundary Ozone Pollution Conference in early 2015. He added the conference would focus on the need to quantify the amount of pollution that comes from other regions and to ensure those sources are well controlled. He also said the Valley should not be penalized for pollution from other regions for which it has no control. He noted registration information is available on the District's website.

Mr. Clark requested more information on the biomass situation. Mr. Sadredin responded two biomass plants have shut down already. He noted the biomass industry has asked for funding to help make them more competitive with solar power, which currently receives subsidies. He added there are other stakeholders involved because fuel is obtained from more than just agricultural waste. Mr. Clark expressed concern for these businesses going

out of business because it will make other businesses more difficult to sustain.

Mr. Cunha asked how many attainment plans are currently in place and what is the impact to businesses. Mr. Sadredin explained staff will develop 5 new plans (2 ozone plans and 3 PM plans) within the next 3 years and there are about 5 plans currently in place. He noted the District's idea of updating the Clean Air Act to allow for the consolidation plans has received positive feedback from both EPA and ARB.

Ms. Sharpe asked if the \$29 million penalty for non-attainment is assessed annually. Mr. Sadredin responded the penalty is assessed every year. Ms. Sharpe asked for clarification that the penalty would cease if the Valley came into attainment but the Board may continue to collect the DMV fees. Mr. Sadredin responded affirmatively. He added various groups supported the collection of the DMV fees to fund the reduction of air pollution. Mr. Sadredin explained continuing the fees would be advantageous to reaching attainment with the existing and future standards. Ms. Sharpe asked if continuing to collect the fees would require legislative action. Mr. Sadredin explained AB 2522 provides the authority to establish the fees.

Mr. Cunha commented the funds will be needed more so in the future with the upcoming standards.

Public Comment: *The following persons provided testimony on this item:*

- Cesar Campos, Central California Environmental Justice Network

Mr. Sadredin stated his recommendation to the Board last month was not to provide funding at this point for the biomass industry. He noted the industry is an outlet for agricultural waste but the District is researching other methods of disposal.

Mr. Smith asked where agricultural waste would be taken if the biomass plants closed. Mr. Sadredin explained there is no alternative in place at this time; however, worst-case scenario, which is something everyone wants to avoid, is open burning.

7. Rule Updates – Anna Myers, Senior Air Quality Specialist, updated CAC members on upcoming rule projects. She explained as a result of a court ruling, EPA is now requiring air districts to address the PM2.5 standards under Clean Air Act subpart 4. She added the requirement affects attainment plans for 2 standards that the District has already adopted, the 1997 standard and the 2006 standard. She noted the District submitted a request to EPA for reclassification from moderate to serious. Ms. Myers

explained staff expects to present a new attainment plan for Board consideration in the spring of 2015 to address the 1997 PM2.5 standard. Ms. Myers reported staff is working with ARB on the inventory and modeling aspects of the 2008 8-hour ozone standard. She added the District hosted two public workshops during the month of October for Rule 2020 (Exemptions) and for Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces).

Public Comment: None

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

- a. ARB Board Meeting Summary – Patricia Velasco, ARB representative, provided a summary of the meetings held by the Board including the approval of two research proposals, one of which focuses on the characterization of PM2.5 Episodes in the Valley. She added the Board adopted the supplemental document showing the District's request for a serious classification and will be submitted to EPA as a revision to the SIP. Ms. Velasco reported the Board approved the Incentive-Based Emission Reduction Measure for the Valley which quantifies emission reductions from the Carl Moyer and Proposition 1B incentive programs in 2014. She also stated the Board approved updates to the transportation conformity budgets for the Valley.

Ms. Velasco reviewed the training offered by ARB.

Mr. Williams requested an update on the Truck Rule to EJAG.

Mr. Cunha asked Ms. Velasco to forward his concern for the presentations made by ARB staff.

Public Comment: None

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

13. Review and Provide Feedback on Central Valley Air Quality Coalition's (CVAQ) Proposal for Ozone Plan Public Process – Mr. Sadredin explained that in addition to the many attainment plans the District has already developed and implemented, the District is also mandated under the Clean Air Act to develop and adopt several new ozone and particulate plans in the next few years, with a new ozone plan for the federal 2008 8-hour ozone plan due to EPA in 2016. He added the District has already initiated the public process for the new 8-hour ozone plan, including providing updates at public meetings, and hosting a workshop in May 2014 to seek public input.

Mr. Sadredin noted the District places a great value on full public participation in the development of its plans and intends to provide ample opportunity for meaningful participation as the specific details of the plan are formulated.

The Central Valley Air Quality Coalition (CVAQ) recently approached Seyed Sadredin, Executive Director/APCO, with a proposal for establishing a new public process framework for the new 8-hour ozone plan. Dolores Weller, Interim Director of the Central Valley Air Quality Coalition, was provided an opportunity to present their proposal for the purpose of soliciting CAC feedback for Executive Director/APCO consideration as development of the new plan moves forward. The CVAQ proposal includes the formation of new advisory group operating independently from the District's CAC and Environmental Justice Advisory Group (EJAG) that would consist of 22 total representatives, including 9 environmental/health advocates, 6 businesses, 3 agencies (including Caltrans), 3 academics, and 1 District representative. The new advisory group would meet monthly and report directly to the Governing Board. CVAQ cited South Coast's public process as a model to consider. CAC members expressed extreme concerns with the creation of the new independent advisory group proposed by CVAQ, emphasizing the important role that the CAC and EJAG have played in reviewing plans and regulatory actions and highlighting the diverse group of Valley stakeholders already represented, including public agency, industry and agriculture, and environmental representatives. With respect to CVAQ's suggestion to use South Coast's process as a model, CAC members commended the District for the robust public processes used to develop its plans and suggested that those processes be used as the model for other regions, citing the non-inclusive nature of the South Coast public process that has marginalized stakeholders and driven out businesses from the South Coast region over the years.

Mr. Cunha made a motion to reject the formation of the new independent advisory group proposed by CVAQ, and to table further discussion of the proposal. Mr. Sadredin, requested that Mr. Cunha reconsider his motion, emphasizing the goal of looking for ways to enhance the public process, and requesting that Mr. Sadredin return to the CAC with a proposal that takes advantage of existing CAC and EJAG infrastructure and perhaps using portions of the CVAQ proposal. Mr. Sadredin requested further CAC discussion and input into what role the CAC and EJAG could serve during the public review process to assist in formulating the final District proposal for CAC consideration. CAC members further discussed potential options for enhancing the public process, and expressed a strong willingness to serve on a new subcommittee involving CAC and EJAG members to review and provide input during development of the new plan. In response to CAC feedback, Mr. Cunha subsequently withdrew his original motion, and made a new motion expressing support for Mr. Sadredin's proposal for utilizing

existing CAC and EJAG members to provide a more focused review of the new plan and for Mr. Sadredin to return to the CAC at a future meeting with a final proposal that incorporates feedback provided by the CAC. All three stakeholder groups (industry/ag, public agency, environmental) voted unanimously in support of the motion.

Public Comment: *The following persons provided testimony on this item:*

- Cesar Campos, Central California Environmental Justice Network
- Colby Morrow, Southern California Gas Company

Moved: Cunha
Seconded: Lemen
Ayes: Cunha, Clark, Phippen, Savage, Williams, Temple
Smith, Roedner, Brown, Green, Tristao, Lemen

Motion unanimously carried to utilize existing CAC and EJAG infrastructure to provide a focused review of the new plan.

Ms. Sharpe left at 11:35 a.m.

14. Environmental Justice Advisory Group (EJAG) Business

- a. Verbal Report on EJAG Activities for August – Derek Williams, Tulare County At-Large Representative, reported EJAG met on August 28th and updates were presented on potential amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and the Burn Cleaner Program. He stated an overview of District Fugitive Dust Regulations was also presented.
- b. Approve Recommended Members of the Public for Appointment and Reappointment to the EJAG – Mr. Williams reported Cesar Campos is recommended for the appointment of Fresno County At-large Representative and Leroy Candler is recommended for the appointment of Ethnic, Small Business Owner. Mr. Williams also stated the current EJAG members are recommended for reappointment.

Public Comment: *The following persons provided testimony on this item:*

- Cesar Campos, Central California Environmental Justice Network

Brent Green left at 12:00 p.m.

Michelle Franco, Deputy Clerk of the Boards, reported the voting would need to be tabled due to lack of quorum from the City Interest Group.

The Chair tabled the remainder of the agenda items due to lack of quorum and adjourned the meeting.

Meeting adjourned at 12:11 p.m.

Next Meeting –The next meeting is scheduled on January 6, 2015. 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.