

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

**September 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 10:00 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
	Sarah Sharpe/EIG (P)**	Central
Kern	Carolyn Temple/EIG (P)	South
	Brent Green/CIG (P)	South
Kings	Dennis Tristao/CIG (P)****	Central
	Diane Friend/IAIG (P)	Central
	Kelly Deming/EIG (P)	Central
Madera	Lee Smith/EIG (P)	Central
	Donald Horal/IAIG (P)	Central
Merced	Jack Lemen/CIG (P)	Central
	Tim Durham/IAIG (P)	North
Stanislaus	Chris Savage/IAIG (P)***	North
Tulare	Derek Williams/IAIG (P)	Central

\*Mr. Dhaliwal arrived at 10:04 a.m.

\*\*Ms. Sharpe arrived at 10:06 a.m.

\*\*\*Mr. Savage arrived at 10:07 a.m.

\*\*\*\*Mr. Tristao arrived at 10:07 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; Jaime Holt, Chief Communications Officer; Jessie Fierro, Assistant District Counsel; Sheraz Gill, Director of Strategies and Incentives; Errol Villegas, Strategies and Incentives Program Manager; Anna Myers, Senior Air Quality Specialist; Brandon Swedblom, Network Systems Analyst; Michelle Franco, Deputy Clerk of the Boards; Carol Flores, Operations and Program Support Supervisor

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

*This item was taken out of order as the Chair's prerogative*

4. Public Comments – None
5. Chair Comments – None
6. Executive Director/APCO Comments – Samir Sheikh, Deputy APCO, reported at the August Governing Board meeting, the Board approved partial funding for the Fresno Council of Governments and the City of Sanger to complete a two year pilot project for two regional transit operations serving the Valley and the region to three national parks: Yosemite, Sequoia and Kings Canyon. He noted the projects will provide public transit service between the greater Fresno area and the three national parks where currently none exists.

Mr. Sheikh reported the Board received an update on the emergency relief measures the District has implemented in response to the extreme drought, including actions to assist farmers and residents during the ongoing Valley-wide public health emergency. In response to reports of residential wells running dry and growing public health crisis, the District has investigated and worked with the Air Resources Board to temporarily make available out-of-state drilling rigs for residential wells. The Governing Board acted to allocate \$500,000 through the District's emission reduction incentive programs to mitigate any potential air quality impacts from the temporary drilling rig relief.

Mr. Sheikh reported the Board also authorized the APCO to pursue policy and legislative remedies to obtain legal designation as Exceptional Events under the Clean Air Act for weather conditions related to the extreme drought. The Board authorized the submittal of a formal request to U.S. EPA

to reclassify the Valley from a "Moderate" to "Serious" nonattainment area for the 1997 PM2.5 standard, and to develop a new attainment plan under the "Serious" area classification for the Governing Board's consideration in the spring of 2015. He explained the September Governing Board meeting agenda will include an update on the 2006 PM2.5 standard.

Mr. Sheikh also reported the Board approved approximately \$160,000 in funding for a near-road NO2 air monitoring station in Fresno near Highway 99 and Jensen Avenue. Mr. Sheikh stated the equipment will initially measure NO2 and in the future could measure other pollutants as mandated.

Mr. Sheikh said the Board heard a report on a field study conducted by District staff during the 2013-14 wood-burning season in the District's foothill communities to determine the magnitude and severity of wood smoke impacts in those communities. He said the modeling illustrated a curtailment strategy in the foothill communities is not expected to significantly serve the District's overall goal of achieving attainment with federal PM2.5 air quality standards. He added results did support adopting and implementing measures that minimize episodic localized health impacts, especially during the night-time hours. Mr. Sheikh reported the Board directed staff to create and implement a public education and outreach program to urge voluntary actions to reduce emissions and allocated an additional \$100,000 in funding for the replacement of older high polluting wood-burning devices.

Mr. Sheikh stated the Board accepted \$200,000 in funding for the Carl Moyer Memorial Air Quality Standards Attainment Program from the Eastern Kern County Air Pollution Control District. He noted the District's statewide recognition has led to the District being approached by several neighboring air districts for either assistance with administration or allocating a portion of unused funds in lieu of returning them to ARB.

Mr. Sheikh reported the Board received and filed the Draft Annual Demonstration Report for District Rule 9610 (SIP Credit for Emission Reductions Generated through Incentive Programs) and noted the report will be submitted to EPA.

Mr. Sheikh stated the Board authorized the APCO to sign a Memorandum of Understanding (MOU) with the Ventura County Air Pollution Control District to have District staff assist with specialized and complex air quality permitting under a federal permitting program called "Prevention of Significant Deterioration", or PSD. The Valley Air District is an acknowledged expert in the area of PSD permitting, while Ventura has no PSD experience. He added Ventura will reimburse the District for associated actual costs.

Mr. Sheikh stated the Board heard an update on Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and staff will propose adoption at their September 2014 Board meeting. He notes that comments have been received by the public both in support and opposition of the District's curtailment strategy. Mr. Sheikh stated staff has crafted an innovative approach that not only reduces the number of days that older and highest polluting wood burning devices are allowed to burn but also an incentive for residents to switch to cleaner burning units.

Ms. Friend asked for a contact person for out-of-state well drilling operations. Dave Warner, Deputy APCO, responded he would assist any out-of-state well drilling business and provide guidance through the process. Ms. Friend commented she was informed an estimated cost to come into compliance for an out-of-state drilling business is over \$100,000. Mr. Warner stated there are exemptions from the state's emissions requirements during the emergency drought situation. He added the District is committed to mitigating any air quality impacts that would come out of the exemption use.

Mr. Cunha requested District staff to communicate with ARB to ensure information is circulated regarding the fact that out-of-state well drilling operations are exempt from state regulations. Mr. Warner responded the District website will have direct links regarding out-of-state well drilling operations to the ARB's website when available. Mr. Cunha asked if the grant incentive funding amounts were increased for the purchase of clean burning devices to assist with community need. Mr. Sheikh responded affirmatively.

Mr. Dhaliwal asked if there was any distinction between the species of PM2.5 that would assist in reaching attainment. Mr. Sheikh explained there are a number of types of PM2.5, and that the District's Health Risk Reduction Strategy prioritizes strategies that maximize health benefits, such as reducing wood smoke emissions through Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters).

Public Comment: None

*This item was taken out of turn, as a quorum for a vote had been met.*

3. Approve Minutes for August 5, 2014 – The Chair asked if there were any comments regarding the Minutes for August 5, 2014. Hearing no comments, the Chair declared the Minutes approved as submitted.
7. Rule Updates – Anna Myers, Senior Air Quality Specialist, updated CAC members on upcoming rule projects. She stated as a result of a court ruling EPA is now requiring states and air districts to implement federal PM2.5 air

quality standards in accordance with Clean Air Act subpart 4 requirements. She noted this affects the Valley under the 1997 PM2.5 standard because the Valley will not reach attainment by the plant's projected 2014 attainment date due to extreme weather conditions experienced in the winter season of 2013-14. She added the District will submit a brief technical addendum to EPA demonstrating how relevant parts of the adopted 2012 PM2.5 Plan for the 2006 PM2.5 standard satisfy all subpart 4 requirements and will request reclassification to Serious for that standard. Ms. Myers stated District staff continues to work with ARB to further refine the emissions inventory for the Valley and is continuing to review reasonably available control technologies in the Valley for the 2008 8-hour ozone standard of 75 ppb. She reviewed the upcoming potential amendments to Rules 2201 (New and Modified Stationary Source Review Rule), Rule 2020 (Exemptions), Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces) and Rule 4692 (Charbroiling).

Mr. Tristao asked when the workshop is scheduled for Rule 2020 (Exemptions). Mr. Warner responded there is a tentatively scheduled workshop on September 25, 2014 for Rule 2020 (Exemptions) and a tentatively scheduled workshop for Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces) on September 23, 2014. Michelle Franco, Deputy Clerk of the Boards, said CAC members will receive workshop notices in the future.

Public Comment: None

8. Verbal Report from California Air Resources Board (ARB)
  - a. ARB Board Meeting Summary – Elizabeth Melgoza, ARB representative, reported the Board did not meet in August 2014. She reviewed upcoming workshops and training courses.

Mr. Cunha asked Ms. Melgoza to ensure coordination between ARB and the District regarding the out-of-state well drilling businesses. Ms. Melgoza responded affirmatively.

Public Comment: None

9. Upcoming Actions to Address Air Quality Impacts Resulting from the Exceptional Weather Conditions Caused by the Recent Drought. – Jessi Fierro, Assistant District Counsel, explained she and Errol Villegas, Strategies and Incentive Program Manager, would discuss upcoming actions to address PM2.5 impacts resulting from the recent exceptional weather conditions. She explained the extraordinary drought conditions in the Valley resulted in abnormally high PM2.5 in the winter of 2013-14. She added

EPA's current policy does not recognize drought as an exceptional event and will impact the Valley's attainment goals under the 1997 and 2006 PM2.5 standards. Ms. Fierro noted the presentation will focus on the 2006 PM2.5 standard adding the District must submit documentation to EPA showing that the 2012 plan satisfies subpart 4 requirements for moderate areas and request the Valley be reclassified as Serious.

Mr. Villegas explained the recorded history of PM2.5 over 15 years shows there was the strongest average atmospheric stability due to the meteorology for the winter of 2013-14. He added the extreme weather conditions were unprecedented and broke records for drought conditions. Mr. Villegas explained EPA utilizes a PM2.5 design value which is a metric established to demonstrate attainment with the particulate National Ambient Air Quality Standards (NAAQS). He added the 24-hour average calculation is an average of three 98<sup>th</sup> percentile values. He noted the attainment of the 2006 24-hour PM2.5 standard by the end of the 2015 is impossible and showed an illustration of a table to note the hypothetical values are unattainable. Ms. Fierro noted the 98<sup>th</sup> percentile is a worst case scenario but the impact from 2013 will affect the Valley for some time.

Ms. Fierro reported Board members and District staff have met with high level EPA staff to discuss the prolonged duration of the drought and the eligibility of it as an exceptional event. She noted the section in the Clean Air Act (CAA) that defines exceptional events states drought and stagnation are not considered exceptional events. She stated the Valley's Congressional representatives sent a letter to EPA requesting policy revisions to consider the abnormal conditions associated with the prolonged extreme drought as an exceptional event under the CAA. She added there is legislation being considered titled the Commonsense Legislative Exceptional Events Reform (CLEER) Act of 2014. She explained language will clarify the Valley's prolonged and extraordinary weather conditions be considered exceptional events.

Ms. Fierro reviewed the timeline for the District's 2012 PM2.5 plan and explained the items necessary to reach attainment are not practicable. She added the 2012 PM2.5 Plan already demonstrated Reasonably Available Control Measures (RACM) for PM2.5, NO<sub>x</sub> and SO<sub>x</sub> and the supplemental documentation will address ammonia and other requirements for meeting subpart 4 of the CAA. Ms. Fierro reported there will be a public hearing on September 18, 2014 and if approved the Supplemental Document will be submitted to EPA.

Mr. Savage requested clarification of the graph for strong stability in the winter of 2013-14. Mr. Villegas explained the increase in stability and height of each bar for the winter seasons coincides with a decrease in temperature.

Ms. Fierro added the temperature difference was so high in the winter of 2013-14 the pollutants were trapped in the Valley. Mr. Savage asked how much extra time for attainment is allotted if the Valley gets reclassified to Serious. Ms. Fierro explained there are an additional four years from the time of designation and five more years if the area cannot meet attainment.

Mr. Tristao asked what would happen if the Valley did not receive reclassification. Ms. Fierro explained EPA would find the Valley in failure to attain status, which could lead to loss of federal highway funds, loss of local control over air quality management strategies and a de facto ban on new or expanding businesses due to stringent offsetting requirements. Mr. Tristao asked for the timeframe for the sanctions. Ms. Fierro responded approximately 18 months for sanctions to begin.

Mr. Dhaliwal asked if there would be a similar approach to ozone standards. Mr. Sheikh explained there are challenges that will require creative plans and significant further reductions, and there are legislation discussions regarding allowing time for areas to come into attainment. He noted the ozone levels have been progressively cleaner as emissions have been reduced.

Ms. Sharpe asked if there is scientific proof the drought will not continue for an extended period of time and is an exceptional event. Mr. Sheikh stated there have not been conditions like these for over a century. He added the hope is a policy change by EPA instead of needing to go through legislation. Ms. Sharpe asked how the District is going to plan for things like this in the future. Mr. Sheikh noted that the question is whether a region should be penalized for abnormal conditions outside of their control that result in severe air quality and health impacts, despite the existing stringent regulations and emissions reductions that have been achieved.

Mr. Smith asked if there is another way to change the policy besides legislation. Mr. Sheikh explained the CAA is open to interpretation and legislation may be needed because EPA does not currently consider the extreme drought conditions as an exceptional event.

Public Comment: None

Moved: Cunha  
Seconded: Williams  
Ayes: Cunha, Friend, Durham, Savage, Williams  
Temple, Deming, Smith, Dhaliwal, Tristao,  
Lemen, Horal  
Nays: Green

**Motion carried to support staff recommendations for the upcoming actions to address air quality impacts resulting from the exceptional weather conditions caused by the recent drought.**

*Ms. Sharpe left at 11:23 a.m.*

10. Explore Potential Means to Offer Assistance to New Businesses Locating in Valley and Existing Businesses That Wish to Expand – Mr. Warner provided the update on this item that was discussed at the June Governing Board meeting and was suggested by Governing Board member Oliver Baines. Mr. Warner explained the District works closely with Valley stakeholders to ensure development of cost-effective regulations. He added the cost of regulations is a critical factor for new and expanding businesses and may hinder the Valley's competitive position in attracting new business activities. Mr. Warner explained the Board discussed the possibility of the District providing direct financial assistance to businesses to eliminate or reduce the disadvantage of the higher cost of doing business in the Valley. Mr. Warner reported the Board directed staff to engage Economic Development Corporations, cities, counties and stakeholders in investigating potential solutions and existing incentive programs and to return to the Board for further consideration. Mr. Warner encouraged CAC members to forward ideas, questions and comments to him.

Mr. Williams asked if it's possible to obtain funds from SB 535 for providing incentives for businesses that would positively impact air quality to locate in EJAG communities. Mr. Warner thanked Mr. Williams for the suggestion and added the District does put forth effort in obtaining all available monies.

Mr. Smith asked the reason for the discontinuance of the District Permit Assistance Center. Mr. Warner responded funding may have been a factor but suggested forming a sub-committee to discuss these types of ideas. Mr. Smith, Mr. Cunha, Ms. Deming and Mr. Savage volunteered to be part of the sub-committee. Mr. Warner asked Ms. Franco to send an email to all CAC members informing them of the subcommittee.

Mr. Tristao commented the District's Small Business Assistance line is a great resource.

Mr. Cunha suggested the District host a workshop for all Chambers of Commerce to discuss opportunities for new and expanding businesses. Ms. Friend suggested local farm bureaus. Mr. Dhaliwal also suggested economic development corporations.

Public Comment: None



11. Revisions to the District's "Air Alert" Notification System Implemented in Summer 2014 – Jaime Holt, Chief Communications Officer, reviewed the goals of the Air Alert Program including reducing vehicle use and other pollution generating activities and avoiding exceeding 1-hour ozone standard especially during the back-to-school timeframe. She acknowledged the past success of the Air Alert Program including the summer of 2013, which recorded zero 1-hour exceedances. Ms. Holt stated the Air Alert is an episodic call to action and urges public and businesses to change behavior and reduce air pollution. She reported the Governing Board took action to continue the Air Alert program and declare Air Alerts on a Valleywide basis for multi-day episodes and when 8-hour ozone concentrations are expected to exceed 100 ppb anywhere in the Valley. She added the messaging will focus on personal economic benefits and costs associated with air pollution. She reviewed the outreach methods including face-to-face meetings, local news, social media and apps for electronic devices. Ms. Holt also said the District is working with Valley schools to communicate messages and no idling behavior. She encouraged outreach suggestions to businesses.

Mr. Cunha acknowledged District staff's efforts working with Valley schools. He suggested performing outreach to one sector of business at a time. Mr. Williams suggested a conference to discuss issues such as these with the Valley's legislature, EPA representatives and stakeholders.

Mr. Tristao asked if there is an impact on ozone concentrations related to the time of day that activities occur on Air Alert days. Ms. Holt explained there is an impact from activities occurring between 2-6 PM. She added the build-up nature of ozone over several days, along with activities that occur in early morning or late evening are also contributing to the overall ozone. She noted activities are better postponed to outside the Air Alert window and if not possible then the activity should be moved to earlier in the morning.

Mr. Smith suggested providing a list of actions that members of the public can take during an Air Alert to reduce emissions.

Ms. Friend asked what the time frame is for an Air Alert. Ms. Holt responded the Air Alert is called for a 24-hour period. She added activities such as lawn care would be best moved to a non-Air Alert day but if not possible then performing the activity would be best in the early morning.

Public Comment: None

*Mr. Dhaliwal left at 11:54 a.m.*

12. Outreach and Communications Report – Ms. Holt reported entries for the Kids Calendar Contest are being accepted and noted October 1, 2014 is the

deadline. She also stated a grant program was re-opened for waste haulers including waste transfer trucks and the grant awards up to \$50,000 for each truck replacement. Ms. Holt reported there will be a Transboundary Ozone Conference at Tenaya Lodge in Yosemite March 31<sup>st</sup> through April 2<sup>nd</sup>, 2015.

Mr. Lemen asked for parameters on the Kids Calendar Contest. Ms. Holt responded she will provide flyers to CAC members and information is also available on the District's website.

13. CAC Member Comments; CAC Member Suggestions To Be Included In The Presentation Of The CAC Report During The Governing Board Meeting on September 18, 2014 – Seyed Sadredin, Executive Officer/APCO, recognized the Governing Board places a great value on the guidance from the CAC. He added there would be a discussion about proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) at the September 18, 2014 Governing Board meeting. He noted if approved by the Board, the Rule amendments would significantly reduce emissions. He said staff was creative in developing these amendments which would allow residents who owned EPA-certified clean burning units to burn significantly more than those with open hearth fireplaces. Mr. Sadredin requested feedback from CAC on these proposed Rule amendments.

Mr. Williams suggested modifying the proposed rule amendments so that if a resident owned an EPA-certified clean burning device but a complaint is submitted, District staff would register the device instead of issuing a Notice of Violation and imposing a fine. Mr. Sadredin responded the Board could provide direction to the APCO to allow for enforcement discretion. Mr. Tristao expressed support for the proposed amendments. Mr. Cunha suggested a grant incentive to assist with the registration fee for low income residents. He also expressed support for the proposed amendments.

Mr. Smith asked if there was any opposition to the amendment. Hearing none, he stated there is a consensus among CAC members to support the proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), including a recommendation for enforcement discretion for first time violators if they own an EPA-certified unit and for the District to provide incentives for the future cost of registering a unit for low income residents.

Ms. Friend asked what part of the rule applies to residents without access to natural gas. Mr. Sadredin responded those residents are exempt from the rule. Ms. Friend asked how many fireplaces are out of compliance. Mr. Sadredin stated there are approximately 75% of the units in homes are not in compliance.

Mr. Williams asked that CAC support of the proposed reclassification of the Valley to from Moderate to Serious attainment status and the designation of the extreme weather conditions as exceptional events be reported to the Governing Board at their September meeting.

*Mr. Savage left at 12:09 p.m.*

14. Volunteer to Present Report During Governing Board Meeting – Mr. Cunha volunteered to present the report during the Governing Board meeting.

Meeting adjourned at 12:13 p.m.

Next Meeting –The next meeting is scheduled on October 7, 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.