

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

CITIZENS ADVISORY COMMITTEE

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

March 4, 2014
10:00 a.m.

The Citizens Advisory Committee Meeting was held via video teleconference (VTC): Central Region Office, VTC Room, 1990 E. Gettysburg Avenue, Fresno, the Southern Region Office, VTC Room, 2700 M Street, Bakersfield and teleconference in the Northern Region Office, VTC Room, 4800 Enterprise Way, Modesto. The CAC Meeting was webcast.

1. Call to Order – The Vice Chair, Sarah Sharpe, called the meeting to order at 10:02 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	Sarah Sharpe/EIG (P)	Central
	Ryan Jacobsen/IAIG (A)**	Central
	Amarpreet Dhaliwal/CIG (P)	Central
Kern	Brent Green/CIG (P)	South
	Les Clark/IAIG (P)	South
Kings	Diane Friend/IAIG (A)***	Central
	Alene Taylor/EIG (A)	Central
	Dennis Tristao/CIG (P)	Central
Madera	Donald Horal/IAIG (P)	Central
Merced	Jack Lemen/CIG (P)	Central
San Joaquin	Wade Broughton/CIG (P)	North
Stanislaus	Richard Gibson/EIG (P)	North
	Chris Vierra/CIG (P)*	North
Tulare	Michael Brown/EIG (P)	Central
	Derek Williams/IAIG (P)	Central

*Mr. Vierra arrived at 10:04 a.m.

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

***Ms. Friend arrived at 10:17 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; Samir Sheikh, Director of Strategies and Incentives; Arnaud Marjollet, Permit Service Manager; Jaime Holt, Chief Communications Officer; Anna Myers, Senior Air Quality Specialist; Cathy Blevins, 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 February 4, 2014 –Ms. Sharpe requested a motion to approve the Minutes.

Public Comment: None

Moved: Brown
Seconded: Williams
Ayes: Clark, Horal, Williams, Sharpe, Taylor,
Gibson, Brown, Dhaliwal, Green, Tristao,
Lemen, Broughton

Motion unanimously carried to approve Minutes of February 4, 2014 with no amendments.

4. Public Comments – None
5. Chair Comments – Ms. Sharpe requested two additional volunteers for the Ad Hoc Subcommittee for Hearing Board Appointments. She added the Subcommittee members will conduct interviews with each applicant via telephone by March 15, 2014. She explained the Subcommittee will then make recommendations the appointments to the various Regional Hearing Boards. Ms. Sharpe reviewed the current vacancies:

- Central Region Hearing Board: Attorney Primary and Alternate, Medical Alternate, Two Public Alternate members
- Northern Region Hearing Board: Attorney Alternate, Engineer Alternate, Medical Primary and Alternate, Two Public Alternate members
- Southern Region Hearing Board: Engineer Alternate

Mr. Brown and Mr. Lemen volunteered to serve as additional members on the Subcommittee.

6. Executive Director/APCO Comments – Seyed Sadredin, APCO/Executive Director, thanked those in attendance for their cooperation with the changing accommodations during the video teleconferencing equipment upgrade.

Mr. Sadredin reported at their January 2014 meeting, the Governing Board approved the Final Draft of the 2013/14 Annual Report to the Community and encouraged CAC members to distribute among constituents. He added the Board also approved thank you letters to congressional members for their efforts on the Farm Bill. He noted the Farm Bill was approved with \$125 million including agricultural emissions mitigation.

Mr. Sadredin stated the Board also had an extensive discussion on the state Truck Rule implementation and noted later in the meeting there would be a presentation on the recommendations. He noted EJAG unanimously supported the Board adopted recommendations.

Mr. Sadredin reported the Check Before You Burn Season has ended. He stated there were extreme weather conditions for the 2013/14 winter season with a severe drought experienced. He noted the Valley was on track to have its cleanest winter on record were it not for the exceptional weather conditions. Mr. Sadredin reported the public process to discuss proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) has begun.

Mr. Sadredin reported staff has completed a scientific bilingual survey among Valley residents to obtain feedback and data on how the District programs are being received. He added one of the suggested items is to determine an amount of funding that would encourage residents to purchase a clean wood burning device.

Mr. Sadredin reported the publicly noticed Governing Board Study Session will be held at Bass Lake on May 7th and 8th. He added agenda items will be considered at the next Governing Board meeting on March 20, 2014. Mr. Sadredin reported the Board will hear a presentation on a Tune-In Tune-Up pilot program which will focus on incentives for the replacement of high-polluting vehicles with cleaner vehicles in communities of need.

Mr. Sadredin reported a neighboring air district sent their unused funding from the Carl Moyer program to reduce emissions in the Valley. He said the District is making preparations for the legislative trip to Washington D.C. He stated the District's agenda includes obtaining funding for the Diesel Emission Reduction Act, discussion on a future Farm Bill, and Air Quality Empowerment Zones. He added some Governing Board members and stakeholders will join District staff on the trip.

Mr. Dhaliwal asked if the Farm Bill budget was nationwide. Mr. Sadredin responded affirmatively. He clarified there is much work to do for California and the Valley specifically, to receive part of the funding. Mr. Dhaliwal asked if the Air Quality Empowerment Zone discussion is currently in legislation. Mr. Sadredin explained the bill has been introduced over a number of years and the trip to Washington D.C. will provide more information for the best vehicle of the bill.

Public Comment: None

7. Rule Updates – Anna Myers, Senior Air Quality Specialist, updated the CAC on upcoming rules. She stated EPA is in the process of developing guidance for adopting PM2.5 Attainment Plans under subpart 4 of the Clean Air Act. She noted the 2008 8-hour Ozone Plan will be the District's next key attainment plan project. Ms. Myers gave an update on upcoming rules and reviewed the proposed amendments.

Ms. Sharpe asked if there were dates set for any public workshops. Mr. Sheikh explained there are tentative dates for public workshops for Rule 4901 (Wood Burning Fire places and Wood Burning Heaters) and the 2008 8-hour Ozone Plan in March and April and will forward the information to CAC when confirmed.

Public Comment: None

8. Verbal Report from California Air Resources Board (ARB)
 - a. ARB Board Meeting Summary – Patricia Velasco, ARB representative, provided a synopsis of the ARB meeting held on February 20, 2014. She reported ARB staff updated the Board on the implementation of the business plan for the Office of the Ombudsman with emphasis on California small businesses. She stated staff presented a report on the science of ozone and PM2.5 atmospheric chemistry in the South Coast and San Joaquin Valley. She added staff provided a report on the proposed first update to the climate change scoping plan. Ms. Velasco also reviewed upcoming workshops. She added ARB staff will be offering the course on How to Comply with the Truck and Bus Regulation via webinar on March 19, 2014 in the afternoon. She stated she will send the link with further information to be forwarded to CAC members.

Mr. Clark asked for the definition of a California small business according to the Office of the Ombudsman. Ms. Velasco

explained she will obtain exact language for the definition and will forward the information.

Public Comment: None

Mr. Dhaliwal left at 10:45 a.m.

9. The District's Annual Air Toxic Report – Arnaud Marjollet, Permit Services Manager, provided a presentation on the District's Annual Air Toxics Report. He stated the report describes the District's multi-faceted approach to addressing and reducing air toxics throughout the Valley. Mr. Marjollet reported the District has been implementing the State Air Toxics "Hot Spots" Act for over two decades, and as a result, the number of Valley facilities with air emissions posing a significant risk to the public has been reduced from 16 to zero. He added the District also analyzes the health risk associated with new and modified sources of emissions, and will not permit sources that will create a significant risk. He stated the District enforces a variety of state, federal, and District rules regulating the emissions of toxic air pollutants.

Mr. Clark asked if Rule 4002 (National Emission Standards for Hazardous Air Pollutants) has been approved by EPA. Mr. Warner explained the rule was originally adopted in the 90's and various versions have been implemented into the SIP. He added the District has been successful in combining District regulations with federal regulations and streamlining the approach so the regulations are implemented simultaneously under one program.

Mr. Tristao asked if the District will receive delegation for businesses that fall under the National Emission Standards for Hazardous Air Pollutants (NESHAP). Mr. Marjollet responded the District is currently in the process of preparing a plan to complete delegation. Mr. Tristao commented it is important for the District to receive delegation for NESHAP because if not then sources are required to go through EPA and the District for permitting.

Mr. Horal asked for the number of facilities that are no longer in business that were affected by this program since its inception. Mr. Marjollet responded most of the facilities originally identified as high risk facilities are still operating but have reduced their emissions.

Public Comment: None

10. Compliance/Permitting Assistance For Farmers And Well Drillers During Drought Emergency – Dave Warner, Director of Permit Services, described a new Compliance Assistance Bulletin aimed at helping farmers and well drillers comply with permitting requirements during the current drought

emergency, while also promoting the use of zero emissions electric motors for irrigation water pumping. He stated the bulletin describes a new expedited District permitting process that allows farmers installing new wells to use the cleanest available auxiliary electrical generators until utility connections to power new electric irrigation pumps are made. Mr. Warner explained the bulletin was prepared in response to a suggestion by Diane Friend, the CAC Industry/Agricultural Representative from Kings County. He added the bulletin is being distributed to farmers, well drillers and county agencies involved in water well permitting throughout the Valley.

Ms. Friend commended staff for responding quickly and preparing something concise and easily understandable. She suggested going to county planning departments and farm bureaus to distribute the information more effectively.

Public Comment: None

11. Update on District Efforts Related to ARB Truck Rule Implementation – Samir Sheikh, Director of Strategies and Incentives, explained there has been a number of occasions the Governing Board has expressed concerns with the unintended consequences of the State Air Resources Board's truck regulations. He added in addition there has been overwhelming concern from stakeholders. Mr. Sheikh noted the Board has emphasized that more actions are necessary to ensure effective and expeditious implementation of the regulations while averting detrimental economic impacts to the Valley. Mr. Sheikh reviewed the Governing Board's guiding principles to craft potential regulatory and policy changes:

1. Trucks constitute the largest source of NO_x emission in the San Joaquin Valley and meeting stringent federal ozone and particulate standards require significant reductions in truck emissions throughout the Valley. Therefore, must ensure that we achieve the necessary reductions by the prescribed deadlines in State Implementation Plans.
2. We must be cognizant of the fact that a number of fleets have already invested significant capital in efforts to comply with the regulation. Therefore, any regulatory and policy changes should avoid creating an unfair competitive disadvantage for these fleets.
3. To ensure equity and to maintain emission reduction goals, any extensions to short-term deadlines must be offset with substantially earlier full compliance with the rule.
4. Do best to avert severe economic impact to truckers and their customers, in particular with independent owner/operators.
5. Provide for an orderly transition to full compliance.

Mr. Sheikh summarized the specific recommendations adopted by the District Governing Board:

1. Potential changes to the State Truck and Bus Regulation:
 - a. Provide an option whereby truckers can choose an alternative compliance path that waives the early installation of particulate filters in exchange for the earlier purchase of 2010-compliance replacement trucks.
 - b. Provide an exemption for low-mileage trucks that are deployed in specific vocations that demand application-specific configurations with substantial added cost.
 - c. Provide for a phased-in implementation of truck replacements over a three-year period for the following compliance deadlines that currently require the complete replacement of all trucks for the following specific model years:
 - i. Compliance Year 2015: all pre=1994 trucks must be replaced with 2010-compliance trucks
 - ii. Compliance Year 2017: trucks in the Agricultural Vehicle Extension operating over 10,000 miles per year must be replaced with 2010-compliance trucks
 - d. Consider a truck "trade-up" program to achieve emission reductions where replacements to 2010-compliant trucks are not economically feasible or cost-effective.
 - e. Establish a mechanism whereby case-by-case compliance schedules can be approved by the State Air Resources Board for fleets that are able to demonstrate that due to conditions beyond their control, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.
2. More funding for truck replacements:
 - a. Allocate all remaining Proposition 1B Goods Movement Emission Reduction Program to diesel truck replacements, with priority given to owner/operators and small fleets.
 - b. Allocate a portion of Cap and Trade revenues to provide funding for the replacement of existing trucks with 2010-compliance diesel trucks that result in reductions of both criteria pollutants and greenhouse gas emissions. This should be pursued both through administrative and legislative means.
3. Potential changes to grant program policies:
 - a. Currently, the State Air Resources Board's policy is to permanently disqualify fleets from grant eligibility if an applicable deadline has been missed. We recommend that State Air Resources Board separate enforcement from grant eligibility requirements and allow truck owners that propose to achieve surplus reductions beyond those required by regulation to qualify for funding.

- b. Increase the funding percentage for owner/operators that may not be able to secure necessary loans for truck replacements due to credit-worthiness and other financial constraints.
4. To address equity issues for those fleets that have already taken actions and made significant financial investments to comply with the regulation, the Board recommended that ARB extend several early compliance credits including credits for early PM filter installation, early addition of vehicles with OEM filters, adding alternative fuel vehicles, downsizing fleets and adding advanced technology vehicles. The Board recommended extending these compliance credits from 1 to 3 years depending on the particular categories.

Mr. Sheikh thanked the CAC for their continued support.

Mr. Lemen expressed concern the attention given to this issue was late in coming since the regulations had been in place for a long period of time before there was any discussion. Mr. Sheikh noted ARB is considering amendments to the rule at their April Board meeting.

Moved: Tristao
Seconded: Taylor
Ayes: Friend, Horal, Williams, Sharpe, Taylor,
Gibson, Brown, Green, Tristao,
Lemen, Broughton

Motion unanimously carried to support the District's recommendations related to implementation of the State Air Resources Board Truck and Bus Rule.

Public Comment: None

12. Outreach and Communications Report – Jaime Holt, Chief Communications Officer, thanked all who visited the District booth at the Tulare Ag Show. Ms. Holt reported the challenging Wood Burning Season has ended but the Valley still did not beat the record for the most non-burn days. She added staff is gearing up for April events including Earth Day. She reported the 2103 Annual Report will be ready for distribution at the next CAC meeting.

Public Comment: None.

13. CAC Member Comments; CAC Member Suggestions To Be Included In The Presentation Of The CAC Report During The Governing Board Meeting on March 20, 2014 – Mr. Tristao requested the Compliance Assistance Bulletin information be included in the Report to the Board.

14. Volunteer to Present Report During Governing Board Meeting – Mr. Williams volunteered to present the report during the Governing Board meeting should Mr. Smith be unavailable.

Meeting adjourned at 12:04 p.m.

Next Meeting –The next meeting is scheduled on April 1, 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.