



San Joaquin Valley Air Pollution Control District

Action Summary Minutes for the Citizens Advisory Committee (CAC) Meeting San Joaquin Valley Unified Air Pollution Control District Northern Region Office, 4230 Kiernan Avenue, Suite 130 Video Teleconferencing Room, (VTC), Modesto, CA.

**Tuesday
August 7, 2001
9:30 a.m.**

GOVERNING BOARD

Judith G. Case, Chair
Supervisor, Fresno County

Sam Armentrout, Vice Chair
Mayor, City of Madera

Barbara Patrick
Supervisor, Kern County

Mike Maggard
Councilmember, City of Bakersfield

Tony Barba
Supervisor, Kings County

Ronn Dominici
Supervisor, Madera County

Jerry O'Banion
Supervisor, Merced County

Jack A. Sieglock
Supervisor, San Joaquin County

Nick W. Blom
Supervisor, Stanislaus County

Tom Applegate
Councilmember, City of Newman

William Sanders
Supervisor, Tulare County

David L. Crow
Executive Director/
Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400
FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000
FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(661) 326-6900
FAX (661) 326-6985

www.valleyair.org

Meeting held via video teleconferencing (VTC) at the Northern Region Office (Modesto) with the Central Region Office (Fresno) and the Southern Region Office (Bakersfield) included via VTC.

- Call Meeting to Order** – The Vice Chairman, Wade Broughton, called the meeting to order at 9:30 a.m.
- Roll Call was taken and a quorum was present.**

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Regional Office</u>
Fresno	Bill Sparks, Industry/Ag, Alternate	Central
"	Bruce Rudd, Environmental, Primary	Central
"	Kathryn Eide, City, Alternate	Central
Kern	Les Clark, Industry/Ag, Primary	Southern
Kings	(*) Dennis Tristao, Industry/Ag, Primary	Central
"	Keith Winkler, Environmental, Primary	Central
"	Ron Hoggard, City, Primary	Central
Madera	Ron Flores, Industry/Ag, Primary	Central
"	Lee Smith, Environmental, Primary	Northern
"	Donald Horal, Environmental, Alternate	Central
"	Al Lucchesi, City, Alternate	Central
Merced	Terry Priest, Industry/Ag, Alternate	Northern
San Joaquin	Wade Broughton, City, Primary, Vice Chairman	Northern
Stanislaus	L. D. "Denny" Hoeh, Environmental, Primary	Northern
"	Farrell Jackson, City, Alternate	Northern
Tulare	Mike Wagner, Industry/Ag, Alternate	Central
"	Walt Halen, Environmental, Primary	Central

(*) Arrived during the last of Item # 4

Also present in the Northern Region Office (Modesto) – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District and Karen Morris, Administrative Analyst.

Also present in the Central Region Office (Fresno) – David L. Crow, Executive Director/APCO, Robert Dowell, Director of Planning, Dave Jones, Planning Manager, Josette Merced Bello, Public Education Administrator, Joe Nazareno, Senior Air Quality Engineer, Rich Burt, Communication Systems Analyst, George Heinen, Senior Air Quality Engineer, Betty Halen, Member of the Public, Jeff Findley, Senior Air Quality Planner, Todd DeYoung, Air Quality Planner and Sissy Smith, Clerk to the Board.

Also present in the Southern Region Office (Bakersfield) – Linda Phillips, Administrative Analyst.

3. **Vice Chairman Comments** – The Vice Chairman noted that the following individuals have recently been appointed/reappointed to the CAC:

<u>County</u>	<u>Member Name/Interest Group</u>
Fresno	Joseph Rhodes, City, Primary (appointed)
Kern	Les Clark III, City, Primary (reappointed from Alternate to Primary)
“	David Couch, City, Alternate (reappointed from Primary to Alternate)
Madera	Glenn Igo, City, Primary (reappointed)
“	Al Lucchesi, City, Alternate (appointed)

4. **APCO Comments** – David L. Crow, Executive Director/APCO, reported on the Highlights of District Activities and Governing Board actions of June 21, 2001. Mr. Crow provided the CAC with copies of the following correspondence:

June 24, 2001, Ozone Transport Mitigation
June 25, 2001, Draft Bay Area 2001 Ozone Attainment Plan

The issue of transport from the Bay Area into the San Joaquin Valley as well as the lack of a SMOG Check II program in the Bay Area 2001 Ozone Attainment Plan was discussed extensively between the CAC and Mr. Crow.

Mike Wagner encouraged the District to conduct an outreach effort to various community groups for their support in requesting that the Bay Area include a SMOG Check II program in their 2001 Ozone Attainment Plan. Mr. Wagner named the following community groups for the outreach effort: the ag industry, citrus industry, Nisei Farmers League, farm bureaus, etc.

Mr. Crow stated that if that is a consensus of the CAC, staff will take the issue to the Governing Board to see how involved they would like to become in soliciting support.

CAC Request – A motion was made by Bruce Rudd that the APCO take this issue to the full Board and to pursue further involvement from both the private and public sectors to whatever means that staff feels is appropriate. The motion was seconded by Mike Wagner and carried with the following **Roll Call Vote:**

Ayes: *Bill Sparks, Bruce Rudd, Kathryn Eide, Keith Winkler, Ron Hoggard, Ron Flores, Lee Smith, Al Lucchesi, Terry Priest, Denny Hoeh, Farrell Jackson, Mike Wagner and Walt Halen.*

Noes: *None.*

Abstain: *Les Clark and Wade Broughton.*

Absent: *Laura Dennison, Les Clark III, Dennis Tristao, James Renton, Matthew Terra, Chris Reardon and Ray Millard.*

The CAC took the following action: recommended that the APCO request that the District's Governing Board solicit support from both the private and public sectors (industry and ag groups) requesting that the Bay Area include a SMOG Check II program in their 2001 Ozone Attainment Plan.

5. **Approve Minutes of Tuesday, June 5, 2001** – The Vice Chairman asked if there were any corrections, additions or comments regarding the Minutes of Tuesday, June 5, 2001. The CAC did not have any corrections, additions or comments. The Vice Chairman declared the Minutes of Tuesday, June 5, 2001 were approved as presented.
6. **Rules Under Development** – Presentations made by Joe Nazareno and George Heinen, Senior Air Quality Engineers.

The CAC and staff discussed Regulation VIII (Fugitive PM-10 Prohibitions) with Dave Mitchell and Mr. Crow.

Mr. Nazareno noted that recently EPA decided to do a limited approval/disapproval on the New Source Review Rule.

George Heinen made a presentation on Rule 2201 (New and Modified Stationary Source Review Rule).

Dennis Tristao noted that there was a lot of hard difficult work that went into the development of Rule 2201. Mr. Tristao congratulated staff for having completed the process.

Mr. Tristao requested the CAC receive a short synopsis of Rule 2201 (New and Modified Stationary Source Review Rule) to send to their respective Economic

Development agencies or Chamber of Commerce to pass along. Mr. Heinen indicated that he would comply with that request.

7. **CAC Subcommittee Recommendations for REMOVE Program Evaluation Committee Vacancies** – The following CAC members served on the subcommittee for recruitment of REMOVE Program Evaluation Committee Vacancies: **Jack Grisanti, Bill Sparks and Lee Smith**. Mr. Sparks and Mr. Smith were in attendance. Mr. Grisanti was not in attendance.

Staff provided the CAC with a August 7, 2001 Memorandum re: Subcommittee Recommendations for REMOVE Program Evaluation Committee Vacancies.

The Chair suggested that the CAC Subcommittee for recruitment of REMOVE Program Evaluation Committee Vacancies meet and put together a new list of recommended applicants and submit that list to staff.

This item was continued to Tuesday, September 4, 2001

Keith Winkler noted that the volunteer CAC subcommittee to review applicants for REMOVE Program Evaluation Committee vacancies has not been working smoothly. Mr. Winkler suggested that the CAC recommend to the Board that the whole process be reviewed before it occurs again next year (2002). Mr. Winkler also stated that he wonders why we are out advertising for people to be on the REMOVE Committee when we have people who are on the CAC representing all regions, representing Industry/Ag, Environmental and City Interest Groups. Mr. Winkler stated that he also wonders why we simply don't draw members from the own CAC to serve on the REMOVE Committee. Mr. Winkler stated that he thinks that all of these issues should be looked at prior to the 2002 series of appointments to the REMOVE Committee.

The Vice Chairman stated that the existing subcommittee is appreciated and thanked them for their efforts. The Vice Chairman suggested that the clerk make a note for some future time and point and we will attempt to have this subject re-addressed by the CAC prior to our 2002 efforts to refill the positions on the REMOVE Committee.

Mr. Crow suggested that this subject appear on the CAC agenda for Tuesday, September 4, 2001. The Vice Chairman agreed.

8. **Public Education** – Josette Merced Bello, Public Education Administrator, announced that the Valley Air District is sponsoring the fifth annual art contest to illustrate the 2002 Clean Air Kids calendar and solicited input from the CAC.

Ms. Bello reported on the Air District's Awards of Distinction which are given out every other year. Ms. Bello also reported on the District's new Business Bulletin and Valley Air News and noted new publication dates for both items. Ms. Bello stated that both publications are on the District's web site www.valleyair.org.

Ms. Bello requested the CAC fill out a *Spare the Air Outreach Survey*. A couple of questions asked on the survey: where did you hear about the *Spare the Air Program* this year and what things did the CAC find useful about that program.

9. **ARB Comments** – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Mr. Ramalingam reported on the ARB Board meeting that was held in San Francisco on July 26. Mr. Ramalingam noted that the Board heard extensive public testimony in support of requiring that the Bay Area 2001 Ozone Attainment Plan include a SMOG Check II program. Mr. Ramalingam noted that there was a large contingency of folks from the San Joaquin Valley that provided public testimony on the SMOG Check II issue. Mr. Ramalingam stated that the ARB Board directed ARB staff to continue to develop SMOG Check as a possible transport mitigation measure. The key issue that ARB has to resolve is whether the Board has the authority to require the full enhanced SMOG Check program in the context of the transport mitigation regulation. The ARB Board directed ARB staff to further develop all source strategies for initial consideration during public review. And, to have them ready by early next year (January) when the ARB Board will consider amendments to the transport mitigation regulation.

Mr. Ramalingam stated that the Board also considered approval of a revision to the Bay Area's Ozone State Implementation Plan (SIP) for the San Francisco Bay Area. Mr. Ramalingam stated that item received many comments in respect to adding a SMOG Check 2 program to the plan. The Board will consider a potentially revised Bay Area Plan at its October 2001 meeting.

Mr. Crow asked Mr. Ramalingam the following question on the transport issue regarding the mitigation fee: "... Was there a recommendation from ARB staff to not pursue the transport mitigation measures further ?"

Mr. Ramalingam responded that there was a recommendation by ARB staff to not further develop that mitigation fee bank concept. Mr. Ramalingam stated that in fact there was a great deal of public testimony supporting leaving it off the table. However, one of the ARB Board Members showed a great interest in keeping it on the table and so now they are going to continue investigating it.

10. **Volunteer to present CAC Report Thursday, August 16, 2001, 9:00 a.m., Governing Board Meeting** – The Vice Chairman, Wade Broughton, volunteered to present the CAC Report to the Governing Board at their Thursday, August 16, 2001 meeting.
11. **CAC Member Comments** – Dennis Tristao asked if there was any updates available on the lawsuit that was filed against the EPA and the District over deficiencies.

Mr. Crow responded that staff will be briefing the District's Governing Board during Closed Session in respect to the lawsuit on Thursday, August 16, 2001. Therefore, Mr. Crow indicated that from that briefing staff will probably receive some directions, therefore, no information is available at this time.

Denny Hoeh asked if that on that same subject would it be appropriate to have that on the CAC agenda next month.

Mr. Crow responded that he does not believe it would. It is, at this juncture, noticed as intent to sue the District, that's the District's Governing Board. Because there is that potential for litigation and potential exposures to the District. That is something that is generally handled in Closed Executive Sessions where directions are provided to our District legal counsel on how to pursue that matter. Mr. Crow stated that he thinks that at this juncture that is the responsibility of the Governing Board uniquely. Mr. Crow stated that he did note in the notice of potential litigation that there was language in there that may have left it open for other kinds of remedy, short of litigation. If that lawyer speak is accurate that could conceivably present opportunities for handling it in a different manner more public. But, that remains to be seen because we have not had conversations with the parties and we don't intend to do so until after the Board has deliberated on it in Closed Session. We have advised the potential litigants that, that indeed is our timing on the lawsuit and that we will talk to them after we have talked to our Board.

12. **Public Comments and/or Reports** – No Public Comments and/or Reports.
13. **Next Meeting** – The next CAC Meeting will be held on Tuesday, September 4, 2001 at 9:30 a.m., via video teleconferencing (VTC), Northern Region Office, 4230 Kiernan Avenue, Suite 130, VTC Room, Modesto. With the Central Region Office (Fresno) and the Southern Region Office (Bakersfield) included via VTC.
14. **Adjourn** – The Vice Chairman, Wade Broughton, adjourned the meeting at 10:38 a.m.