



San Joaquin Valley Air Pollution Control District

Action Summary Minutes for the Citizens Advisory Committee (CAC) Meeting Tuesday, March 6, 2001 at 9:30 a.m. San Joaquin Valley Unified Air Pollution Control District Central Region Office, Governing Board Room 1990 E. Gettysburg Avenue, Fresno, CA.

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
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Ronn Dominici
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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

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

- Call Meeting to Order** – The Chairman, (Councilmember Tom Stearns), called the meeting to order at 9:35 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	Roger Isom, Industry/Ag, Primary	Central
"	Bill Sparks, Industry/Ag, Alternate	Central
"	Jack Grisanti, Environmental, Alternate	Central
"	Tom Stearns, City, Primary, Chairman	Central
Kern	Les Clark, Industry/Ag, Primary	Central
"	Suzanne Noble, Industry/Ag, Alternate	Southern
"	Laura Dennison, Environmental, Primary	Southern
Kings	Riley Jones, Industry/Ag, Alternate	Central
"	Keith Winkler, Environmental, Primary	Central
"	Ron Hoggard, City, Primary	Central
Madera	Lee Smith, Environmental, Primary	Northern
"	Donald Horal, Environmental, Alternate	Central
Merced	Linda Falasco, Industry/Ag, Primary	Northern
San Joaquin	Wade Broughton, City, Primary, Vice Chairman	Northern
Stanislaus	Suzanne Gornick, Industry/Ag, Alternate	Northern
"	L. D. Hoeh, Environmental, Primary	Northern
"	Farrell Jackson, City, Alternate	Northern
Tulare	David Harrald, Industry/Ag, Primary	Central
"	Mike Wagner, Industry/Ag, Alternate	Central
"	Linda Campbell, Environmental, Alternate	Central
"	Ray Millard, City, Primary	Central

Also present in the Central Region Office (Fresno) – Mark Boese, Deputy Air Pollution Control Officer, Roger McCoy, Director of Administrative Services, Joe Nazareno, Senior Air Quality Engineer, Rich Burt, Communication Systems Analyst, Dave Jones, Planning Manager, Janis Parker, Air Quality Education Rep, John Beyer, USDA – NRCS, Colby Morrow, Fresno COG and Sissy Smith, Clerk to the Board.

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

Also present in the Southern Region Office (Bakersfield) – Donna Wilson, Senior Office Assistant.

3. **Chair Comments** – The Chairman congratulated the following individuals recently appointed to the Citizens Advisory Committee: from Kern County, Les Clark, III, City, Alternate Member and from Madera County, Ross Thornton, Industry/Ag, Alternate Member. The Chairman also announced that Ron Flores, Industry/Ag, Primary Member from Madera County was reappointed to serve a term of three years.
4. **APCO Comments** – Comments provided by Mark Boese, Deputy Air Pollution Control Officer. Mr. Boese reported that ARB would be holding their Clean Air Plan Workshop today, Governing Board Room, 1:30 p.m. to 4:30 p.m., with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

Mr. Boese stated that the District is in the process of preparing a Status Report which includes a broad headings of things we want to cover in that report. Mr. Boese noted that once a draft of the District's Status Report has been completed Josette Merced Bello will forward a draft copy to the CAC for their review and comments. Mr. Boese stated that the District would appreciate any comments that the CAC might have and things that the CAC would like to see in the Status Report. Mr. Boese indicated the CAC would receive the draft District's Status Report by mail before the next CAC meeting.

Mr. Boese indicated that during the last CAC meeting there was a lengthy discussion regarding the energy crisis in the Valley. Mr. Boese noted that Mr. Clark and the Chairman requested the District put together a meeting to talk about where the District is with relationship to both electricity and natural gas. This meeting would also include how the District would be looking at curtailments and standby engines. Mr. Boese noted that the District has not put that meeting together because we have been waiting for the ISO to get back to us. Mr. Boese stated that the ISO is working on a plan for the Valley but even if we do not hear back from the ISO soon we will go ahead and setup a meeting.

Mr. Boese noted that at the last Board Meeting the Board adopted Rule 3160 (Prescribed Burning Fee). Mr. Boese stated that there was a lot of testimony and it was a tough decision for the Board. Staff talked about the requirements of Title 17 and the fact that it looks like there will be an increase in prescribed burning over the next several years. The Board encouraged the District to work with state and federal agencies to try and secure funds to help offset the cost to private property owners who will be burning.

Mr. Boese indicated that a Public Workshop the Stakeholders Notice to Comply (NTC) form was held. We had a good turnout and received a lot of comments. The District will review its policy with regards to those comments to see if we can make some accommodations to those comments in our policy.

Mr. Boese also reported on some of the items that will be on the Governing Board Agenda for Thursday, March 15, 2001.

Mike Wagner stated that recently EPA had a hearing regarding ag burning. Mr. Wagner asked for a briefing on that hearing.

Mr. Boese stated that the hearings that EPA held will have no effect on us.

6. **District's Review of: Legislative Analyst Office's (LAO) RE: Improving State Oversight and Direction of Local Air Districts** – Mark Boese, Deputy Air Pollution Control Office, noted that at the last CAC meeting a request was made for the District's to respond to the LAO report. Mr. Boese noted that the District Board also talked about the LAO report at their last meeting and asked staff to prepare a letter for their signature. Mr. Boese stated that what the Board wanted to emphasize was local control. Staff is in the process of preparing that letter right now.

Mr. Boese provided the following review: after reviewing the report the District agrees with several of the conclusions for instance:

- ✪ **Direct ARB to adopt statewide stationary source rules where cost effective to do so:** Mr. Boese explained that it makes sense to look at some rules on a statewide basis such as architectural coatings and automotive coatings that are sold throughout the state and difference air districts have different regulation with regard to these coatings.

Mr. Boese stated that the District is in alignment with the above mentioned recommendation. But, Mr. Boese noted a caveat that, that is fine for those kinds of rules. Other rules that deal with the stationary sources we think that the District needs to maintain local control. Because, the air quality is different in each air basin. The problems are different and we think that

the local Governing Board can address those problems in a better manner than the state having control over all stationary sources.

- ✧ **Direct ARB to adopt a statewide enforcement policy to guide local enforcement practices:** Mr. Boese stated that the District does not have a problem with that as long as it is in a general sense and gives local air districts some flexibility.
- ✧ **Provide for mandatory minimum penalties in cases of serious and chronic stationary source violations:** Mr. Boese stated that we don't think this recommendation is necessary. The Health and Safety Code devotes a lot of space delineating how penalties should be assessed.
- ✧ **Clarify ARB's authority to take enforcement actions against stationary source violations independent of the local air districts:** Mr. Boese stated that the District believes that ARB already has oversight to do that.
- ✧ **Standardize the violation and enforcement response data to be tracked by the local air districts and enhance the information routinely reported by the districts to the state:** Mr. Boese noted that the District already does the above and does not believe this recommendation is necessary.
- ✧ **Provide that data management needs be considered when ARB allocates subvention funds to local districts:** Mr. Boese noted that the District is opposed to the recommendation because we think the subvention is a base grant to cover some of our basic necessities.
- ✧ **Direct ARB to provide a work and expenditure plan for timely local program reviews:** Mr. Boese indicated that right now the ARB performs enforcement of Districts. This District requested the ARB to perform an audit two years after the District's formation and after the audit was performed the ARB did not have a lot to say.

Mr. Boese concluded by saying several of the recommendations the District agrees and several we disagree on. The District will be sending a letter to the LAO with comments in response to the report.

The CAC discussed the LAO report at great length.

Some of their questions and comments in regard to the LAO report were:

The Chair asked who is the LAO and why have they prepared this report?

L. D. Hoeh asked if CAPCOA was involved in this report?

Ray Millard stated that the report is a form of regionalism as far as he is concerned.

Mike Wagner stated that he strongly recommends that the District maintain their autonomy. Mr. Wagner noted that the CAC should recommend to the Governing Board that we are strongly opposed to any further state interference with the District or control of the District.

Riley Jones requested that a copy of the letter that the Governing Board is writing be sent to the Valley's legislative delegation.

Sue Gornick noted that several of the LAO recommendations are on enforcement and indicated that the Title V facilities have taken on a lot of conditions that are federally enforceable and Ms. Gornick stated that she is really concerned that the state is jumping in and making comments about enforcement. After the LAO report goes to the legislature what happens after that? What is the next step? Where is this going to go?

Les Clark noted that the report is misleading in the fact that ARB already has the ability to do all of the things that the LAO report is recommending.

Keith Winkler wondered if some of the criticism of the LAO report is actually directed at the ARB for not fulfilling its existing oversight responsibilities. And, it could be that the criticism is aimed at not this District but others that are very small and perhaps not fulfilling their responsibilities. This District is not mentioned in the report at all so the CAC would not suggest the report be taken as an attack on the way that the District has been functioning.

The Chair stated that if the LAO was more specific in their direction as to why they are doing this report and what brought it on he could maybe sign some credibility to it. However, if they are going to take a broad brush at the District and include the District with the whole state and maybe some activity he could agree with. The Chair stated that he thinks the CAC needs to take a position against that broad brush approach.

Linda Campbell stated that perhaps the fact that only 13 air districts responded to the report. Perhaps, has caused the report to be skewed. Perhaps, we need to look at the issues that we do agree with and the issues that we disagree with.

Riley Jones stated that if the information that was provided to the LAO was inadequate being from a small number of respondents. Then we need to also criticize the means by which that information was gathered. They have come out with a report as a result of that information that could drastically change the picture of the entire state.

Ray Millard stated that with the legislature, if you don't respond and you don't care, the legislature says good, they don't care. And, the legislature can do as they please.

The Chair stated that he will provide a verbal report on this issue to the Governing Board on March 15, 2001.

A motion was made by Mike Wagner to recommend to the District's Governing Board that the CAC (1) opposes the LAO recommendations in concept and particularly the removal of local control. The motion was seconded by Ray Millard and carried unanimously with the following Roll Call Vote:

Ayes: *Roger Isom, Jack Grisanti, Tom Stearns, Les Clark, Laura B. Dennison, Riley Jones, Keith Winkler, Ron Hoggard, Lee Smith, Linda Falasco, Wade Broughton, Suzanne Gornick, L. D. Hoeh, Farrell Jackson, David Harrauld, Linda Campbell and Ray Millard.*

Noes: *None.*

Absent: David Couch, Ron Flores, Glenn Igo, James Renton and Matthew Terra

5. **Approve Minutes of Tuesday, February 6, 2001** – The Chairman asked if there were any corrections, additions or comments regarding the Minutes of Tuesday, February 6, 2001. The Clerk noted a correction on page two, Item 3. Chair Comments, second paragraph to read ~~United Stated~~ United States. With that correction the Chairman declared the Minutes of February 6, 2001 approved as submitted.
7. **Presentation: Outreach to the Agricultural Community** – presentation made by: Roger Isom, California Cotton Ginners & Growers Association and John Beyer, USDA – Natural Resources Conservation Service (NRCS).

Mr. Isom read the following Mission Statement to the CAC:

A partnership formed to aid agriculture in promoting the voluntary improvement of air quality through scientifically proven and cost effective measures.

The CAC and staff received the following handouts: Agriculture Improving Resources (AIR) *Tired of NO BURN days? Don't let that stop you!, Reduced Burning Practices Chipping of Orchard Waste*

Don't Let This Happen To You ... Stop That Fugitive Dust! and PM 10 Dust Control Practices Dust Suppressants.

Mr. Isom thanked the Public Education Division for their help with this project.

The Chair suggested that the District's Governing Board receive the same presentation.

8. **Rules Under Development** – presentation made by Joe Nazareno, Senior Air Quality Engineer.
9. **Newspapers in Education Program** – presentation made by Janis Parker, Air Quality Education Rep, presented a brief overview of a new program the Public Education Division is embarking on to market their newly developed Air Quality Curriculum. Ms. Parker announced that the program is called Newspapers In Education (NIE) Program. Public Education will partner with the Fresno Bee, the Modesto Bee, the Stockton Record and the Bakersfield Californian to distribute the material. Through these channels Public Education will be able to distribute curriculum to twelve thousand teachers reaching thirty-six thousand students in the combined four areas. Ms. Parker noted that Public Education is very excited about this program and they look forward to the challenge.

Mr. Boese stated that Janis Parker developed the criteria and as well as the curriculum for this program. Mr. Boese stated that now that it has been completed we have received great reviews from the teachers. The question was how do we distribute the program and Ms. Parker with Ms. Bello's staff. The NIE program is a real opportunity to get the curriculum spread throughout the Valley. Mr. Boese noted that if we are going to make a difference in the future in respect to understanding the problems the Valley faces with air quality its going to be with our children. This is a good way to start and a good way to spread Janis's hard work throughout the Valley.

10. **ARB Comments** – presentation made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Mr. Ramalingam reported on the Air Resources Board Hearing held on February 22 in Richmond. The Board met to consider ARB's Community Health Programs and the impacts of California Phase 3 Reformulated gasoline.

Mr. Ramalingam reported the goal of ARB's Community Health Program is to ensure that all individuals in California, especially the children and elderly, can live, work and play in a healthful environment, free from harmful exposures to air pollution.

Mr. Ramalingam stated that ARB staff presented the expected impacts of the Phase 3 Reformulated gasoline regulations on air quality. Mr. Ramalingam reported that Phase 3 gasoline will be similar to Phase 2 gasoline; differences include a reduced sulfur content in the new fuel and, most notably, the absence of MTBE. Mr. Ramalingam noted that during the hearing one person alleged there have been increased environmental impacts at refineries since conversion to Phase 2 gasoline, and claimed that there have been more accidents and upsets at refineries, with resulting higher emissions, since cleaner burning gasoline was introduced. Mr. Ramalingam reported that ARB staff has been looking into the question of whether refiners producing reformulated gasoline are indeed experiencing more upsets and accidents. As part of this study, staff will determine what refinery processes and equipment have been susceptible to failures, and is taking note of the age of failed equipment. Mr. Ramalingam stated this study is not yet complete.

11. **Volunteer to present CAC Report Thursday, March 15, 2001, 9:00 a.m., Governing Board Meeting** – The Chairman (Councilmember Tom Stearns) indicated that he would present the CAC Report to the Governing Board at their March 15 meeting.

12. **CAC Member Comments** – Roger Isom asked if the District would be involved in today's Fresno City Council meeting regarding diesel buses. Mr. Boese indicated that he would be attending that meeting today to make comments.

Linda Falasco and Mike Wagner requested a copy of the video from the January 18, 2001 Governing Board Meeting that includes ARB's Diesel Risk Management Plan presented by ARB staff Bob Barham.

13. **Public Comments and/or Reports** – No Public Comments or Reports.

14. **Next Meeting** – The Chairman announced that the next CAC Meeting will be held via video teleconferencing (VTC). The meeting is scheduled for Tuesday, April 3, 2001 at 9:30 a.m., Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. With the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

15. **Adjournment** – The Chairman adjourned the meeting at 11:11 a.m.