



San Joaquin Valley Air Pollution Control District

GOVERNING BOARD

Ronn Dominici, Chair
Supervisor, Madera County

Barbara Patrick, Vice Chair
Supervisor, Kern County

Mike Maggard
Councilmember, City of Bakersfield

Judith G. Case
Supervisor, Fresno County

Tony Barba
Supervisor, Kings County

Sam Armentrout
Councilmember, City of Madera

Michael G. Nelson
Supervisor, Merced County

Jack A. Sieglock
Supervisor, San Joaquin County

Thomas W. Mayfield
Supervisor, Stanislaus County

J. Steven Worthley
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

Action Summary Minutes Citizens Advisory Committee (CAC) Meeting San Joaquin Valley Unified Air Pollution Control District Central Region Office, 1990 E. Gettysburg Avenue Governing Board Room, Fresno, CA.

Tuesday, February 4, 2003
10:30 a.m.

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

1. **Call Meeting to Order** – The Chair, Lee Smith, called the meeting to order at 10:30 a.m.
2. **Roll Call** was taken and a quorum was present.

(P) designates Primary Member and (A) designates Alternate Member

<u>County</u>	<u>Member Name/Interest Group</u>	<u>Regional Office</u>
Fresno	No attendees	
Kern	Suzanne Noble, Industry/Agriculture (A)	Southern
"	Pauline Larwood, Environmental (P)	Southern
Kings	Riley Jones, Industry/Agriculture (P)	Central
"	Theo DeHaan, Environmental (A)	Central
"	Dennis Tristao, City (P)	Central
Madera	Donald Horal, Industry/Agriculture (P)	Central
"	Lee Smith, Environmental (P) Chair	Central
"	Glenn Igo, City (P)	Central
Merced	Linda Falasco, Industry/Agriculture (P)	Central
"	Pheakdey Preciado, Environmental (P)	Central
San Joaquin	Robert Sarvey, Industry/Agriculture (P)	Northern
"	David Brown, Environmental (P)	Northern
"	Wade Broughton, City (P)	Northern
Stanislaus	(*) Chris Savage, Industry/Agriculture (P)	Central
"	Mike Burns, City (P)	Northern
Tulare	David Harrald, Industry/Agriculture (P)	Central
"	Ted Dinkler, Industry/Agriculture (A)	Central

(*) Arrived during Item # 6

Also present in the Central Region Office (Fresno) – David L. Crow, Executive Director/APCO, Joe Nazareno, Senior Air Quality Engineer, Charlie Goldberg, Air Quality Education Rep., Robert Dowell, Director of Planning, Seyed Sadredin, Director of Permit Services, Roger McCoy, Director of Administrative Services, Don Hunsaker, Supervising Air Quality Planner, Dave Jones, Planning Manager, Colby Morrow, So. Cal Gas Co., Alex Krivobok, Communication Systems Analyst and Sissy Smith, Clerk to the Board.

Also present in the Northern Region Office (Modesto) – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, Virgil M. Brown, S. J. Environmental Rep. and Karen Morris, Administrative Analyst.

Also present in the Southern Region Office (Bakersfield) – Rosemary Sanchez, Accounting Assistant.

3. **Chair Comments** – The Chair requested the CAC provide their email addresses to the Clerk.

The Chair requested that the Clerk report on any recent changes to the CAC membership.

Sissy Smith reported the following appointments:

Kern County:

Pauline Larwood, Environmental, Primary, Term Expiration: 1/31/2005

and the following reappointments:

Kern County:

Les Clark, Industry/Agriculture, Primary, Term Expiration: 1/31/2006

Suzanne Noble, Industry/Agriculture, Alternate, Term Expiration: 1/31/2006

Merced County:

Linda A. Falasco, Industry/Agriculture, Primary, Term Expiration: 1/31/2006

Terry Priest, Industry/Agriculture, Alternate, Term Expiration: 1/31/2006

Tulare County:

David Harrald, Industry/Agriculture, Primary, Term Expiration: 1/31/2006

4. **APCO Comments** – David L. Crow, Executive Director/APCO, stated that at the first of the year some of the counties appointed new Governing Board Members. Mr. Crow noted that Supervisor Nick W. Blom, Stanislaus County, who has served for the entire history of the District retired from the Stanislaus County Board of Supervisors and the Stanislaus County Board appointed Supervisor

Thomas W. Mayfield to represent Stanislaus County on the District's Governing Board. Mr. Crow announced that Merced County, Supervisor Jerry O'Banion stepped down and Supervisor Michael G. Nelson has been appointed to represent Merced County. Mr. Crow stated that in Tulare County, Supervisor Bill Sanders stepped down and he will be replaced by Supervisor Steve Worthley. Mr. Crow reported that we also have a vacant position amount the small cities in the Northern part of the District city representative with Tom Applegate stepping down in that capacity. Mr. Crow noted that we anticipate that the League will make an appointment to fill that position.

Mr. Crow reported on the agenda for the District's February 20, 2003 Governing Board meeting. Mr. Crow noted that it appears that the agenda is fairly light and we are still in the process of developing it.

Mr. Crow reported that in April we anticipate the delivery of the new PM Plan for the Board's receive and file consideration with action anticipated at the May meeting. Mr. Crow noted that, that is something that the District will be releasing and workshopping extensively over the next couple of months. Mr. Crow stated that it is extremely important that everyone avail themselves of every opportunity to participate in that development process.

Mr. Crow reported on the Board's actions at their December 19, 2002 Governing Board Meeting. Mr. Crow noted that the District's Governing Board did not meet during the month of January 2003.

Mr. Crow announced that Senator Dean Florez, D-Shafter, has been named to head a select committee on air quality in the Central Valley to study the growing pollution problem and develop potential solutions. Legislative committee members say they want to hear from the public. Hearings have been scheduled throughout the valley. They will be at 10: a.m.

<u>Hearing Date</u>	<u>Hearing</u>	<u>Location</u>
Feb. 5, 2003	Health Effects of Central Valley Air Pollution	State Capitol
Feb. 28, 2003	The Cost of Missing Federal Control Guidelines APCD	Fresno
March 7, 2003	The Agricultural Industry and Central Valley Ag Pavilion	Bakersfield
April 4, 2003	Valley Residents' Role in Curbing Air Pollution County Admin	Visalia

<u>cont.</u> <u>Hearing Date</u>	<u>Hearing</u>	<u>Location</u>
April 17, 2003	Truck and Vehicle Air Emissions, County Admin	Hanford
May 2, 2003	Dairies' Growth and Its Effects on Central Valley City Hall	Shafter
May 16, 2003	Respiratory Illnesses, County Administration Building	Fresno
June 6, 2003	The Federal 2005 Deadlines: Are we Prepared? City Hall	Stockton
July 11, 2003	Manufacturing, Processing Plants and Refineries City Hall,	Merced
August 1, 2003	Valley Population Growth and Its Relation to Central Valley Air Pollution, City Hall	Lodi
Sept, 19, 2003	Does Smog Check II Work?, City Hall	Modesto
Oct. 3, 2003	Cows or Cars: The Future of Air Emissions Farm Bureau	Fresno
Jan. 5, 2004	Report to Legislature	

NOTE: Unless otherwise indicated, all hearings will begin at 10 AM

Dennis Tristao requested a brief synopsis of the recent lawsuit filed or petition filed for review of Regulation VIII.

Mr. Crow stated that he could give the CAC a very brief synopsis of what District Legal Counsel has explained to him regarding that lawsuit. And, Mr. Crow cautioned that his understanding may or may not be correct. Mr. Crow stated that there was a suit filed by Earthjustice and other litigants against U.S. EPA concerning the early 1992 PM Plan submittal and the actions that EPA had taken regarding that Plan. Mr. Crow stated that part of what was sought was the federal implementation plan action and then to have the plan updated. Mr. Crow stated that we anticipate the Board will receive and file a PM10 Plan in April.

Dennis Tristao stated that he believes that another lawsuit was filed last week on Regulation VIII rules itself for the partial approval and disapproval that was published in the Federal Register.

Mr. Crow stated that he would not attempt to explain that one because District Counsel has not briefed him.

Dennis Tristao stated that he would throw this comment out to this body. He appreciates the District's efforts in the intervention in the lawsuit for the PM10 Plan. Mr. Tristao stated that he would encourage and look to the District for intervention in other lawsuits that have been filed against the EPA over what affects this area. Mr. Tristao stated that he for one appreciates the efforts the District has put into that.

5. **Approve Minutes of Tuesday, January 7, 2003** – The Chair asked if there were any corrections, additions or comments regarding the Minutes of January 7, 2003.

Riley Jones noted a typo on page five bottom of page under 2.). Mr. Jones noted that it should read as follows:

2.) portion of *Last ~~Gap~~ Gasp* article.

The Chair directed the Clerk to make that correction and noted that the Minutes of January 7, 2003 were approved as corrected.

6. **Public Education** – Charles Goldberg, Air Quality Education Rep., reported that the we are entering the final month of the *Voluntary Please Don't Light Tonight* campaign and noted that it would officially end February 28, 2003. Mr. Goldberg stated that so far the District has issued nineteen *Please Don't Light Episodes* this compares with two last year. Mr. Goldberg pointed out that part of that rise was anticipated since we are now using PM2.5 data and information to forecast *Please Don't Light Tonight Episodes* that more accurately indicate public health risks.

Mr. Goldberg noted that the fire in Southwest Fresno has significantly impacted the number of *Please Don't Light Tonight Episodes* that we have issued. Mr. Goldberg noted the District has issued nine cautionary statements for citizens in the Fresno/Clovis area urging them to be cautions when they are out and about. Mr. Goldberg noted that Public Education has also prepared in relation to the fire, question and answer flyers in Spanish, English and Hmong which have been distributed to those affected communities. Mr. Goldberg pointed out that Public Education participated in a health screening that was sponsored by Assembly Member Sarah Reyes and Councilmember Cynthia Sterling to try and help people who may be feeling ill affects of the fire.

Mr. Goldberg announced that the District is preparing for the second round of workshops for Rule 4901 (Residential Wood Combustion) (fireplace rule) and trying to get information out to the public Valleywide. Mr. Goldberg noted this past week the District sent packages to Chambers of Commerce and business groups throughout the Valley. And, the District is planning mailings to Rotary and Kiwanis groups. Mr. Goldberg requested that if the CAC has mailing lists of

those types of groups or other groups who may be interested in receiving this information to please let him or Ms. Bello know and we will add that to our mailing plans. Mr. Goldberg provided the CAC with a front/back sheet titled *Some Chilling Facts About Your Wood-Burning Fireplace*.

7. **Rules Under Development** – Joe Nazareno, Senior Air Quality Engineer, reported on the following rules:

- Rule 4313 (Lime Kilns)
- Rule 4351 (Boilers, Steam Generators and Process Heaters – Phase 1)
- Rule 4305 (Boilers, Steam Generators and Process Heaters – Phase 2)
- Rule 4306 (Boilers, Steam Generators and Process Heaters – Phase 3)
- Rule 4403 (Components Serving Light Crude Oil or Gases at Light Crude Oil and Gas Production Facilities and Components at Natural Gas Processing Facilities)
- Rule 4451 (Valves, Pressure Relief Valves, Flanges, Threaded Connections and Process Drains at Petroleum Refineries and Chemical Plants)
- Rule 4452 (Pump and Compressor Seals at Petroleum Refineries and Chemical Plants)
- Rule 4604 (Can and Coil Coating Operations)
- Rule 4701 (Stationary Internal Combustion Engines – Phase 1)
- Rule 4702 (Stationary Internal Combustion Engines – Phase 2)
- Rule 4901 (Residential Wood Combustion)

Don Hunsaker, Supervising Air Quality Planner, provided the CAC with a handout titled **Schedule for Development of a Plan to Attain the 1-hr Standard Under a Designation of “Extreme” Nonattainment**. Mr. Hunsaker reported that the San Joaquin Valley Unified Air Pollution Control District developed a draft schedule for preparing a plan to attain the 1-hr national ambient air quality standard for ozone in the San Joaquin Valley Air Basin (SJVAB) by the year 2010. Mr. Hunsaker noted that the San Joaquin Valleywide Air Pollution Study Agency and the District Citizens Advisory Committee requested this schedule. Mr. Hunsaker provided the CAC with key aspects of the plan development schedule.

Dennis Tristao requested a discussion on the impact on offsets and how they are used for permitting when we run into the issues under the sanctions clock and the uncertainty that issues like that place on businesses when they wish to relocate.

Mr. Crow explained that the reason the District sent out a recent advisory is that when companies are engaged in location or expansion plans and they know credits are a necessity they go to the open commodity market to look for credits. The fact that seven years ago we had EPA, ARB and industry set down and validate the credits that are in the District’s bank gave us some level of assurance that when you are in a procurement mode you could take credits

that were tendered in the market . The recent EPA position puts a different task on that and the District thinks that it is very important that the buyer and seller know what they are getting when they do enter into that transaction so that its valid. Recently, there has been some doubt cast on EPA approvability of those transactions.

Seyed Sadredin, Director of Permit Services, noted that he will be sending out a letter to all owners of ERCs that will give an update on what this issue has come to. Mr. Sadredin explained that basically there is somewhat of a disagreement between EPA and the District on this issue. Mr. Sadredin explained that EPA has taken a position issued recently that since the District does not have an approved Attainment Demonstration Plan with EPA for Ozone and PM10 you cannot use pre 1990 ERCs. Mr. Sadredin stated that our estimate is that approximately 30% of the NOx emissions pre 1990 and 60% of VOC emissions pre 1990 credits is a significant amount of credits that will be taken out of circulation if EPA's position holds.

Mr. Crow stated that you are now alerted that there is a change that is being articulated by EPA regarding the use of these pre 90's credits. Mr. Crow noted that if you hold credits, if you wish to acquire credits you should make your positions known to EPA authorities in terms of what the impacts are. And, for others that have a similar concern about the utilization of those pre 90's credits the same would hold true they need to weigh in on this question because it is a change in policy.

Chris Savage suggested that if the District can provide the CAC specific talking points that have been used for the past arguments the CAC can then distribute that to all the permit holders and all the folks that currently maintain ERC credits. Mr. Savage stated that the CAC can be the venue for communicating the information.

Mr. Savage suggested that an item be put on next months CAC agenda with the talking points as well as the Calpine letters. Then the CAC can determine if we need to establish a subcommittee to address this issue.

8. **ARB Comments** – Ravi Ramalingam, California Air Resources Board (ARB) representative and ARB Liaison for the Valley Air District, made the following announcement. The California Air Resources Board (ARB) on January 31, 2003 appointed Catherine Witherspoon as its new Executive Officer.

Mr. Ramalingam noted that Ms. Witherspoon began her career in air quality as a student assistant with the ARB in 1981 and has held a variety of air quality positions since, including Legislative Director for the South Coast Air Quality Management District, ARB Assistant Executive Officer and most recently ARB Senior Policy Advisor.

9. **CAC Member Comments** – **David Harrald** noted that new CAC meeting time of 10:30 a.m. works better for him and encouraged the CAC to continue with the new meeting time.

Riley Jones asked if the District has written and sent the letter regarding continued funds for the viability of biomass industry-related programs. Mr. Jones requested that a copy of that letter be provided to the CAC.

Dennis Tristao stated that he wanted to make an observation. The soil moisture conditions are optimal right now for working up vacant lots when the winter annuals are mature. Mr. Tristao noted that he would just throw out that if the District would look into this particular area that perhaps an advisory may be warranted as to control these annuals now while the soil moisture conditions are optimal as opposed to June after the weeds have dried and the soil is dry.

Dennis Tristao asked for a report on the stationary source fees and the Governors Budget at the next meeting and also how is the District going to be impacted by the subvention or lack of.

Dennis Tristao stated that the President in his “State of the Union Address” mentioned an incentive for hydrogen powered cars and of putting a billion dollars into that. Mr. Tristao noted that he knows that it takes a while for these research initiatives to get off the ground but he would certainly be interested in how such an initiative would effect the San Joaquin Valley.

Dennis Tristao pointed out that the minutes made reference to Sustainable Incentives and he wanted to request that if the members here could join him. And, if District staff would be so gracious to develop this concept further from the one page white paper that was presented.

The Chair asked Mr. Tristao if he wanted to try and setup a meeting or do a conference call.

Mr. Tristao noted that if we have some volunteers then we could run it by email and a conference call.

Pheakdey Preciado stated that she would be interested if Mr. Tristao lets her know what she is supposed to do.

Chris Savage and the Chair (Lee Smith) volunteered.

Dennis Tristao announced that Doug McCormick, Kern County, has been active in forming a new association in the Valley. It is the San Joaquin Valley Association of Air Permitting Professionals and at the next CAC meeting if we

could set aside a few moments for Doug to perhaps give us a briefing of that association.

The Chair requested that this item be listed on next months agenda.

Dennis Tristao asked how the Federal NSR Rule would be impacting the District.

Dave Crow responded that for the most part the review of the proposed NSR changes at the Federal level is taking place. Mr. Crow pointed out that the first and foremost effort is to determine whether or not the existing California NSR programs would be adjudged to be equivalent to the new proposed NSR programs in terms of there effectiveness and stringency. Mr. Crow stated that he knows that CAPCOA and ARB have weighed in imploring feds to release guidance in order to be able to make that equivalency evaluation. The importance of that is that once again California has fairly well established programs both as we did on Title V Major Source Permitting and again on NSR . And, California has rather acute needs in terms of air quality improvements both in South Coast and the San Joaquin Valley.

Dennis Tristao stated that he wanted to be clear on the Sustainable Incentives that he would like this on the agenda for the next meeting if our group is comfortable with the understanding of it. Mr. Tristao stated that he would like to take some formal action at the next CAC meeting.

The Chair requested that this item be listed on next months agenda.

- 9a. **Technical Review Committee Comments** – No Comments.
10. **Public Comments and/or Reports** – No Comments and/or Reports.
11. **Volunteer to present CAC Report, Thursday, February 20, 2003 at 9:00 a.m., Governing Board Meeting** – Dennis Tristao volunteered to give the CAC Report to the Governing Board on February 20, 2003.
12. **Next Meeting** – Tuesday, March 4, 2003 at **10:30 a.m.**, via video teleconferencing (VTC), Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.
13. **Adjourn** – The Chair adjourned the meeting at 11:57 a.m.

Sissy Smith, Clerk to the Board
Citizens Advisory Committee (CAC)
San Joaquin Valley Unified APCD