

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board

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

Thursday, December 20, 2007
9:00 a.m.

*Meeting held via teleconferencing (VTC) with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).
This meeting was webcast.*

1. CALL MEETING TO ORDER

The Chair, Supervisor Worthley, called the meeting to order at 9:10 a.m.

2. ROLL CALL was taken and a quorum was present.

Present

Judy Case, Supervisor	Fresno County
Tony Barba, Supervisor	Kings County
Michael Rubio, Supervisor	Kern County
Michael G. Nelson, Supervisor *	Merced County
William O'Brien, Supervisor *	Stanislaus County
Henry T. Perea, Councilmember	City of Fresno
Chris Vierra, Councilmember *	City of Ceres
Leroy Ornellas, Supervisor, Vice Chair	San Joaquin County
J. Steven Worthley, Supervisor, Chair	Tulare County

Absent

Ronn Dominici, Supervisor	Madera County
Raji Brar, Councilmember	City of Arvin

* Attended meeting in Northern Region Office (Modesto)

3. APPROVAL OF CONSENT CALENDAR – Item numbers 16-25. These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.

16. *Approve Action Summary Minutes for the Governing Board Meeting of Thursday, October 25, 2007*

17. *Receive and File List of Scheduled Meetings for 2007-08*

18. *Receive and File Operations Statistics Summary for October and November, 2007*
19. *Receive and File Budget Status Report as of November 30, 2007*
20. *Reappoint Primary and Alternate Attorney and Engineer Members to Regional Hearing Boards*
21. *Receive and File District's Annual Offset Equivalency Report to the Federal Environmental Protection Agency*
22. *Receive and File Proposed Amendments to Rule 3010 (Permit Fee), Rule 3020 (Permit Fee Schedules), Rule 3030 (Hearing Board Fees), Rule 3040 (Open Burning Fees), Rule 3050 (Asbestos Removal Fees), Rule 3060 (Emission Reduction Credit Banking Fee), Rule 3070 (Other Charges), Rule 3110 (Air Toxics Fees), Rule 3120 (Regulation VIII Alternative Compliance Plan Review Fee), Rule 3135 (Dust Control Plan Fee), Rule 3140 (Fees For Certification Of Air Permitting Professionals), Rule 3150 (Fees For Portable Equipment Registration), Rule 3155 (Permit-Exempt Equipment Registration Fees), Rule 3160 (Prescribed Burning Fees), Rule 3180 (Administrative Fees For Indirect Source Review), And Rule 3190 (Conservation Management Practices Plan Fee); And The Proposed Repeal Of Rule 3080 (Atmospheric Acidity Protection Act Program Fee) and Rule 3090 (California Clean Air Act Fees)*
23. *Receive And File Proposed Amendments to Rule 7011 (Hexavalent Chromium - Chrome Plating and Chromic Acid Anodizing Operations)*

Seyed Sadredin, Executive Director/APCO, pulled items 24 and 25 from Consent Calendar noting there were some minor typographical changes to the items, but no substantial changes.

Public Comment: None

Moved: Perea

Seconded: Ornellas

Ayes: Case, Rubio, Vierra, Nelson, Barba,
O'Brien, Perea, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve Items 16-23 as recommended.

Mr. Sadredin noted that items 24 and 25 were routine agreements with developers designed to produce reductions early. He noted these are voluntary agreements, and they do not bypass CEQA. Supervisor Case asked that the Arvin area be made a priority in distribution of funds.

24. *Approve Voluntary Emission Reduction Agreement with Tejon Mountain Village LLC, to Receive Funds in the Amount of \$10,210,200 for the Purpose of Mitigating Air Quality Impacts of the Proposed "Tejon Mountain Village" Development Project*
25. *Approve Voluntary Emission Reduction Agreement with John M. Antongiovanni Trust, to Receive Funds in the Amount of \$2,497,290 for the Purpose of Mitigating Air Quality Impacts of the Proposed "Silver Creek Plaza" Development Project*

Public Comment: None

Moved: Rubio

Seconded: Ornellas

Ayes: Rubio, Case, Nelson, Perea, Barba,
O'Brien, Vierra, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve Items 24 and 25.

4. **PUBLIC COMMENT**

There was no public comment.

5. **CHAIRMAN'S END OF THE YEAR REPORT**—The Chair stated that 2007 was a challenging and stimulating year. He noted the 2007 Ozone Plan was ambitious and reduces ozone by 75%, and added that although there was an unavoidable status change, the Board remains committed to helping the Valley achieve attainment before 2024. He stated the amount of incentive contracts doubled from the previous year. The Chair noted that 2007 was the cleanest year on record, but the Board cannot rest on its laurels, and must maintain innovation, creativity, and cooperation.

Supervisor Case thanked the Chair for the hard work he did as Chairman.

6. **RECOMMENDATIONS FROM THE GOVERNING BOARD'S AD HOC SUBCOMMITTEE FOR ADMINISTRATIVE ISSUES RELATED TO SB719**—

Sayed Sadredin, Executive Director/APCO, presented the report. The Ad Hoc Subcommittee made recommendations with the intention of accommodating the changes under SB719 while maintaining harmony with the existing Joint Powers Agreement that serves as the basis for the District's formation. The Subcommittee revised the rotation schedule, quorum and voting requirements to include the new members. Additionally, the Subcommittee examined the minimum requirements for Chairperson and re-established that the member must have a minimum tenure of one year. Also, the Subcommittee decided to leave the Board room design as it is currently.

Supervisor Case suggested the Vice-Chair should have a minimum of one year experience, thus giving the Chair two years of experience. She noted the District has many complicated issues and the extra time would benefit the Chair. Supervisor Barba stated the Vice Chair needs to take the responsibility to educate him or herself.

Supervisor Ornellas suggested leaving the one-year requirement as is, and noted if the Vice-Chair feels he or she is not qualified to Chair the Board, he or she has the option of bowing out. Mr. Sadredin noted we can review the Chair requirements in the future.

Public Comment: None

Moved: Barba

Seconded: Rubio

Ayes: O'Brien, Perea, Nelson, Case, Vierra,
Barba, Rubio, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve the Ad Hoc Subcommittee recommendations.

7. **ELECTION OF OFFICERS**—Seyed Sadredin, Executive Director/APCO, presented the report. He noted that based on the Chair rotation just adopted, the next chair would be Supervisor Leroy Ornellas, and the next Vice-Chair would be Councilmember Chris Vierra.

Moved: Barba

Seconded: Perea

Ayes: O'Brien, Perea, Nelson, Case, Vierra,
Barba, Rubio, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve the election of Supervisor Leroy Ornellas to the position of Chair, and Councilmember Chris Vierra to the position of Vice-Chair for 2008.

8. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)**

Dennis Tristao, Chair of the CAC, presented the report. He noted that his chairmanship ends in January. Mr. Tristao stated the CAC received a report on the status of the Ozone Plan and the PM2.5 Plan, which was released in December. He added that they also received an update on where the District

receives its funding. Mr. Tristao stated they also received the information on pollution transport from other regions, and an update on the Fast Track to Attainment.

The Chair thanked Mr. Tristao for his service as Chair of the CAC, and presented a plaque in appreciation for his service.

9. **APPROVE ADDITIONAL STAFFING AND RELATED RESOURCES TO ACCOMMODATE THE CURRENT AND FUTURE WORKLOAD ASSOCIATED WITH THE DISTRICT'S ENHANCED EMISSION REDUCTION INCENTIVE PROGRAM** – Jeff Findley, ERIP Program

Manager, presented the report. Mr. Findley stated the District has received complimentary audits from three State agencies, and that the District incentive program serves as a best practices model for other districts. Additionally, other agencies outsource their grant funds to the District due to the efficient manner staff handles the incentive program. Mr. Findley noted the District has doubled grant awards each of the last two years, and currently utilizes temporary staffing to maintain efficiency. With the influx of funding the District will be receiving in the upcoming year, staff is recommending the conversion of three temporary positions to permanent, and the addition of five new positions including supervisory and lead support staff personnel.

Public Comment— the following members of the public provided testimony on this item:

Deborah Regan
Les Clark

Moved: Case
Seconded: Barba

Ayes: O'Brien, Perea, Nelson, Case, Vierra,
Barba, Rubio, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve staff's recommendation.

10. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 2020 (EXEMPTIONS); REVISED PROPOSED AMENDMENTS TO RULE 4621 (GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS, BULK PLANTS, AND DELIVERY VESSELS); REVISED PROPOSED AMENDMENTS TO RULE 4622 (GASOLINE TRANSFER INTO MOTOR VEHICLE FUEL TANKS); REVISED PROPOSED AMENDMENTS TO RULE 4624 (ORGANIC LIQUID TRANSFER).**—George Heinen, Supervising Air

Quality Engineer, presented the report. He noted there were some minor changes and provided a copy of the changes to each Board Member. Copies were made available to the public. He stated the Rule was developed as part of the District's Ozone Plan, and should reduce 536 tons of VOC/year. The

control efficiency would increase from 95% to 98%, prevent back-sliding by continuing aviation gasoline vapor recovery efficiency, and require ICC Certification for equipment installation and testing.

Public Comment— the following members of the public provided testimony on this item:

Colby Morrow
Joey Barlich
Jerry Frost

Moved: Case

Seconded: Perea

Ayes: O'Brien, Perea, Nelson, Case, Vierra,
Barba, Rubio, Ornellas, Worthley

Nays: None

Abstain: None

Motion unanimously carried to approve staff's recommendation.

11. **INFORMATIONAL ITEM: POTENTIAL CRISIS FACED BY AGRICULTURAL SOURCES IN THE VALLEY—ABSENCE OF VIABLE ALTERNATIVES TO OPEN BURNING FOR ORCHARD REMOVALS**—Rick McVaigh, Deputy APCO, presented the report. Mr. McVaigh noted that earlier in the year, the Board had passed strict regulations requiring orchard removals exceeding 20 acres to chip their materials and have them moved to biofuel facilities. Unfortunately, due to a number of incidents, including maintenance, equipment failures, and fires, several of the biofuel facilities are unable to accept the material at this time. Additionally, the farms need the material removed from their land in order to plant the trees for the next year, which need to be in the ground in January or February in order to take root for the next year. Because the farmers have attempted to comply with the Rule, but cannot due to circumstances beyond their control, a variance hearing is scheduled before the Hearing Board to possibly allow the farmers to burn the material. Any subsequent orchard burns would still be subject to District smoke management restrictions and burn permits. The decision of whether or not to grant the variance is up to the Hearing Board.

Councilmember Perea and Supervisor Rubio suggested each Board Member check with their municipalities for spare land on which they could store the material.

Supervisor Case suggested the District look at product brought to the biofuel facilities from outside the District.

12. **RECOGNITION OF JOHN BEYER FOR SERVICE TO US DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE AND EFFORTS TO IMPROVE VALLEY AIR QUALITY**—Roger Isom, Manuel Cunha and Dennis Tristao presented an award to John Beyer from

USDA NRCS in honor of the work he has done to clean the Valley's air. Mr. Beyer recently retired. Mr. Beyer thanked the presenters and the District for the recognition.

13. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)**—Jeff Lindberg, ARB Representative, presented the report. He noted ARB adopted the District's Ozone Plan as a State Implementation Plan amendment and directed ARB staff to identify what can be done to expedite attainment. To that end, ARB created a Fast Track Task Force, which held three town hall meetings--one in each region of the District. Additionally, ARB strengthened the mobile SIP to double emission reductions by 2017. The remaining reductions may be ¼ of what was originally estimated, but still not attainable with today's technology. ARB gave staff direction to work with the District to reach attainment by 2017.
14. **EXECUTIVE DIRECTOR/APCO COMMENTS**—Seyed Sadredin, Executive Director/APCO, presented the report. He stated ARB looked at the District's stationary source controls, and found the District's program is the strongest. He stated the District is soliciting each County for lawn mower funding, and is working with Arvin on a few projects including replacing police vehicles and yard maintenance equipment.
15. **GOVERNING BOARD MEMBER COMMENTS**—Supervisors Ornellas and Barba thanked Mr. Worthley for the hard work he did as Chair of the Governing Board. Supervisor Rubio asked if there was any chance the District could be granted mobile source authority. Mr. Sadredin stated there is a proposal to allow the District to pursue mobile source measures and submit them to EPA directly, but the State and Federal governments both have direct control over mobile sources. The Chair suggested focusing on gross polluters.

ADJOURN

The meeting adjourned at 11:20 a.m.

Next scheduled meeting of the Governing Board: Thursday, January 17, 2008

Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.