

Revised 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 18, 2008
9:00 a.m.

*Meeting held via teleconferencing 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 Ornellas, called the meeting to order at 9:08 a.m.
2. ROLL CALL was taken and a quorum was present.

Present

Tony Barba, Supervisor	Kings County
Judy Case, Supervisor	Fresno County
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor, Chair	San Joaquin County
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember, Vice Chair	City of Ceres
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor	Tulare County
Ronn Dominici, Supervisor	Madera County

*Attended meeting in Northern Region Office

Absent

Henry J. Forman, Ph.D.	Appointed by Governor
Henry T. Perea, Councilmember	City of Fresno

3. APPROVAL OF CONSENT CALENDAR – Items numbers 22 – 29 *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.*
 22. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, OCTOBER 16, 2008.
 23. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2008 AND 2009
 24. RECEIVE AND FILE OPERATION STATISTICS SUMMARIES FOR OCTOBER AND NOVEMBER 2008

25. RECEIVE AND FILE BUDGET STATUS REPORT AS OF NOVEMBER 30, 2008
26. RECEIVE AND FILE DISTRICT'S ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY
27. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 1020 (DEFINITIONS)
28. CHANGES TO THE CITIZEN ADVISORY COMMITTEE BYLAWS
29. AMEND CONFLICT OF INTEREST CODE

Public Comment – *The following persons provided testimony on these items:*

- Mary-Michal Rawling requested a minor language change to Consent Item number 28. The language on page 4, line 12 was changed to read “Actions by the CAC shall require a majority vote of the members present from each Interest Sub-Committee with at least 3 votes from each Interest Sub-Committee”.

Moved: Worthley
Seconded: Watson
Ayes: Nelson, O'Brien, Worthley, Barba, Watson, Dominici
Telles, Case, Vierra, Ornellas

Nays: None

Motion unanimously carried to approve Items 22-29 as recommended.

4. CHAIRMAN'S RECOGNITION OF SERVICE BY COUNCILMEMBER PEREA – The Board recognized outgoing member Henry Perea, a Fresno City Councilmember, for service to his community and to the Air District over the past two years.
5. END OF THE YEAR REPORT BY CHAIRMAN LEROY ORNELLAS - San Joaquin County Supervisor Leroy Ornellas, the outgoing Governing Board Chair, presented an end-of-the-year report to the Board. Supervisor Ornellas said that during his tenure, “important programs that are bringing cleaner air to the Valley were implemented”. He praised the Board and District staff as leaders in excellent customer service and outlined some successes of the past year including the 2008 *PM2.5 Plan*, launching the Healthy Air Living outreach campaign and becoming the largest recipient of Proposition 1B incentive funds amongst the 35 Air Districts in California. At \$100 million this year, the amount of incentive funds available to the District has doubled since last year.

6. ELECTION OF OFFICERS – The elections for 2009 were held in accordance with the adopted rotation schedule. Northern Region Small City Representative Chris Vierra, a councilmember from Ceres and the 2008 Vice Chair, will serve as Chair in 2009. Kings County Supervisor Tony Barba was named Vice Chair.

Moved: Case
Seconded: Worthley
Ayes: Telles, Watson, Case, O'Brien, Nelson, Worthley, Dominici,
Barba, Vierra, Ornellas
Nays: None

Motion unanimously carried to name Chris Vierra as Chairman and Tony Barba as Vice Chairman of the 2009 SJVAPCD Governing Board.

7. PUBLIC COMMENT – *The following persons provided testimony during the Public Comment portion of the meeting:*

- Kevin Smith, SEIU Local 521
- Manuel Cunha, Nisei Farmers League

8. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE – Mary-Michal Rawling, Chair of the Citizen's Advisory Committee gave a report on the meeting held on December 2, 2008. She stated they worked on the changes to the CAC Bylaws, received an update on the Healthy Air Living campaign, the Climate Change Action Plan, the SOON Program and the Environmental Justice Advisory Group. She also stated that several members of the CAC are interested in serving on the work groups for the Climate Change Action Plan.

9. ADOPT PROPOSED AMENDMENTS TO RULE 2201 (NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE) AND RULE 2530 (FEDERALLY ENFORCEABLE POTENTIAL TO EMIT) – Dave Warner, Director of Permit Services gave the presentation. The rule amendments, which will become effective upon EPA approval, incorporate required changes resulting from the reclassification of the San Joaquin Valley's federal eight-hour ozone attainment status to extreme nonattainment. The changes affect the definitions of "major source" and "federal major modification" by lowering their respective applicability thresholds, and increase the amount of mitigation required by major projects.

Public Comment – *The following persons provided testimony on this item:*

- Sarah Sharpe, Fresno Metro Ministry
- Nidia Bautista, Coalition for Clean Air
- Les Clark, Independent Oil Producers Agency
- Jerry Frost, Kern Oil and Refining Company

Moved: Worthley
Seconded: Barba
Ayes: Case, Watson, Worthley, Dominici, Nelson, Telles
Barba, O'Brien, Vierra, Ornellas

Nays: None

Motion unanimously carried to adopt proposed amendments to Rule 2201 (New and Modified Stationary Source Review Rule) and Rule 2530 (Federally Enforceable Potential to Emit).

10. PUBLIC HEARING FOR REVISED PROPOSED AMENDMENTS TO RULE 4607 (GRAPHIC ARTS AND PAPER, FILM, FOIL AND FABRIC COATINGS) –George Heinen, Supervising Air Quality Engineer, gave the presentation. The rule amendments reduce allowable Volatile Organic Compound (VOC) limits in inks and coating used in commercial printing. They also incorporate federal material and control standards for larger printing operations. When fully implemented, VOC emissions will be reduced by 18 tons per year.

Supervisor Case stated that she was interested in providing the public with information about how they can choose printers with a lower level of emissions for their home/office. Mr. Sadredin replied that would be a good suggestion to implement in the District's summer Healthy Air Living Campaign. Mr. Sadredin commented that when fully implemented, this Rule is estimated to result in .05 tons of emissions reductions per day. By contrast, the Fireplace Rule will result in 16 tons of emissions reductions per day.

Public Comment – *The following persons provided testimony on this item:*

- Jeff Obert, Hewlett Packard

Moved: Watson
Seconded: Case
Ayes: Watson, Telles, Case, Nelson, Dominici, Barba,
O'Brien, Worthley, Vierra, Ornellas
Nays: None

Motion unanimously carried to adopt revised proposed amendments to Rule 4607 (Graphic Arts and Paper, Film, Foil and Fabric Coatings).

11. PROPOSED AMENDMENTS TO THE 2007 OZONE PLAN TO EXTEND THE RULE ADOPTION SCHEDULE FOR ORGANIC WASTE OPERATIONS – Errol Villegas, Planning Manager, gave the presentation. These amendments will extend the rule development schedule for Rule 4566 (Organic Waste Management). The extension is required to allow field studies to determine the impact of various Best Management Practices (BMP). The studies will be conducted in 2009 and will show the effectiveness of BMP in reducing VOC as well as Greenhouse Gases (GHG). The data will allow the rule makers to target the most effective BMP, maximizing

reductions while avoiding unnecessary costs to the operators. Even with the extended schedule, the District is still on track to meet its requirements for rate of progress towards attainment under the plan.

Public Comment – *The following persons provided testimony on this item:*

- Nidia Bautista, Coalition for Clean Air

Moved: Watson

Seconded: Worthley

Ayes: O'Brien, Dominici, Telles, Nelson, Case, Worthley
Barba, Watson, Vierra, Ornellas

Nays: None

Motion unanimously carried to adopt the proposed amendments to the 2007 Ozone Plan.

12. ADOPT THE DISTRICT'S 2009 LEGISLATIVE PLATFORM - Seyed Sadredin, Executive Director/APCO introduced Tom Jordan, Senior Policy Advisor who gave the presentation. The 2009 Legislative platform outlines the District's five priorities for legislative action in the coming year. These include: addressing climate change issues, alternatives to agricultural burning, incentive funding, designation of an air quality Enterprise/Empowerment Zone and re-authorization of the federal transportation bill. Mr. Jordan shared some of the District's successes of this past year, including on the State level: receiving more Proposition 1B funds than any other Air District; the passing of AB2522 (Arambula), which granted the District additional authority to generate local incentive revenue; and lastly, San Joaquin Valley air quality challenges were elevated in importance for statewide policy discussions. At the Federal level, the District obtained a \$5 million grant for incentive programs, and S.3496 (Boxer) was introduced to establish a federal air quality empowerment zone which authorizes \$20 million per year for incentive programs.

Paul Yoder, the District's state Legislative Advocate gave a report on current issues in the State Legislature that may affect the District. Mr. Yoder stated there are several projects that could be delayed due to the budget crisis. Dr. Telles asked if the Proposition 1B funding was in jeopardy. Mr. Sadredin stated the District had already received the first installment of Proposition 1B funding, and he is hopeful that the issues will be resolved before the next installment is due.

Lynn Juacquez, the District's federal Legislative Advocate, also gave a brief overview on their activities in Washington D.C. on behalf of the District. Mr. Sadredin stated that he and Tom Jordan will be visiting Sacramento and Washington, D.C. on behalf of the District, and welcome any volunteers from the Governing Board who would like to attend. Supervisor Worthley stated the trip last year to Washington D.C. was very successful at raising awareness of District issues to our legislators, including Senator Boxer. Mr. Sadredin stated travel dates will be distributed to Board

Members as soon as they are available.

Ed Yates, California League of Food Processors also spoke about the current issues in the Legislature that are affecting their group. Dr. Telles stated the citizens of the San Joaquin Valley were the best represented at the last two Air Resources Board meetings.

Public Comment – *The following persons provided testimony on this item:*

- Nidia Bautista, Coalition for Clean Air
- Marcie Powell, Salida
- Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition

Moved: Watson

Seconded: Case

Ayes: Watson, Barba, Dominici, Case, Worthley, Nelson
Telles, O'Brien, Vierra, Ornellas

Nays: None

Motion unanimously carried to adopt the 2009 Legislative Platform, with a statement of support of the increased weight mandate, provided safety issues are addressed. The Board also supports, in concept, an additional statewide fuels tax as an alternative funding source.

13. ECONOMIC FEASIBILITY ANALYSIS AND RELATED CONSIDERATIONS FOR NEW REGULATIONS – This item was continued until the January 15, 2009 Governing Board meeting.

14. CONTINUED STUDY AND ASSESSMENT OF RESIDENTIAL WOOD BURNING ISSUES – Jessica Hafer, Senior Air Quality Specialist gave the presentation addressing and offering staff recommendations concerning issues that had been raised at the October Board meeting relating to the latest amendments to District Rule 4901. Also several members of the public from the Greater Frazier Park area expressed concerns regarding the application of Rule 4901 in that area. The presentation was followed by extensive discussion by the Board.

On the question relating to the impact of declaring wood burning prohibitions at a PM_{2.5} concentration of 30ug/m³ as opposed to 35 ug/m³ the Board directed the staff to include an analysis of this matter as a part of the District's end of the season report to the Board.

Supervisor Case reiterated her concern regarding the health impacts of wood smoke in the foothill communities and expressed support for additional air quality monitoring in those areas.

In relation to further monitoring in the foothills, Supervisor Worthley recommended no further action at this time, except to conduct an analysis of the Frazier Park area.

Supervisor Dominici agreed with Supervisor Worthley that the impact to Frazier Park needs to have further study.

On the concerns raised by the members of the public from the Greater Frazier Park area, Mr. Sadredin suggested that if directed by the Board, the District could build a model for a specific wood burning forecast for Frazier park as soon as possible, acknowledging their unique situation as the only region in the Valley above 3,000 ft. that has natural gas. Supervisor Barba made a motion to that effect. Supervisor Watson seconded the motion.

Public Comment – *The following persons provided testimony on this item:*

- Laura Fultz, Coalition for Clean Air
- Steve Combs, Fresno Energy House
- Marcie Powell, Salida
- Brian Bierman, Frazier Park
- Chuck Woerner, Frazier Park
- Frank Williams, Frazier Park
- Charlie Arnfelt, Arnfelt's Firewood

Moved: Barba

Seconded: Watson

Ayes: Nelson, Case, Watson, Worthley, Dominici, Barba
Telles, Ornellas

Nays: O'Brien, Vierra

Supervisor O'Brien and Supervisor Dominici left at 1:04 p.m.

15. ENHANCEMENTS TO EXISTING INCENTIVE PROGRAM TARGETING SURPLUS NO_x REDUCTIONS FROM HEAVY-DUTY OFF-ROAD DIESEL VEHICLES SUBJECT TO STATEWIDE REGULATION – Seyed Sadredin, Executive Director/APCO gave the presentation on staff's recommendation for enhancing the District's existing Heavy-Duty Engine Emission Reduction Incentive Program and establishing a new, voluntary program called the Fleet Accelerated Surplus Turnover (FAST) program for off-road equipment. The new program will serve as an alternative to opting into the State Surplus Off-Road Opt-in for NO_x (SOON) program. In addition to the existing repower and retrofit components, FAST will add a new equipment replacement component. NO_x and PM emission reductions through the new program will be ensured to be surplus, beyond those required by the statewide In-Use Off-Road Diesel Vehicles Regulation.

The District expects to achieve cost-effective emission reductions from the FAST program that will meet or exceed those anticipated for the SOON program. The new program will ensure limited funds are maximized for emissions reduced in the San Joaquin Valley. Since it is voluntary, FAST also will better address the concerns of

affected fleet owners by allowing them some flexibility to make financial decisions to participate based on the unique circumstances of their respective companies.

Public Comment – *The following persons provided testimony on this item:*

- Mike Lewis, Construction Industry Air Quality Coalition
- Gordon Downs, Downs Equipment Rentals
- Gary Rohm, Echo Equipment Corporation

Moved: Worthley

Seconded: Watson

Ayes: Barba, Case, Watson, Nelson, Telles, Worthley
Vierra, Ornellas

Nays: None

16. APPOINTMENT OF GOVERNING BOARD MEMBERS TO HEARING BOARD MEMBER REVIEW COMMITTEES – Seyed Sadredin, Executive Director/APCO asked for two volunteers from each of the three Regions to serve on the Hearing Board Member Review Committees. Supervisor Barba and Supervisor Dominici will serve for the Central Region. Supervisor Worthley and Supervisor Watson will serve for the Southern Region and Councilmember Vierra and Supervisor O'Brien will serve for the Northern Region.
17. VERBAL UPDATE ON AIR DISTRICT'S WINTER HEALTHY AIR LIVING (HAL) CAMPAIGN – Seyed Sadredin, Executive Director/APCO introduced David Lighthall as the District's new Health and Science Advisor. Jaime Holt, Chief Communications Officer, gave the presentation. She stated Supervisor O'Brien recorded a great radio spot for the Winter Healthy Air Living campaign and she will play that at a later date when he is present. She also previewed the District's new Winter Healthy Air Living commercials filmed by Governing Board members. There are two versions, one for the northern portion and one for the southern portion of the Valley, which will be shown in TV ads and movie theaters.
18. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) - Jeff Lindberg, ARB Liaison reported on the Air Resources Board's Scoping Plan and the Heavy Duty Diesel Rule recently adopted by the ARB.
19. EXECUTIVE DIRECTOR/APCO COMMENTS – Seyed Sadredin, Executive Director/APCO reported on a joint meeting with the South Coast Air Board scheduled for January 28, 2009. He confirmed Supervisor Worthley and Councilmember Vierra planned to attend. He is waiting for confirmation from Supervisor O'Brien and/or Supervisor Dominici as to whether they will be able to attend. His hopes for the meeting include working together and identifying common areas of interests between the two worst designated air quality areas in California.

Mr. Sadredin stated that ARB has proposed a workgroup to launch the methodology to establish the limits for SB 375, which requires the institution of Greenhouse Gas goals and targets for regions in San Joaquin Valley and the rest of the state. Mr. Sadredin and the APCO from South Coast have been nominated by the California Air Pollution Control Officer's Association to sit on the ARB workgroup.

Mr. Sadredin also reported that the City Selection Committee, made up of one City Council Member from each of the 59 cities in California, is in the process of formation. Their first meeting is scheduled for January 29, 2009 at 6:00 p.m.

20. GOVERNING BOARD MEMBER COMMENTS – Supervisor Ornellas stated it was an honor and pleasure to serve as the 2008 Chair of the San Joaquin Valley Air Pollution Control District's Governing Board.
21. CLOSED SESSION – Meeting adjourned to Closed Session at 1:40 p.m. Phil Jay, District Counsel announced the Board voted unanimously not to file a petition for hearing before the California Supreme Court in the case Association of Irrigated Residents v. District, #F053956. Closed Session was adjourned at 2:20 p.m.

ADJOURN

Meeting adjourned at 2:30 p.m.

*Next scheduled meeting of the Governing Board: Thursday, January 15, 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.*