

Action Summary Minutes  
San Joaquin Valley Unified Air Pollution Control District  
**GOVERNING BOARD MEETING**

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

**Thursday, October 16, 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 9:00 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, <b>Chair</b>	San Joaquin County
Henry T. Perea, Councilmember	City of Fresno
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember, <b>Vice Chair*</b>	City of Ceres
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor	Tulare County

*Absent*

Ronn Dominici, Supervisor	Madera County
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\*Attended meeting in Northern Region Office

3. APPROVAL OF CONSENT CALENDAR – Items numbers 15 – 26 *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.*
  15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, SEPTEMBER 18, 2008.
  16. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2008 AND 2009
  17. RECEIVE AND FILE OPERATION STATISTICS SUMMARIES FOR SEPTEMBER 2008

18. RECEIVE AND FILE BUDGET STATUS REPORT AS OF SEPTEMBER 30, 2008
19. APPROVE AGREEMENT WITH PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC FOR THE ANALYSIS OF PHOTOCHEMICAL ASSESSMENT MONITORING STATIONS (PAMS) DATA IN THE AMOUNT OF \$48,350
20. APPROVE AGREEMENT WITH SONOMA TECHNOLOGY, INC. TO ASSESS THE AIR MONITORING NETWORK IN THE AMOUNT OF \$99,864
21. APPROVE AGREEMENT WITH LIEBERT CASSIDY WHITMORE IN THE AMOUNT OF \$45,000 FOR SPECIALIZED LABOR/MANAGEMENT LEGAL SERVICES
22. APPROVE AND AUTHORIZE THE CHAIR TO EXECUTE AMENDMENT NO. 2 TO THE EMISSION REDUCTION INCENTIVE PROGRAM CONTRACT #C-1794 WITH THE CITY OF CHOWCHILLA TO EXTEND THE TERM OF THE CONTRACT TO APRIL 11, 2009
23. CITIZENS ADVISORY COMMITTEE (CAC) RECOMMENDATION TO APPOINT NEW PUBLIC ALTERNATE HEARING BOARD MEMBER
24. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4607 (GRAPHIC ARTS AND PAPER, FILM, FOIL AND FABRIC COATINGS)
25. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 2201 (NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE) AND RULE 2530 (FEDERALLY ENFORCEABLE POTENTIAL TO EMIT)
26. REJECT CLAIMS FOR DAMAGES AGAINST SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Public Comment – None

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

***Motion unanimously carried to approve Items 15-26 as recommended.***

4. ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4354 (GLASS MELTING FURNACES) – George Heinen, Supervising Air Quality Engineer, gave the presentation for the proposed amendments to Rule 4354 (Glass Melting Furnaces),

which control emissions from industrial glass manufacturing plants that make flat glass (windows and automotive windshields), container glass (bottles and jars) and fiberglass (insulation). The amendments will reduce oxides of nitrogen (NOx) emission limits and add emission limits for oxides of sulfur (SOx) and directly emitted particulate matter. When fully implemented, NOx emissions would be reduced by 2.2 tons per day.

Supervisor Worthley asked if there would be any reduction in PM10 as a result of these proposed amendments. Mr. Heinen responded there would be a reduction of 0.10 of a ton per day of direct PM, in addition to a reduction in SOx. Mr. Sadredin added that emission limits were expressed in PM10 and not PM2.5 because EPA does not currently have an acceptable test method to measure PM2.5. Therefore, the District is establishing the limits in PM10, with the intention of gaining corresponding reductions in PM2.5.

Supervisor Watson asked about the difference between staff's cost per ton estimates and stakeholder's cost per ton estimates. Mr. Heinen responded some of the emissions limits were changed in the proposed rule since the time that stakeholder costs were calculated and that staff mitigated excessive costs with changes to the draft prior to today's meeting. Mr. Sadredin also stated the original draft of Rule 4354, which original cost estimates from industry were based on, could have resulted in the shutdown of container glass facilities. For the current proposed version of this Rule, compliance costs are expected to closely match estimates in the staff report.

Dr. Telles asked about the use of SCR and the safety of the process. Mr. Heinen responded that the main concern with SCR is the ammonia that is used in the process. However, the amount of ammonia used is very small, and is similar to amounts commonly used in the Valley for various processes.

Supervisor O'Brien asked if the District recalculates the cost effectiveness of a rule after it is adopted. Mr. Sadredin replied that normally we do not, but if a problem arises due to implementation of a rule, we will re-evaluate the cost.

Dr. Telles asked if the Board adopts a rule that is economically infeasible, would the District be subject to legal exposure from industry instead of environmental groups. Mr. Jay replied that the District would not be exposed to a greater legal risk by adopting the Rule.

Supervisor Watson moved to adopt the proposed revisions to the Rule without submission to EPA for a minimum of eighteen months. Mr. Sadredin recommended the motion include that the Rule will be re-evaluated by the Board in eighteen months. Supervisor Case suggested a target re-evaluation date of twelve months.

Mr. Sadredin stated that staff would present information on how the District considers the cost and economic feasibility of air pollution controls at the next Board

Meeting in December. Supervisor Watson complimented Mr. Sadredin and staff on the information included in the report.

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

- Mark Tussing, Owens-Illinois
- Phil Ross, Glass Packaging Institute
- John Carroll, Saint Gobain Containers, Inc.
- Sarah Sharpe, Fresno Metro Ministry
- Steven Smith

Moved: Watson

Seconded: Worthley

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

Nays: O'Brien

***Motion carried with a vote of 9-1, to adopt revised proposed amendments to Rule 4354 (Glass Melting Furnaces), with the directive that Rule should be re-evaluated as soon as possible with a target of twelve months and a deadline of eighteen months. In addition, Paragraph 9 and 10 should be deleted from the Resolution, as they direct Mr. Sadredin to submit the Rule to the EPA.***

***Supervisor Watson clarified for the record that for Item #4, the Board replaced the 24-hour measurement with the 30-day rolling average measurement.***

*The Governing Board took a short recess at 10:30 a.m. and reconvened at 10:56 a.m. (due to a medical emergency)*

*Dr. Telles rejoined the meeting at 11:02 a.m.*

5. ADOPT PROPOSED AMENDMENTS TO RULE 4306 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – PHASE 3) AND RULE 4307 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS – 2.0 MMBTU/HR TO 5.0 MMBTU/HR) AND PROPOSED NEW RULE 4320 (ADVANCED EMISSION REDUCTION OPTIONS FOR BOILERS, STEAM GENERATORS, AND PROCESS HEATERS GREATER THAN 5.0 MMBTU/HR) – George Heinen, Supervising Air Quality Engineer gave the presentation. These amendments are estimated to generate 4.5 tons per day of NOx reductions and will require the most effective controls available and technologically feasible. Rule 4320 also would produce SOx reductions of 3.6 tons per day. The Rules are the most stringent regulations in the country yet offer affected businesses a variety of cost-effective compliance options.

Supervisor Worthley asked about extending the compliance schedule for school districts. He stated public entities should not be entitled to different compliance schedules than private entities. Councilmember Perea agreed that both public and private entities should be treated equally.

Supervisor Ornellas asked how any money received as emission fees would be spent. Mr. Sadredin stated the money would be spent as the Board had previously approved in the spending plan for the District's grant programs and that the District's priority is obtaining the highest amount of emission reductions attainable at the lowest cost.

Supervisor Watson complimented staff and the industry for their efforts toward development of this Rule. He stated he supports Mr. Sadredin's recommendation to appoint an Ad Hoc Committee to examine future expenditures.

Dr. Telles also expressed his concerns regarding provisions for alternative emission fees. Mr. Sadredin stated the District is starting with the most effective rules in the nation, and that alternative emission fees are for further reduction in addition to complying with stringent requirements.

Supervisor Case stated she would like to see the business amortization rate be considered when requiring that equipment be replaced to lower emissions.

Supervisor O'Brien stated school districts should be subject to the same rules and deadlines as other sources. He also stated the District needs to make sure their cost effectiveness calculations are correct.

Councilmember Vierra recommended looking at the cost-effectiveness of mobile sources. He also stated the general public needs to realize the costs of goods and services will go up as more businesses incur costs to comply.

Mr. Sadredin confirmed that the version of the Rule under consideration removes the exemption for school districts and all large boilers of the same size have the same compliance schedule. He also stated at Board direction, staff will revisit rules to ascertain cost-effectiveness.

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

- Manuel Cunha, Nisei Farmers League
- Jerry Frost, Refiners Council
- Rob Neenan, California League of Food Processors
- Jeff Lindberg, Air Resources Board
- Blair Knox, California Independent Petroleum Association
- Les Clark, IOPA
- Jan Ennenga, Manufacturer's Council
- Suzanne Noble, WSPA
- Nidia Bautista, Coalition for Clean Air
- Sarah Jackson, EarthJustice

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

**Motion unanimously carried to adopt proposed amendments to Rule 4306 (Boilers, Steam Generators and Process Heaters – Phase 3) and Rule 4307 (Boilers, Steam Generators and Process Heaters – 2.0 MMBTU/HR to 5.0 MMBTU/HR) and proposed new Rule 4320 (Advanced Emission Reduction Options for Boilers, Steam Generators and Process Heaters Greater than 5.0 MMBTU/HR).**

*The Governing Board adjourned to lunch and Closed Session at 12:07 p.m.*

The Governing Board reconvened at 1:20 p.m.

14. CLOSED SESSION – This Item was held out of order. Phil Jay, District Counsel announced the Governing Board voted unanimously to direct the District Counsel's office to initiate litigation. After filing the complaint, the defendants' names and specific case information will be disclosed upon inquiry.
  
6. ADOPT PROPOSED AMENDMENTS TO RULE 4603 (SURFACE COATING OF METAL PARTS AND PRODUCTS) AND RULE 4606 (WOOD PRODUCTS COATING OPERATIONS) – George Heinen, Supervising Air Quality Engineer gave the presentation. The amendments establish VOC content limits and work practice standards for large appliance parts and products and metal furniture and flat wood paneling product coating operations. These amendments are needed to satisfy federal Reasonable Available Control Technology and control Technique Guideline requirements. Existing sources already comply with the requirements under District guidelines.

Public Comment - None

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

**Motion passes unanimously to adopt proposed amendments to Rule 4603 (Surface Coating of Metal Parts and Products) and Rule 4606 (Wood Products Coating Operations)**

7. ADOPT PROPOSED AMENDMENTS TO RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS) AND APPROVE THE DISTRICT'S 2008-09 WINTER CAMPAIGN FOR HEALTHY AIR LIVING WITH A PUBLIC OUTREACH FOCUS ON WOOD BURNING – Seyed Sadredin, Executive Director/APCO introduced Jessica Hafer, Senior Air Quality Specialist, and Jamie Holt, Chief Communications Officer, who gave the presentation on the Proposed Amendments to Rule 4901. The Rule amendment lowers the No Burn level from 65 µg/m<sup>3</sup> to 30 µg/m<sup>3</sup> for residential wood burning fireplaces and stoves and is expected to increase the number of “No Burn” days. These amendments also apply to chimeneas and outdoor fireplaces. The Rule amendment reduces 16.9 tons of PM<sub>2.5</sub> on a Valley wide “No Burn” day and achieves an average of 2.4 tons per day of PM<sub>2.5</sub> reductions in the winter. Rule 4901 is coupled with the District’s Burn Cleaner grant program and Winter Healthy Air Living.

Supervisor Case asked why propane gas stoves are treated differently than natural gas stoves. Jessica Hafer responded natural gas service is more economical and tends to be located in urban areas which are targeted due to a greater problem with wood smoke. Supervisor Case asked if any monitors are located in mountain communities such as Shaver Lake, Oakhurst, Spring Valley or Sonora. Mr. Sadredin responded there are currently none, but the District is examining the need for them and has held community meetings to examine the issue. He mentioned there is a lot of support in these communities for monitoring. Supervisor Case stated that she feels there is a need for monitoring in these communities due to the effect on public health. Mr. Sadredin stated the District could partner with the U.S. Forestry Service to use their monitoring devices to gather data on the consequences of wood burning. Supervisor Case asked if new developments in these communities have to comply with the wood burning restrictions on new devices. Jessica Hafer responded they are only exempt from the “No Burn” days, but still have to comply with limitations on new devices and are included in the outreach effort to burn as cleanly as possible.

Supervisor Watson asked if the Community Incentive Grant would only apply to people who do not have access to natural gas. Mr. Sadredin stated the priority for the grant would be to fund wood burning devices in areas that do not have natural gas service.

Dr. Telles stated the amount of the grant money available seems inadequate considering the number of households who burn wood in the Valley. He stated the grant money that is available should go to people who need it, especially Low Income Home Energy Program participants. Mr. Sadredin stated last year’s Operation Clean Air incentive program, which gave away a \$250 incentive, had difficulties giving away \$100,000. He also stated if the Board desires to increase funding, he will explore other opportunities to increase funding to the grant. Dr. Telles asked to not only increase funding, but limit the availability of the grant to people who really need it. Mr. Sadredin stated, at the Board’s direction, the first priority for the grant monies will be to give the incentive to low income households.

Supervisor Case expressed her support for this program and the involvement of Valley schools. She stated that limiting the grant to low-income households may not reduce emissions as much as giving the incentive to anyone who is interested, as air pollution doesn't know socio-economic levels. She stated the amount of money should be increased to reach more households.

Supervisor O'Brien stated this Rule is the best way to engage the public in the battle against air pollution and there is a need to educate the public on how to burn cleaner via text, email, etc. He also stated he would prefer having a three-tiered system for wood burning, including Burning Prohibited days, Burning Discouraged days and Learn How to Burn Cleaner days. He stated this would be the best way to educate the public that their choices affect everyone's air quality and he would like to see incentive dollars spent equally in all three regions, not just limited to low-income households. He asked whether the 20 µg/m<sup>3</sup> contingency will be considered by the Board before 2015. Mr. Sadredin stated failure to adopt the 20 µg/m<sup>3</sup> contingency will be a federal violation. He stated that some provisions are in place to return the item to the Board in 2012, to reconsider the District's compliance status and whether other legally defensible alternatives are available at that time. He stated it is his hope that the District will never have to use the 20 µg/m<sup>3</sup> contingency plan. He also clarified that the District's message for this campaign is No Burning today or Burn Cleaner today.

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

- Chris Caron, Duraflame
- Louise Johnson, Catholic Diocese of Stockton
- Robert C. Cline, Consultant (Sacramento)
- Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition
- Jay Hanson, HPBA Pacific
- Sarah Jackson, EarthJustice
- John Crouch, HPBA
- David Lighthall, Central Valley Health Policy Institute
- Nidia Bautista, Coalition for Clean Air
- Les Scott, California Hot Wood
- Tom Hastin, Bakersfield, CA
- Bill Bondeaov, Bakersfield, CA
- Billy Nuckles, Bakersfield, CA
- John Whitlock, Bakersfield, CA

Supervisor Worthley asked if adding a third tier – Burning Discouraged at 30-35 µg/m<sup>3</sup>, would be considered a major change to the Rule. Mr. Sadredin replied that such a change would be significant based on recent court rulings.

Dr. Telles stated the 10 to 15 µg/m<sup>3</sup> level is potentially unhealthy and has a significant effect on cardiovascular health. He agreed that 30 µg/m<sup>3</sup> is a safer level than 35 µg/m<sup>3</sup>. He stated he is concerned that if open hearth burning is allowed to



continue to the 30 µg/m<sup>3</sup> level there will be a continuous level of 20-30 µg/m<sup>3</sup>. He suggested a greater incentive for more of the population to switch to EPA approved inserts would keep the levels lower.

Supervisor Case asked if the Board adopts the Rule at the current threshold of 30 µg/m<sup>3</sup> and finds that it is too stringent, are they committed to the 30 µg/m<sup>3</sup> threshold. Mr. Sadredin responded that it could be changed later if it could be demonstrated that any shortfall is made up by additional regulations on other sources of air pollution.

Supervisor Case directed staff to come back to the Board in the future with a plan for collecting air quality data in the foothill mountain area. In addition, she asked for a report at the end of this fireplace season as to the number of “No Burn” days called due to the lower threshold of 30 µg/m<sup>3</sup>. Also, she asked for a report on the success of the incentive program. Chairman Ornellas stated upon passing the motion, these directives would be made.

There was an extended discussion on whether one “No Burn” trigger level should be set at 30 or 35 µg/m<sup>3</sup>. While there was unanimous support from the Board for the Rule, some Board members felt that a 35 µg/m<sup>3</sup> threshold was more appropriate.

Supervisor Perea moved to adopt the proposal as written.

Moved: Perea

Seconded: Telles

Ayes: Barba, Watson, Telles, Case, Perea, Ornellas

Nays: Worthley, O'Brien, Nelson, Vierra

***Motion passes 6-4 to adopt proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and approve the District's 2008-09 winter campaign for Healthy Air Living with a public outreach focus on wood burning.***

***Supervisor Case made a motion to: direct staff to identify the cost of completing a study to collect air pollution data for the foothill mountain areas above 3,000 ft, and to report on the additional number of “No Burn” days generated by lowering the threshold to 30 µg/m<sup>3</sup>; report to the Board on the status of the incentive funds and if they need to be increased; and direct staff to work with industry in public outreach to promote cleaner burning methods.***

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

- Jay Hanson, HPBA Pacific

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

Chairman Ornellas, at Dr. Telles' suggestion, directed staff to investigate whether it makes scientific and health sense to use visible smoke as the trigger to the enforcement of Rule 4901; and also, if the investigation finds it necessary, to relax the parameters of the Rule.

*Supervisor Worthley and Councilmember Perea left the meeting at 4:00 p.m.*  
*Supervisor Watson left the meeting at 4:07 p.m.*

8. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) – Jeff Lindberg, ARB Representative, gave a brief update of the ARB Board Meeting and the agenda for the upcoming week, including a report to the ARB Board on recently enacted legislation including AB2522 and SB375.

*Supervisor O'Brien and Councilmember Vierra left the meeting at 4:30 p.m.*

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

- Esteban Gutierrez, SJVAPCD Employee
- Georgia Stewart, SJVAPCD Employee
- Diane Falcon, SJVAPCD Employee
- Saul Gamez, SJVAPCD Employee
- Madeline Armi, SJVAPCD Employee
- Kevin Smith, SEIU
- Kari Fuqua, SJVAPCD Employee
- Ellyce Baldwin, SJVAPCD Employee
- Robert Rinaldi, SJVAPCD Employee
- Mike Buss, SJVAPCD Employee
- Daniela Simunovic, CRPE (spoke at 9:05 a.m.)

10. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) - Mary-Michal Rawling gave a report on the Citizen's Advisory Committee meeting held on October 7, 2008. She stated several public comments were heard from the SEIU Employee Group at their meeting as well. She reported three to seven CAC members are interested in serving on the workgroups for items coming before the Board during the next year. She also stated that several members are interested in the SOON program. The predominant issue during their meeting was focusing on the quorum issues plaguing the CAC. The City interest group does not seem to be properly represented to take action on any items. She asked for guidance from the Governing Board to resolve these issues.

11. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) – Carolyn Rose, Personnel Director gave the presentation recognizing the following employees:
  - Jeff Voorhees, 5 years of service
  - Saul Gamez, 10 years of service
  - Patrick Houlihan, 10 years of service
  - Nick Pierce, 10 years of service
  - Errol Villegas, 10 years of service
  - Esther Davila, 15 years of service
  - Vicki Caine, 15 years of service
  
12. EXECUTIVE DIRECTOR/APCO COMMENTS - Seyed Sadredin, Executive Director/APCO discussed his recommendation that the Board Chair appoint an Ad Hoc Committee to review the incentive issues and grant spending issues and DMV legislation. He stated he planned to poll the Board members at a later date and report back on the Board members who are interested in serving on this Committee. He also reminded the Board there are several copies available of the Annual Report to the Community which he highlighted earlier today.
  
13. GOVERNING BOARD MEMBER COMMENTS –There were no Governing Board comments

## **ADJOURN**

Meeting adjourned at 4:41 p.m.

*Next scheduled meeting of the Governing Board: Thursday, December 18, 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.*