

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, April 16, 2009
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, Chris Vierra, called the meeting to order at 9:12 a.m.

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

Present:

Tony Barba, Supervisor, **Vice Chair**

Ronn Dominici, Supervisor

Henry J. Forman, Ph.D.

Michael G. Nelson, Supervisor **

William O'Brien, Supervisor*

Leroy Ornellas, Supervisor*

John G. Telles, M.D.

Chris Vierra, Councilmember, **Chair**

Raymond Watson, Supervisor**

J. Steven Worthley, Supervisor

Kings County

Madera County

Appointed by Governor

Merced County

Stanislaus County

San Joaquin County

Appointed by Governor

City of Ceres

Kern County

Tulare County

*Attended meeting in Northern Region Office

**Attended meeting in Southern Region Office

Absent:

Judy Case, Supervisor

Fresno County

3. APPROVAL OF CONSENT CALENDAR – Items numbers 14 – 19 *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.*

14. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, MARCH 19, 2009

15. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2009

16. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR MARCH 2009
17. RECEIVE AND FILE BUDGET STATUS REPORT AS OF MARCH 31, 2009
18. SET HEARING DATES FOR FURTHER ACTION ON RULE 4570 (CONFINED ANIMAL FACILITIES)
19. APPROVE MOU FOR THE GENERAL BARGAINING UNIT; APPROVE MOU FOR THE SUPERVISORY BARGAINING UNIT; APPROVE CHANGES TO THE DISTRICT'S COMPENSATION PLAN FOR GENERAL AND SUPERVISORY EMPLOYEES; APPROVE RELATED CHANGES TO THE PERSONNEL RULES SECTION OF THE DISTRICT'S ADMINISTRATIVE CODE

Public Comment – None

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

Motion unanimously carried to approve Consent Calendar Items 14-19.

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

- Laura Fultz-Stout, Coalition for Clean Air
- Raquel Ortega, Private Citizen
- Laura Ramirez, Private Citizen
- Jason Flores, Private Citizen
- Nick Robinson, Private Citizen
- Alegria DelaCruz*, Center on Race, Poverty and the Environment

**Public Comment given during Item # 12 – Governing Board Member Comments*

In addition, the report from the Citizens Advisory Committee (CAC) was given during this portion of the meeting. Mary-Michal Rawling, Chair of the CAC gave the report on the April 7, 2009 meeting. She stated the CAC welcomed two new members, one from Kings County and one from Merced County. She thanked the members of the Board who facilitated that process. Ms. Rawling stated the CAC voted unanimously for Fabian Ceballos, owner of Fabian's Collision Center in Tulare to fill a vacant position on the Environmental Justice Advisory Group (EJAG) as Ethnic Small Business Owner. She reported there are still two vacancies on EJAG including, one Tulare County At-Large Representative and one more Ethnic Small

Business Owner. She also reported the CAC received updates on the Agricultural and Residential Wood Burning Programs, a rule development activities update, Outreach and Communications activities, and the three Senate Bills that are on today's Governing Board Agenda.

5. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) – Carolyn Rose, Personnel Director gave the presentation and recognized the following employees for five years of service to the District:

- Catherine Redmond, Assistant Counsel II
- Dennis Roberts, Senior Air Quality Engineer

9. AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN MEMORANDUM OF UNDERSTANDING WITH YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT FOR THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TO PERFORM AIR QUALITY MODELING SERVICES AND BE REIMBURSED FOR THOSE SERVICES AT A RATE NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000) – Seyed Sadredin, Executive Director/APCO gave the presentation. He stated this proposal will authorize a Memorandum of Understanding with Yolo-Solano Air Quality Management District under which our staff will perform specialized air quality modeling to evaluate a proposal for a 660 MW natural gas-fired power plant within Yolo-Solano's boundaries. Yolo-Solano AQMD requested this assistance because of our technical and engineering expertise.

Supervisor Worthley stated he believes that helping a neighboring air district is a good idea, but asked for assurance that District staff will not be taken away from work that needs to be done in the Valley to attend to this project. In addition, he asked for clarification regarding indirect costs, such as mileage. Mr. Sadredin replied the labor charged by the District will cover all overhead costs. He also stated the time expected to complete the project is minimal and Yolo-Solano has agreed to reimburse the District for any overtime costs.

Public Comment – None

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

Motion unanimously carried to authorize the Executive Director to sign Memorandum of Understanding with Yolo-Solano Air Quality Management District for the San Joaquin Valley Air Pollution Control District to perform air quality modeling services and be reimbursed for those services at a rate not to exceed four thousand dollars (\$4,000)

6. END OF YEAR REPORT ON THE 2008-09 WOOD BURNING SEASON –Seyed Sadredin, Executive Director/APCO presented the winners of the District’s first annual “Kids For Clean Air” Contest. The contest asked fourth and fifth grade students throughout the Valley to have their friends and family sign Healthy Air Living pledge cards. The following teachers and students were recognized as winners of the Kids for Clean Air contest: In the Southern Region, Supervisor Ray Watson presented the awards to the following classrooms:

Kern County:

- Bear Mountain Elementary School – Ms. Christine Caldwell’s Fourth Grade Classroom, Mr. Jim Ventura’s Fourth Grade Classroom, and Ms. Alicia Gama’s Fifth Grade Classroom
- Cesar E. Chavez Science Magnet – Mrs. Woods’ Fourth/Fifth Blended Classroom.

In the Northern Region, Supervisors William O’Brien and Leroy Ornellas presented the awards to the following classrooms:

Merced County:

- Yamato Colony School – Mr. Filiberto Fuente’s Fourth Grade Classroom

San Joaquin County:

- Cleveland Elementary – Mr. Adrian Nickols’ Fourth Grade Classroom
- George McPharland Elementary – Ms. Shirley Kreunegel’s Fourth Grade Classroom
- Victor Elementary – Ms. Erica Haley’s Fifth Grade Classroom

Stanislaus County:

- Agnes Baptist Elementary – Mr. Gary Carpenter’s Fifth Grade Classroom
- Sisk Elementary – Christine Collier’s Fourth Grade Classroom

In the Central Region, Chairman Vierra presented the awards to the following classrooms:

Fresno County:

- Burrell Elementary – Ms. Mary Funk’s Fourth Grade Classroom
- John Burroughs Elementary – Ms. Susan Sullivan’s Fifth Grade Classroom
- Century Elementary – Ms. Kimberly Bullfinch’s Fourth Grade Classroom and Mr. Robert Millar’s Fifth Grade Classroom
- A.E. Mills Elementary – Ms. Diane Lopez’s Fourth Grade Classroom, Ms. Susan Ginise’s Fifth Grade Classroom, Ms. Erica Correia’s Fifth Grade Classroom, Ms. K. Hurt’s Fifth Grade Classroom and Ms. Terri Chavez-O’Donnell’s Fifth Grade Classroom
- Sunset K-8 – Ms. Lorena Navarro’s Fourth Grade Classroom
- Wilson Elementary – Ms. Kelly Lee’s Fifth Grade Classroom

Kings County:

- Admiral Akers Elementary – Mr. Michael Hall's Fifth Grade Classroom
- Frontier Elementary – Ms. Tara Hall's Fifth Grade Classroom
- Meadow Lane – Ms. Deborah Weaver's Fourth Grade Classroom

Madera County:

- Rivergold Elementary – Ms. Nancy Coulombe's Fourth Grade Classroom

Tulare County:

- Buena Vista Elementary – Ms. Terry Bessinger's Fifth Grade Classroom
- Strathmore Elementary – Mr. Ernesto Hernandez' Fourth Grade Classroom

In addition, Jaime Holt, Chief Communications Officer, Scott Nester, Planning Director and David Lighthall, Health and Science Advisor gave a presentation on the end of the year report on the 2008-09 wood burning season detailing the following:

- "Kids for Clean Air" public outreach partnership contest with fourth- and fifth-grade Valley classrooms.
- Revised "Check Before You Burn" outreach messages as part of the Healthy Air Living initiative and as part of a program promoting changes to District Rule 4901; air-quality and health impacts from wood burning, and identification and promotion of cleaner wood burning options such as the use of EPA-certified wood burning devices, pellet stoves, processed logs and seasoned firewood.
- Distribution of community incentive grants which assisted Valley residents in upgrading wood burning devices to cleaner-burning gas or wood devices as part of the Burn Cleaner Program.
- Public health benefits from the implementation of Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters).
- Season-end statistics, including forecasting accuracy and compliance measures.

Supervisor Worthley stated he was contacted by fireplace dealers who felt the incentive amount was too high. He stated the goal should be to expend all of the money in one year while replacing as many devices as possible. Mr. Sadredin stated the District is revisiting the incentive amount to find the "sweet spot" to make the incentive appealing to residents and still replace as many devices as possible. Supervisor Worthley stated it would be more effective to target the "worst offenders" of wood burning devices to get more impact from the replacement. Mr. Sadredin stated the District is working closely with dealers to reach these targets.

There was significant discussion on the health effects of exposure to PM2.5 and the drop in unhealthy air days this season due to the implementation of Rule 4901. In addition there was discussion regarding the impact of the economic downturn and transport data on emissions. Mr. Sadredin stated there are good indicators that this Rule was effective, but there is more information to come. Dr. Telles noted the drop

in PM2.5 readings from 2002 to the current level is tremendous in terms of exposure. He also stated the level is way too high, as evidenced by the study based in London which showed that PM exposure to just 10-15 $\mu\text{g}/\text{m}^3$ is significant. He stated that even the best air quality days are still not healthy. Mr. Sadredin stated the District is currently processing the Annual Emission Inventory Reports which will have significant information on the various sources of pollution in the Valley. He stated the information will be presented to the Board at a future date. Dr. Telles stated that no matter how you look at it, Rule 4901 has been very effective. He stated that in the future, he would like to see the Board increase the budget for incentivizing cleaner burning alternatives to fireplaces. Mr. Sadredin stated he took a proposal to the Budget Sub-Committee who gave approval to triple the budget for this program. He added the District has included \$250,000 dollars for research in the new budget that will be presented to the Board in May. He asked for direction from the Board in the areas that need to be researched.

Supervisor O'Brien asked if there was less participation from schools in the Northern Region. Jaime Holt responded District staff met with many schools in that region and there were ten additional schools that participated in the north but they did not have the average of 2.5 pledge cards per student needed to win. She also stated the District is looking at changing the dates of the contest in the future to try to stay away from the holiday period to facilitate increased participation. Supervisor O'Brien asked for a breakdown of days when the forecast fell between 30 and 35 $\mu\text{g}/\text{m}^3$. He also remarked on the need to do something different with the grants for insert trade outs.

Supervisor Nelson asked when Merced and Madera counties would get real-time PM2.5 monitors and what the cost would be for those. Mr. Nester responded Madera will receive a new monitoring station within the next few months. He stated staff is working on finding a location in Merced to place a real-time PM2.5 monitor. Dr. Telles noted the American Lung Association recommends people to not exercise in the morning or afternoon. He stated based on the numbers shown in this report, the morning would be the best time to exercise. Mr. Sadredin stated Dr. Lighthall is working on a guide for schools on the healthiest times of day to exercise. He stated they will make the guide available to health care providers as well. Dr. Forman noted location of the exercise is also important. He stated exercising away from traffic and busy streets is desirable. Supervisor Watson congratulated all on the success of Rule 4901. In addition, he asked about the status of the inventory of PM2.5, taking into consideration the seasonal variations and the remaining sources. Mr. Sadredin responded this Rule is only a component of the District's plan for reaching the PM2.5 standard. He stated the Board adopted a new PM2.5 Plan in 2008, which has a list of measures that are intended to bring the Valley into attainment by 2015. He stated that while the District has not yet reached attainment, progress is definitely being made.

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

- Mary-Michal Rawling, Merced/Mariposa Asthma Coalition
- Victor Reyes, Private Citizen

- Michelle Garcia, Fresno-Madera Medical Society
- Laura Fultz-Stout, Coalition for Clean Air
- Nick Robinson, Private Citizen

7. APPROVE REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) DEMONSTRATION FOR OZONE STATE IMPLEMENTATION PLANS REPORT – Seyed Sadredin, Executive Director/APCO stated the Reasonably Available Control Technology (RACT) Demonstration for Ozone State Implementation Plans Report is required under the Federal Clean Air Act. He explained that the standards addressed in this Report are minimum standards established by EPA for all states. He stated because the District has some of the toughest regulations in the nation, making these standards is not very difficult. Errol Villegas, Planning Manager presented this Report which satisfies EPA requirements for the 2004 1-hour Ozone Plan and the 2007 8-hour Ozone Plan. This comprehensive report evaluated 55 of the District's ozone precursor (NOx and VOC) rules against multiple federal and state rules and regulations and technology guidelines, as well as against rules from four of California's most progressive air districts (South Coast, Bay Area, Sacramento and Ventura). District staff's analysis concluded that all rules have been found to meet or exceed RACT or are on a schedule to fulfill RACT requirements.

Dr. Forman asked how RACT compares to the No Observable Health Effects Level. He expressed a desire for standards that were health-based. Mr. Sadredin responded RACT is not a health-based standard, it is technology-based. Dr. Telles stated he was surprised that no public comments were included in the report. He also stated he appreciates all of the work that went into this Report, however he is concerned that the District did not follow the format as outlined in the letter from EPA. Mr. Sadredin responded that the level of analysis performed by the District is unprecedented. He stated that the added work and analysis that went beyond the format outlined by EPA was done in anticipation of potential litigation. He also stated the District formatted this Report in a way that provides a full, detailed analysis. Supervisor Worthley stated this document is an analysis of rules adopted by the District to date at the RACT standard, which is a lower-level standard. Mr. Worthley expressed frustration with a lot of time and effort being spent on paperwork, given that the Valley has adopted some of the strongest regulations in the nation. Board Members Forman and Telles expressed a desire for postponing action on this matter to allow further review.

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

- Laura Fultz-Stout, Coalition for Clean Air
- Michelle Garcia, Fresno-Madera Medical Society

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

Motion carried 8-2 to approve Reasonably Available Control Technology (RACT) Demonstration for Ozone State Implementation Plans Report

8. CONSIDER ADOPTING DISTRICT POSITION ON PROPOSED LEGISLATION – Tom Jordan, Senior Policy Advisor presented the report on the District’s proposed position on three legislative proposals:

- In support of SB 382 (Florez), requiring the District to prohibit agricultural burning on days when residential burning is prohibited. This bill is consistent with District policy.
- In support of AB 414 (Galgiani), requiring the Air Resources Board to establish a trade-down program to replace older, higher-emitting trucks with newer, lower-emission trucks. Vehicles being replaced that are newer would be made available to others as part of the program and would provide benefits in the Valley where there are a number of older, seasonal agricultural trucks in use.
- In opposition to SB 554 (Hollingsworth). It would prohibit any air district from adopting regulations restricting or prohibiting wood burning devices in new or existing structures. The District has had a regulation in place limiting emissions from residential wood burning since 1993.

Supervisor O’Brien asked if SB 382 was statewide or would just apply to the San Joaquin Valley. Mr. Sadredin responded this bill would only apply to the San Joaquin Valley. Supervisor Watson suggested the District communicate the fact that the terms of SB 382 have already been established policy within the District. Supervisor Worthley directed staff to ask that SB 382 be amended to apply statewide to any air district with agricultural burning restrictions.

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

- Laura Fultz-Stout, Coalition for Clean Air

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

Motion unanimously carried to adopt District position recommended by staff on proposed Legislation and to direct staff to ask that SB 382 be amended to apply statewide to any air district with agricultural burning restrictions

10. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) – Dr. Telles, who represents the District on the ARB Board, gave the report. He stated he would give updates either verbally or via email in the future. He stated there were 2,395

bills introduced and out of those 200 were related to air quality and climate change. He also stated a lot of the bills were to reverse many of the current rules in place, such as the Truck Rule and the Vapor Recovery Rule. He stated this could result in increased pressure on ARB to delay or amend these rules. He noted the major regulatory item which was approved at the last ARB Board Meeting was regarding tire inflation which is expected to reduce Greenhouse Gas Emissions, improve fuel economy and reduce gasoline consumption. This rule will mandate that auto repair shops inflate tires and complete a form when cars are brought in for service. He also stated the ARB Board approved the Sacramento Metropolitan Area Ozone Plan. In addition, he stated the ARB Board was introduced to the Low Carbon Fuel Standard which is designed to reduce the carbon intensity in fuels by 10% by the year 2020.

Dr. Telles also noted there will be an attempt by ARB to centralize the information regarding grants available to truckers. He stated this information is not easy to find or navigate on the ARB website. Mr. Sadredin stated at the next ARB Board Meeting, they will establish guidelines for AB 118 funding which is a grant program aimed at Greenhouse Gases. He stated it is possible that instead of letting air districts deal with these source categories, the ARB may issue an RFP to solicit private, for-profit entities to run some of these programs. He stated the District will compete in this process if necessary. In addition, he asked for direction from the Board as to how they would like to receive ARB updates in the future. The Board directed staff to work with Dr. Telles and include updates on current and future actions by ARB in the Governing Board packet.

11. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin stated he spoke before the San Joaquin County Board of Supervisors earlier this month, at Supervisor Ornellas' invitation. He stated he is available to give a similar presentation to other Boards or groups upon request. In addition, he stated as part of the District's Economic Assistance Initiative, the District is allowing service station owners to continue to operate past the April 1, 2009 deadline to comply with the Vapor Recovery regulations and is considering options on a case-by-case basis. In addition, he stated the District is giving special deference to remotely located service stations. He noted that the Governor and legislators have become involved and all air districts are essentially following this path. He stated 75% of service stations in the Valley are in compliance at this point.

Mr. Sadredin stated the Valleywide City Selection Committee met on March 31, 2009 and adopted the Procedures a Rotation Schedule. He stated by law, the APCO must manage the election process by sending applications to various candidates, making sure the voting is conducted properly and bringing the final results back before the City Selection Committee. He stated the adopted Rotation Schedule will fill four vacancies on the Board, two Large City Seats, one from City of Stockton and one from City of Visalia. In addition, the two Small City Seats will be filled, one from Kings County and one from Kern County. He stated if everything goes according to plan, these seats will be filled in August of this year. He reported

the District has been working with various cities and counties and the Governor's Partnership on Stimulus Package funding. He stated any other cities or municipalities interested in assistance or partnership regarding these grants can contact the District.

Dr. Forman left at 12:30 p.m.

Supervisor Dominici left at 12:35 p.m.

12. GOVERNING BOARD MEMBER COMMENTS – Supervisor O'Brien noted the picture quality from the Southern and Central Region offices was poor during this meeting. Supervisor Nelson stated they had poor picture quality in the Southern Region offices as well. Supervisor Watson stated this was his first Governing Board meeting in the new Bakersfield office and remarked at how nice it was. In addition, he reminded everyone about the Open House for the District's Bakersfield office on Friday May 1st, 2009 from 10:00 a.m. until 12:00 p.m. Chairman Vierra remarked on his trip to Washington, D.C. with District staff and District stakeholders to lobby for funds. He stated it is very important for the District to have representation there on a continual basis. He stated it was money and resources well spent as they were very successful at making sure that funding for the Central Valley is happening on a regular basis.

ADJOURN

Meeting adjourned at 12:39 p.m.

*Next scheduled meeting of the Governing Board: Thursday, June 18, 2009.
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.*