

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, June 18, 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 9:03 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

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

*Attended meeting in Northern Region Office

Absent:

Judy Case, Supervisor	Fresno County
Raymond Watson, Supervisor	Kern County

3. APPROVAL OF CONSENT CALENDAR – Item numbers 15 – 24 *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, MAY 21, 2009
 16. APPROVE ACTION SUMMARY MINUTES OF THE SPECIAL PUBLIC HEARING HELD ON MAY 21, 2009 FOR REVIEW OF THE 2009-10 RECOMMENDED BUDGET

17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2009
18. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR MAY 2009
19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF MAY 31, 2009
20. APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE REGIONAL TRANSPORTATION PLANNING AGENCIES AND THE DISTRICT
21. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS & CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF CARBONYL COMPOUNDS FOR A TOTAL OF \$38,000
22. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS & CONSULTING INC. TO PROVIDE LABORATORY ANALYSIS OF NON-METHANE ORGANIC COMPOUNDS FOR A TOTAL OF \$146,250
23. APPROVE CONTRACT WITH TRACER ENVIRONMENTAL SCIENCES AND TECHNOLOGIES INCORPORATED TO BUILD A HANFORD AIR MONITORING STATION FOR A TOTAL OF \$146,525 AND AUTHORIZE THE EXECUTIVE DIRECTOR/APCO TO ALLOCATE AN ADDITIONAL \$20,000 FOR OTHER EXPENSES TO BRING THE AIR MONITORING STATION TO FULL OPERATION
24. APPROVE AGREEMENT WITH SIFF & LAKE, LLP FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$89,250

Public Comment – None

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

Motion carried unanimously to approve Consent Calendar Items 15-24.

4. PUBLIC COMMENT – Supervisor Nelson and Chairman Vierra each read a statement prior to testimony.

The following persons provided testimony during the Public Comment portion of the meeting:

- Sarah Sharpe
- Daniela Simunovic

- Catherine Garoupa
- Jack Mobley
- Melissa Kelly Ortega
- Nick Robbins
- Jeff Freitas
- Laura Fultz-Stout
- Jim Ganduglia
- Mary-Michal Rawling
- Delores Huerta
- Linda McKay
- Caroline Farrell
- Mark Osborne
- Daniela Simunovic
- Martin Verhoeven
- Manuel Cunha
- Nia Sibley

5. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) – Dennis Tristao, City Interest Group Representative from Kings County gave the presentation. He stated at their last meeting, they received a presentation from Rick McVaigh, on the three Rules that will be considered at today's Board Meeting. He also reported they received an update on the District's 2009-10 Recommended Budget and received updates on the Fast Track Action Plan and Rule 9410 (Employer Based Trip Reduction). He stated they also received reports on current Rules Under Development and the Clean Green Yard Machine Program. He noted the deadline for the Clean Green Yard Machine Program has been extended to increase participation. In addition, he stated they received a report from Melissa Kelly Ortega on the Environmental Justice Advisory Group's activities, including a proposal to develop a fee waiver for Public Records Requests.
6. PUBLIC HEARING TO ADOPT THE DISTRICT'S 2009-10 RECOMMENDED BUDGET AND CHANGE TO GRANT POLICY – Chairman Vierra stated the Board's Ad Hoc Budget Subcommittee met with District staff to review the budget and make recommendations to the Board. He reported on May 21, 2009 the Board held a Public Hearing to hear public testimony concerning the 2009-10 Recommended Budget and set today to consider the adoption of the budget. He noted there is also a recommendation from the Ad-Hoc Budget Subcommittee to increase the authorization of the Executive Director/APCO for approval of the incentive grant contracts from \$20,000 to \$55,000 dollars.

Public Comment – None

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

Nays: None

Motion carried unanimously to adopt the District's 2009-10 Recommended Budget and Change to Grant Policy.

7. ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4311 (FLARES) – George Heinen, Supervising Air Quality Engineer gave the presentation. He reported Rule 4311 (Flares) controls emissions from 137 industrial flares that are used at 87 facilities involved with oil and gas production, sewage treatment, waste incinerators, petroleum refining, and general Volatile Organic Compound (VOC) emission control. He noted the amendments to this Rule will require flare operators to submit flare minimization plans and perform monitoring and recordkeeping. This Rule would also require one facility to reduce Sulfur Dioxide (SO₂) emissions by 66%.

Dr. Telles expressed concerns with the high compliance costs associated with the Rule as reported in the socioeconomic impacts analysis prepared by the independent consultant. Mr. Sadredin stated that, based on findings from the socioeconomic impacts report, the District made adjustments to the Rule to reduce the economic impact on businesses.

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

- Laura Fultz-Stout

Moved: Dominici
Seconded: Barba
Ayes: Telles, Dominici, Nelson, Worthley
Barba, Forman, Vierra

Nays: O'Brien, Ornellas

Motion carried 7-2 to adopt revised proposed amendments to Rule 4311 (Flares).

8. ADOPT PROPOSED AMENDMENTS TO RULE 4692 (COMMERCIAL CHARBROILING) – Supervisor O'Brien noted he was advised to abstain from participating on this item. While Supervisor O'Brien's businesses are not impacted by this Rule, he noted the Rule could possibly impact competitors. George Heinen, Supervising Air Quality Engineer, gave the presentation and recognized Sandra Lowe-Leseth, Air Quality Engineer as Project Lead. He noted Rule 4692 (Commercial Charbroiling) currently only applies to large, chain-driven charbroilers

and affects mostly restaurants, cafes and fast food places. The proposed amendments would add requirements for medium chain-driven charbroilers and large under-fired charbroilers. He stated that an annual limit was added to the Rule to account for low-use units with high volume during special events. He also noted that the District understands that current economic conditions could make paying for retrofits difficult and has made adjustments to make compliance easier for businesses, including extending compliance deadlines and the addition of a proposed economic hardship policy.

Dr. Forman stated it is more important to reduce these types of emissions than other hydrocarbons because these compounds not only contribute to asthma but they are carcinogenic. Supervisor Ornellas asked about the various options available to restaurants to comply with this Rule. Mr. Sadredin described the available options, and noted that the more expensive options while permissible, are not necessarily required by the Rule.

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

- Amalia Chamorro, California Restaurant Association
- Greg Graber, Tahoe Joe's
- Tim Sturm
- Lorraine Salazar, Sal's Mexican Restaurants
- John Pardini
- Skip Slayton, Jake's Tex Mex
- Arthur Unger, Sierra Club
- Paula Maxwell, T.L. Maxwell's

Mr. Sadredin acknowledged that the public workshops were lightly attended by the affected businesses and that much of the concerns raised in today's hearing were not communicated to the District. He stated that one option available to the Board would be to continue the hearing and allow the staff to fully examine the issues raised in today's hearing.

Dr. Forman suggested providing incentive funding to help affected sources comply early or exceed requirements of the Rule. Supervisor Worthley noted the deadline for compliance with this Rule is not for another five years and suggested more outreach to restaurant owners. Chairman Vierra noted this is an important Rule and that opportunities for further discussion should be pursued. He suggested voting on this matter at a future date. Supervisors Nelson and Barba recommended considering this item at the August 20, 2009 Governing Board meeting. Dr. Telles asked to see a presentation with more information on technologies available for compliance with this Rule at the next Board meeting. Supervisor Dominici made a motion to continue this item to the August 20, 2009 Board meeting.

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

Motion unanimously carried to continue this item, adopt revised proposed amendments to Rule 4692 (Commercial Charbroiling), until the August 20, 2009 Governing Board meeting, and to direct staff to meet with stakeholders and vendors to find the best technology available to help businesses comply with this Rule and include a formal proposal with respect to grant funding assistance.

The Governing Board took a recess for lunch at 11:30 a.m.

The Governing Board reconvened at 12:07 p.m.

9. VERBAL REPORT BY TIM TYNER, MS, OF UCSF-FRESNO REGARDING THE FINDINGS OF A CLINICAL STUDY FUNDED BY THE DISTRICT THAT EXAMINED THE IMPACT OF ELEVATED PM 2.5 AND OZONE ON THE PULMONARY HEALTH OF FRESNO ASTHMATIC SUBJECTS – In 2007, the District funded the University of California, San Francisco – Fresno, to conduct a two-year clinical study of the effects of wintertime PM 2.5 and summertime ozone on the respiratory health of asthmatic and healthy individuals living in Fresno. Key findings included the following:
- During the winter study period, chemicals created by the combustion of fuel, wood burning and meat cooking were found in the urine of study subjects;
 - These chemicals, known as quinones, corresponded with ambient levels of PM 2.5;
 - Multi-day periods of elevated PM 2.5 were found to correspond with proportional decreases in lung function and increased respiratory symptoms (wheezing) in asthmatic subjects; and
 - Elevated ambient ozone levels did not result in increased respiratory symptoms or changes in lung function.
 - A follow up study is underway.

Mr. Sadredin thanked Mr. Tyner and the UCSF staff for their hard work on this study. He also recognized the Board for approving the funding for this study, which was the determining factor to UCSF obtaining federal funding for a follow up study. He noted this study captures the unique situation in the Valley and will help with future decisions on where to target resources. Dr. Forman noted this study was well designed and stated finding the threshold levels of exposure would be very helpful. Dr. Telles noted a trend for small airway problems even in healthy people exposed to PM 2.5.

10. PUBLIC HEARING TO CONSIDER PROPOSED RE-ADOPTION OF RULE 4570 (CONFINED ANIMAL FACILITIES) – Mr. Sadredin asked for a moment of silence in honor of Luke Cole, who was the Founder of the Center on Race, Poverty and the Environment. Mr. Cole was killed and his wife injured, in a car accident in Africa several days ago. He then introduced Scott Nester, Planning Manager who gave the presentation along with Sandra Lowe-Leseth, Air Quality Engineer. This Rule covers dairies, feedlots and poultry houses, and imposes work practices to reduce volatile organic compound emissions that contribute to unhealthy levels of ozone. In response to a court order resulting from a lawsuit brought by the Association of Irrigated Residents (AIR) against the District, the Governing Board had set aside Rule 4570 on May 18. AIR sued the District on nine issues shortly after the Rule was adopted in 2006 and the trial court held in favor of the District on all counts. The appeals court upheld the trial court's position on all counts but one, which stated that the District had not sufficiently analyzed the public health benefits of the proposed Rule. An analysis of the public health impacts of the Rule was completed and presented to the Board by Dr. David Lighthall, Health Science Advisor. Mr. Sadredin explained staff realizes this Rule is costly, however, it is a key component in the District's Ozone Strategy. He noted this Rule does present best available retrofit control technology and other districts are copying this Rule.

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

- Brent Newell, Center on Race, Poverty and the Environment
- J.P. Cativiela, Dairy Cares
- Paul Martin, Western United Dairymen
- Rochelle De Groot, De Groot Dairies
- Jason De Groot, De Groot Dairies
- Kevin Abernathy, California Dairy Campaign
- Lucy Arias

Phil Jay, Legal Counsel noted the disk referred to by Mr. Newell of the Center on Race, Poverty and the Environment has not been submitted to the District and, therefore, cannot be part of the record for these proceedings.

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

Motion unanimously carried to re-adopt Rule 4570 (Confined Animal Facilities).

Supervisor Ornellas left at 1:00 p.m.

11. FUNDING SAN JOAQUIN VALLEY EPIDEMIOLOGY STUDY OF HEALTH EFFECTS OF OZONE AND PM2.5 – Dr. David Lighthall, Health Science Advisor gave the presentation. He noted this will be a 12 month health-based epidemiological study on the health effects of ozone and PM 2.5 in the Valley. The

proposed study by the Central Valley Health Policy Institute (CVHPI) would fill a gap in San Joaquin Valley-based epidemiological studies and allow the District and other air quality agencies to more accurately estimate the health and economic benefits of improved air quality resulting from air pollution control measures. A full report of findings will be presented to the District staff and Board at the conclusion of the 12 month study. Dr. Telles voiced his support for this study.

Public Comment – None

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

Motion unanimously carried to fund San Joaquin Valley Epidemiology Study of Health Effects of Ozone and PM2.5.

12. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD ACTIVITIES – Dr. Telles gave a brief update on Air Resources Board (ARB) activities. Highlights from the ARB Board Meeting of May 28, 2009 included the adoption of amendments to State On-Board Diagnostic regulations for light-duty, medium-duty and heavy-duty vehicles; approval of ARB's Local Government Toolkit; an update on Proposition 1B funding and an update on the status of ongoing research to investigate the characteristics of tailpipe emissions from technologies designed to meet the newest diesel engine emission standards. Dr. Telles also gave Board Members a list of upcoming matters before the ARB.
13. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin noted there will be a meeting between several of our Governing Board members and Bay Area Air Quality Management District Board members and staff from the Sacramento Region on July 29, 2009 in the Northern Region (Modesto) Office. He noted staff sent a proposal for joint projects to South Coast AQMD as discussed at their previous meeting, but have not received a response yet. Mr. Sadredin noted the 1600 permit application backlog noted at the previous meeting was a spike due to an exceptionally high workload and dropped to 600 applications within two weeks of the meeting. He also stated that 95% of the District's applications are processed in less than ninety days. In addition, Mr. Sadredin stated the District held a number of Community Chats in the evenings to raise public awareness of District activities and had low to moderate participation so far. He stated he asked the environmental community for assistance to drum up support for future meetings.
14. GOVERNING BOARD MEMBER COMMENTS – Supervisor Barba held up the current Rules and Regulations Binder along with an older Rules and Regulations Binder to show the progress made and work completed by staff and the Board. Chairman Vierra reiterated to the public that everyone who attends the Governing Board Meetings will be heard and their views and opinions are important and will be

considered by the Board in every action they take. He also confirmed with Phil Jay, Legal Counsel, that the Board does not have jurisdiction to censure members or remove them from the Governing Board.

15. PUBLIC COMMENT – None

ADJOURN

Meeting adjourned at 2:03 p.m.

*Next scheduled meeting of the Governing Board: Thursday, August 20, 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.*