

## 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, May 20, 2010**

**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 Vice Chair, Steve Worthley called the meeting to order at 10:45 a.m.
2. ROLL CALL was taken and a quorum was present.

*Present:*

David G. Ayers, Councilmember	City of Hanford
Judy Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Henry J. Forman, Ph.D.	Appointed by Governor
Ann Johnston, Mayor*	City of Stockton
Mike Lane, Councilmember	City of Visalia
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor*	San Joaquin County
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember*	City of Ceres
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor, <b>Vice Chair</b>	Tulare County

\*Attended meeting in Northern Region Office

*Absent:*

Tony Barba, Supervisor, <b>Chair</b>	Kings County
Randy Miller, Councilmember	City of Taft
Michael G. Nelson, Supervisor	Merced County

Sayed Sadredin, Executive Director/APCO presented a plaque to Angie DeSantiago, Clerk to the Boards, acknowledging her eighteen years of service to the District and announced this would be her last Governing Board meeting as she is retiring on June 3, 2010. Ms. DeSantiago stated it has been a pleasure and honor to work with the District staff and Governing Board.

3. APPROVAL OF CONSENT CALENDAR – Item numbers 12 – 27 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.
12. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, APRIL 15, 2010
  13. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2010
  14. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR APRIL 2010
  15. RECEIVE AND FILE BUDGET STATUS REPORT AS OF APRIL 30, 2010
  16. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4570 (CONFINED ANIMAL FACILITIES)
  17. APPOINT MEMBER AND ALTERNATES TO THE DISTRICT'S ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG)
  18. AUTHORIZE INCREASE IN STIPEND FOR HEARING BOARD MEMBERS
  19. APPROVE CONTRACT WITH MILLIMAN, INC. TO PROVIDE ACTUARIAL SERVICES
  20. APPROVE CONTRACT WITH BUILDINGS UNLIMITED TO DEMOLISH, REMOVE AND DISPOSE OF THE FORMER TRACY-PATTERSON PASS AIR MONITORING STATION
  21. APPROVE CONTRACT WITH SCS TRACER ENVIRONMENTAL TO BUILD A MANTECA AIR MONITORING STATION FOR A TOTAL OF \$157,053
  22. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH YOKOHL RANCH COMPANY LLC., TO RECEIVE FUNDS IN THE AMOUNT OF \$9,976,364.32 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED "YOKOHL RANCH" DEVELOPMENT PROJECT
  23. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH H.M. HOLLOWAY, INC., TO RECEIVE FUNDS IN THE AMOUNT OF \$723,620.91 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED H.M. HOLLOWAY LANDFILL PROJECT
  24. AMENDMENT TO MOU FOR FUNDING SAN JOAQUIN VALLEY EPIDEMIOLOGY STUDY OF HEALTH EFFECTS OF OZONE AND PM2.5

25. APPROVE AND AUTHORIZE THE CHAIR TO EXECUTE AMENDMENT NO. 3 TO THE PROPOSITION 1B GOODS MOVEMENT EMISSION REDUCTION PROGRAM FUNDING AGREEMENT #N-1135 WITH BRITE TRANSPORTATION TO EXTEND THE TERM OF THE CONTRACT TO SEPTEMBER 30, 2010
26. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS AND CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF NON-METHANE ORGANIC COMPOUNDS FOR A TOTAL OF \$157,370
27. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS AND CONSULTING INC. TO PROVIDE LABORATORY ANALYSIS OF CARBONYL COMPOUNDS FOR A TOTAL OF \$42,944

Dr. Forman asked to pull Consent Item numbers 16 and 26.

Moved: Watson  
Seconded: Case  
Ayes: Johnston, Ornellas, Vierra, O'Brien, Ayers, Case, Forman  
Lane, Telles, Watson, Dominici, Worthley  
Nays: None

**Motion unanimously carried to approve Consent Calendar Items 12-15, 17-25, and 27.**

16. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4570 (CONFINED ANIMAL FACILITIES)

Dr. Forman stated he was concerned about the production of endotoxins, which he stated is the most potent pro-inflammatory agent produced by biological materials. He asked if any analysis has been done on this agent. Mr. Sadredin responded that while the existing rule did not specifically address endotoxins, this is not the end of the research and information gathering on dairies. He noted at the Board's desire, these compounds could be examined in future research. He suggested this item could be discussed further at the Board's retreat in September.

26. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS AND CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF NON-METHANE ORGANIC COMPOUNDS FOR A TOTAL OF \$157,370

Dr. Forman stated in the measurements of volatile organic compounds listed in the tables in Items 26 and 27 there is no listing of hopains and cholesteroloxides. He stated there are standard methodologies for measuring these compounds and they are not included in the proposal. Rick McVaigh, Deputy APCO responded the compound lists are based on EPA protocols, but that the additional compounds could be considered in future research. Mr. Sadredin noted the District must adhere

to EPA standards for methodology and compounds for this type of research. Dr. Telles noted there is a tracer that could be measured that would give an idea of whether the inventory of that particular segment is accurate or not. He suggested it would be worthwhile to look at if it's not too expensive. Mr. Sadredin stated staff would look into it and get back to the Board. Supervisor Watson added a directive for staff to follow up on Dr. Forman's suggested research.

*Moved:* Watson  
*Seconded:* Dominici  
*Ayes:* Johnston, O'Brien, Ornellas, Vierra, Dominici, Case  
Forman, Lane, Ayers, Telles, Watson, Worthley  
*Nays:* None

***Motion unanimously carried to approve Consent Calendar Items 16 and 26.***

4. PUBLIC COMMENT – None

5. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Chair of the CAC, thanked Ms. DeSantiago for her all of her assistance with the Citizens Advisory Committee. He then reported on the CAC meeting held in May. He noted the CAC is working with staff on outreach for Rule 9410 (Employer Based Trip Reduction). He reported EJAG has adopted their goals for the year and are working with CAC members on various items. He noted several changes that have been made to the order of items on the CAC Agenda to make the meetings run more efficiently.

*The Governing Board took a brief recess at 11:01 a.m.*

*The Governing Board reconvened at 11:11 a.m.*

6. APPROVE AGRICULTURAL BURNING REPORT AND PROPOSED FINDINGS AND RECOMMENDATIONS – Supervisors O'Brien and Ornellas excused themselves from this item as they both have agricultural burn permits with the District. Mr. Sadredin introduced the item and explained staff was involved in a long process with a great deal of research and consultation with experts in industry and various organizations to comply with SB 705, which calls for a prohibition of agricultural burning unless the District finds this would be economically unfeasible for growers. He noted the Agricultural Burning Report and Proposed Findings and Recommendations satisfies requirements in California Health & Safety Code Sections 41855.5 and 41855.6 by establishing new burn prohibitions for some crop types, while postponing burn prohibitions for other crop types where economically feasible alternatives are not yet available. Mr. Sadredin then introduced Rick McVaigh, Deputy APCO, who presented this report along with Samir Sheikh, Strategies and Incentives Director and Errol Villegas, Strategies and Incentives Manager.

Dr. Forman expressed concern at the level of the economic threshold used in the

analysis and wondered how continued agricultural burning would affect the District's extreme non-attainment status. Vice Chair Worthley stated that the District's Smoke Management System is very effective when it comes to preventing violations. Councilmember Lane stated both agricultural and wood burning issues also concern him and expressed that he believes there should be better allocation of federal dollars to fund efforts to reduce emissions from these sources. Supervisor Watson asked about the possibility of using the large increase in grants for mobile sources to invest in contract shredders and low emission trucks.

Supervisor Watson asked how NOx and VOC reductions would be achieved. Mr. McVaigh noted the proposal has some additional prohibitions that would reduce the amount of allowable burning for orchard removals from 20 acres to 15 acres and prohibit most of the burning of almond prunings. Supervisor Watson stated the report was well-balanced and very thoughtful. Dr. Telles noted the cancer risk due to exposure from agricultural burning is relatively small. He mentioned the need for a law requiring biomass plants to get a certain percentage of their materials from agricultural waste.

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

- Ted Highland
- Katie Patterson, San Joaquin Farm Bureau
- Chris Trott, California Biomass Energy Alliance
- Sarah Jackson, Earthjustice
- Gerald Newell
- Steve Spate, Raisin Bargaining Association
- Ron St Clair, Rio Bravo Fresno
- Chris Valadez, California Grape and Tree Fruit League
- Emilio Miranda, Allied Grape Growers
- Manuel Cunha, Nisei Farmers League
- Mark Arax, Senator Florez' Office
- Susan Good, Senator Florez' Office
- Socorro Gaeta, Fresno Metro Ministry
- Shirley Batchman, California Citrus Mutual
- Ryan Jacobsen, Fresno County Farm Bureau
- Pat Holley, Convanta Delano
- Marvin Dean

In response to a statement read by Senator Florez' staff member, Dr. Telles noted it would not be a service to the Valley to restrict funds here over such a small issue. Mr. Sadredin stated this report is not predicated on an assumption that there is no biomass capacity for agricultural waste. Mr. Sadredin also noted with respect to the 10-year amortization assumption, it is a standardized methodology used by agencies throughout the state for determining cost effectiveness, and is not meant to reflect the actual vineyard life. He also clarified that this report does not recommend that all growers with less than 3500 acres be allowed to burn almond prunings. He stated a case-by-case analysis would need to be performed to determine if economically

feasible alternatives are available.

Councilmember Lane suggested postponing adoption of this item to avoid jeopardizing funding to the District. Supervisor Dominici stated the Board should make a decision today and move forward. Mr. Sadredin noted the ARB has scheduled a hearing on May 27, 2010 to concur with the District's findings. He stated if the Board does not take action today, then ARB cannot take action and on June 1, 2010 all open burning will be banned. Mayor Johnston stated she has heard no compelling reason for delaying adoption of these regulations today. She stated this is a balanced approach that addresses all the issues.

Supervisor Watson asked about the opportunity for public input into this report. Mr. Sadredin responded staff held two public workshops which were video teleconferenced to all three regions and numerous individual meetings with stakeholder groups and individual businesses and members of the public. Supervisor Watson stated he believed the staff report indicated the exceptions provided for in the report comply with the intent of SB 705 as it was written. He asked about opportunities for accommodating new information in the future if the proposed findings were adopted at this meeting. Mr. Sadredin stated this proposal can be revisited at any time. Supervisor Watson stated he supported the adoption today and noted his disappointment that Senator Florez' staff did not take the opportunity to participate in the public process. Dr. Telles noted his concerns about catastrophic events, such as extreme weather conditions. Dr. Telles also suggested that the Board be provided with information on an annual basis to assess the current biomass fuel prices and the biomass fuel market. Mr. Sadredin stated staff would take that as a directive from the Board. Vice Chair Worthley stated the Board should go forward today and look at other modifications based on new and better information, down the road.

*Moved:* Johnston  
*Seconded:* Vierra  
*Ayes:* Dominici, Ayers, Case, Telles, Watson  
Johnston, Vierra, Worthley  
*Nays:* Forman, Lane  
*Abstain:* O'Brien, Ornellas

***Motion carried 8-2 with 2 abstentions to approve Agricultural Burn Report and Proposed Findings and Recommendations.***

*Supervisor O'Brien left at 1:30 p.m.*

7. VERBAL REPORT – PREVIEW OF THE DISTRICT PARTICULATE MATTER CONFERENCE TO BE HELD JUNE 9 AND 10, 2010 – Dr. David Lighthall, District Health Science Advisor gave a brief preview of the District's upcoming Particulate Matter Conference to be held on June 9 and 10, 2010 at the Holiday Inn, Fresno. He stated there would be a series of presentations designed for the public that would emphasize the findings of a number of research projects in the Valley. He stated the

nation's top atmospheric scientists and agency representatives would give valuable information on the sources, health impacts and policy implications of this criteria pollutant. He noted the public is encouraged to attend and can get more information and register on the District's website: [www.valleyair.org](http://www.valleyair.org). Supervisor Case stated she would be interested in a recorded version of this event, since she will not be able to attend. Dr. Lighthall stated he believed staff would be able to accommodate this request. Mr. Sadredin noted staff could also assist with overnight accommodations if needed.

8. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD ACTIVITIES – Dr. Telles noted there were three items discussed at the recent ARB meeting including a full day's analysis of the Cap-And-Trade program of AB 32. He noted a final review and Board decision on this item would be made in September. Vice Chair Worthley thanked Dr. Telles for his service on the Air Resources Board and stated he is doing a wonderful job.
9. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin reminded the Board about the retreat to be held on September 29 and 30, 2010 and encouraged all to attend. He also stated Congressman McNerney and Senator Boxer recently introduced the Air Quality Empowerment Zone legislation.
10. GOVERNING BOARD MEMBER COMMENTS – None
11. CLOSED SESSION – Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Government Code 54956.9, Three Potential Cases.

District Counsel, Phil Jay, announced the Board voted unanimously in Closed Session for the District to intervene in the case of Medical Advocates vs. EPA, which deals with the approval of the District's Ozone Attainment Plan.

## **ADJOURN**

Meeting adjourned at 2:08 p.m.

*Next scheduled meeting of the Governing Board: Thursday, June 17, 2010. Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, and 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.*