

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 20, 2012
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 O'Brien called the meeting to order at 9:07 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

Oliver L. Baines III, Councilmember	City of Fresno
Tony Barba, Supervisor	Kings County
Skip Barwick, Councilmember, Vice Chair	City of Tulare
Sally Bomprezzi, Councilmember	City of Madera
Judy Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Harold Hanson, Councilmember**	City of Bakersfield*
William O'Brien, Chair *	Stanislaus County
Leroy Ornellas, Supervisor***	San Joaquin County
Dr. Alexander Sherriffs	Appointed by Governor
Hub Walsh, Supervisor*	Merced County
J. Steven Worthley, Supervisor	Tulare County
Chris Vierra, Mayor*	City of Ceres
Raymond Watson, Supervisor**	Kern County

* Attended meeting in Northern Region Office

** Attended meeting in the Southern Region Office

*** Attended meeting in Northern Region Office and arrived at 9:30 a.m.

Absent:

Dr. Henry Jay Forman, Ph.D.	Appointed by Governor
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This item was taken out of turn

4. ELECTION OF OFFICERS –

Seyed Sadredin, Executive Director/APCO gave the presentation on this item which proposed appointments of the Governing Board Chair and Vice-Chair according to a revised Governing Board Officer Rotation Schedule. Mr. Sadredin explained corrections to the rotation schedule were necessary this year to accommodate the city member rotation schedule, which will ensure that city members meet requirements to serve in this capacity. Under the proposed schedule Councilmember Skip Barwick would be elected as Chair and Supervisor Hub Walsh would be Vice Chair for 2013.

Public Comment: None

Moved: Worthley

Seconded: Case

Ayes: Baines, Barba, Barwick, Bompreszi, Case, Dominici,
Hanson, Sherriffs, Walsh, Worthley, Vierra, Watson,
O'Brien

Nays: None

Motion unanimously carried to appoint Vice Mayor Barwick as Chair and Supervisor Walsh as Vice Chair of the SJVAPCD Governing Board for 2013.

5. APPROVAL OF CONSENT

CALENDAR – (Item Numbers 20 - 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.*

20. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, OCTOBER 18, 2012

21. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2013

22. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR OCTOBER AND NOVEMBER 2012

23. RECEIVE AND FILE BUDGET STATUS REPORT AS OF NOVEMBER 30, 2012

24. RECEIVE AND FILE THE 2011 AND 2012 ANNUAL REPORTS ON THE DISTRICT'S INDIRECT SOURCE REVIEW PROGRAM

25. RECEIVE AND FILE DISTRICT'S ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

26. RECEIVE AND FILE LISTING OF REFUNDS FOR FISCAL YEAR 2011-12

Public Comment: None

Moved: Case
Seconded: Bomprezzi
Ayes: Baines, Barba, Barwick, Bomprezzi, Case, Dominici,
Hanson, Sherriffs, Walsh, Worthley, Vierra, Watson,
O'Brien
Nays: None

Motion unanimously carried to approve Consent Calendar Items 20 – 26.

6. PUBLIC COMMENT – *The following persons provided testimony during the public comments portion of the meeting:*

- D.C. Snow
- Manuel Cunha,
Nisei Farmers League

7. REPORT ON DISTRICT-SANCTIONED COMMUNITY SERVICE PROJECTS

– Mr. Sadredin gave a report on the work by District staff during the past year on District-sanctioned community service projects, under a program approved by the Board two years ago. He noted the work of District staff is not always viewed favorably by all Valley residents and stated this was an opportunity for staff from all three regions to interact with their communities in a different light. Mr. Sadredin commented that there is no cost to the District because of these efforts, which are completed on the employees' own time.

Highlights of community service projects for 2011-12 included: Central region - "Christmas in July" toy drive to benefit Children's Hospital; a canned food drive for the Fresno County Community Food Bank; a monthly donation drive to benefit Naomi's House for women; a monthly donation drive for the Poverello House, four blood drives and more than \$300 was raised in support of the inaugural Race for Alzheimer's through a bake sale and ice cream sales. In the Northern region, staff completed framing, weatherizing and painting two Habitat for Humanity homes in Modesto and participated in various blood drives. In the Southern region, the District participated in the American Cancer Society Relay for Life by raising money through a bake sale and luminary sale. In addition, staff conducted a food drive benefiting the Kern County Community Action Partnership Food Bank; held several events to support HALT (Helping Animals Live Tomorrow); and donated items to the Jamison Children's Center for abused and neglected children. In addition, a District-wide toy drive collected more than 300 new toys for homeless and displaced children through the Poverello House. Mr. Sadredin thanked staff for their efforts, noting they are the most productive,

hardworking and generous workforce in the public and private sector. He also thanked the Board for allowing staff to conduct these activities on behalf of the District.

Supervisor O'Brien congratulated and thanked staff for all of their efforts on the charitable activities.

8. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Fresno County Industry Ag Primary CAC member, gave the presentation on items discussed by the Citizens Advisory Committee (CAC) at their meeting on December 4, 2012. He reported District staff gave an update on the PM2.5 Plan, Healthy Air Living activities and Environmental Justice Advisory Group Activities. He noted there was discussion regarding the Air Resources Board (ARB) representation at the CAC meetings, and members asked ARB staff to have appropriate staff present to answer relevant questions at future CAC meetings. Dr. Sherriffs noted he will support efforts to have appropriate ARB staff participate in future CAC discussions.

Public Comment: None

9. APPROVE ENHANCED PUBLIC OUTREACH PROMOTING THE REAL-TIME AIR ADVISORY NETWORK (RAAN) – Jaime Holt, Chief Communications Officer, gave the presentation on this item which proposed to allow the District to embark on enhanced multimedia outreach regarding the District's Real-Time Air Advisory Network (RAAN) to target even more users throughout the eight county service area. She reported new outreach efforts include the District's new iPhone application, and enhanced media outreach through the District's existing contract with Jeffrey Scott Advertising.

Supervisor Case noted that getting real-time air quality information is extremely valuable to Valley residents. Councilmember Baines stated the iPhone app is friendly, innovative and easy to use. Supervisor Walsh asked about the timeframe for other platforms including Android. Mr. Sadredin stated plans are in place for early-2013 after receiving feedback on the current app. Dr. Sherriffs asked if there was a mechanism to contact users of the applications. He suggested partnering with health groups to think about ways to use this application to promote exercise and increase public awareness of air quality.

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

- Steve Spate
- Joseph Navarro
- Jerry Long
- Tom Frantz, Association of Irrigated Residents
- Cindy Kagle
- Joe Miller, West Kern Water District
- Kevin Hall, Central Valley Air Quality Coalition

Moved: Walsh
Seconded: Worthley
Ayes: Baines, Barba, Barwick, Bompreszi, Case, Dominici,
Hanson, Ornellas, Sherriffs, Walsh, Worthley, Vierra,
Watson, O'Brien
Nays: None

Motion unanimously carried to approve enhanced public outreach promoting the Real-Time Air Advisory Network (RAAN).

This item was taken out of turn

3. RECOGNITION OF THE OUTGOING BOARD MEMBERS: SUPERVISOR DOMINICI, SUPERVISOR WATSON AND SUPERVISOR ORNELLAS –

Chairman O'Brien noted that Supervisor Dominici, Supervisor Watson and Supervisor Ornellas are retiring from the Governing Board at the end of 2012. He commented as a new member several years ago, there was a huge learning curve to gain knowledge of air quality and the District, and these Board members served as valuable mentors. He thanked each one of them for their service before presenting each one with a plaque of appreciation.

Supervisor Dominici thanked the Board and noted he has enjoyed his 12 years of service on the Board. He reminisced about the various members who helped him learn about the District when he first began on the Board. He also introduced Supervisor Tom Wheeler, who will represent Madera County on the Governing Board, beginning in January 2013.

Supervisor Watson commented that he has enjoyed his 4 years of service on the Board. He stated the District is the most professionally and efficiently run agency that he has ever been involved with. He acknowledged the tremendous progress made towards improving air quality, in some of the worst conditions in the nation. He commented that he has never seen such strong management and leadership and sense of collaboration, with not only those impacted by air quality but those who must make efforts to assist with improving air quality. He noted the sense of transparency in these efforts is something to be proud of.

Supervisor Ornellas stated it has been an honor and a privilege to serve on this Governing Board. He stated the learning never ends and noted his proposed replacement on the Board will be Supervisor Bob Elliott, representing San Joaquin County. He thanked all for their efforts and friendship.

Manuel Cunha, representing the Citizens Advisory Committee (CAC) and the Citizens Advisory Group of Industries (CAGI), thanked Supervisors Dominici, Watson, and Ornellas for their tremendous efforts toward improving air quality in San Joaquin Valley with a balanced approach to economic and environmental concerns.

10. APPROVE AND AUTHORIZE CONTINUED ADMINISTRATION OF THE STATEWIDE SCHOOL BUS RETROFIT PROGRAM FOR OTHER CALIFORNIA AIR DISTRICTS – Mr. Sadredin noted once again the District has been asked by ARB to administer and manage the grant program for 18 other air districts in California. He noted that ARB’s request is due to the outstanding performance of the Board and staff in previous efforts at managing public funds and improving air quality. He then introduced Peter Christensen, ARB representative. Mr. Christensen thanked the Board, Mr. Sadredin and District staff for leadership and efforts on behalf of this program and encouraged Board members to approve this item to continue their good work on behalf of school children in the state of California. Mr. Christensen noted during the past several years, the District has implemented the replacement of over 314 school buses throughout California, most in the Valley, and over 1500 retrofits of school buses. He commented that over 100,000 school children breathe easier because of these efforts.

Supervisor O’Brien stated that this item and Mr. Christensen’s comments were a testament to the hard work and efficiency of District staff. He thanked staff for doing a great job.

Public Comment: None

Moved: Worthley
Seconded: Sherriffs
Ayes: Baines, Barba, Barwick, Bomprezzi, Case, Dominici, Hanson, Ornellas, Sherriffs, Walsh, Worthley, Vierra, Watson, O’Brien
Nays: None

Motion unanimously carried to approve and authorize continued Statewide School Bus Retrofit Program.

11. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH TESORO VIEJO, INC. TO RECEIVE AN ESTIMATED \$13,901,416 IN FUNDS FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED “TESORO VIEJO SPECIFIC PLAN” DEVELOPMENT PROJECT – Dave Warner, Permit Services Director, gave the presentation on this item which proposed a Voluntary Emission Reduction Agreement (VERA) with Tesoro Viejo, Inc. for the purpose of mitigating air quality impacts of the proposed “Tesoro Viejo Specific Plan” development project in Madera County. Supervisor Dominici commented the Madera Board of Supervisors has been tough on development and agriculture interests that would negatively impact air quality over many years. He noted the developers of this particular project have assured them that they will continue to work with the District to mitigate air quality impacts. He also thanked District staff for working with the developers on this item.

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

- Brett McCaffrey, Tesoro Viejo, Inc.
- Elizabeth Jonasson, Coalition for Clean Air
- Dave Mitchell, Michael Gravitass and Associates
- Chris Acree, Revive the San Joaquin
- Greg Hine
- Matt Treiber, Madera County Planning Department
- Manuel Cunha, Nisei Farmers League
- Kevin Hall, CVAQ
- Norman Allander, Madera County Planning Director

Supervisor Worthley asked if this project's Environmental Impact Report (EIR) was currently being litigated. Mr. Sadredin responded it is, by the City of Fresno. Supervisor Worthley clarified this project is still subject to Indirect Source Review Rules. Councilmember Baines noted this project is very large and complex. He clarified the City of Fresno has not dismissed the air quality impacts of this project but is relying on the District to address those. He asked if more information should be built into this agreement to make him more comfortable supporting it. Mr. Sadredin responded many of the air quality issues raised today have been addressed in this agreement. Regarding questions raised about methodology, Mr. Sadredin stated this agreement provides a satisfactory streamlined mechanism to answer pertinent questions every step of the way.

Supervisor Case clarified the Board was not voting to approve the actual project today, which was in the jurisdiction of Madera County, but to approve the agreement to mitigate impacts if the development occurs. Supervisor Watson stated this looks like a project that was much in compliance with good planning. Supervisor Watson also inquired about the ability of the District to enforce the mitigation requirements. Mr. Sadredin responded that mitigation requirements are legally enforceable as a condition of the approval of the EIR as well as the legally binding terms of the mitigation agreement with the District. He noted this agreement is legally binding and can be enforced along with the Indirect Source Review with penalties for violation. Dr. Sherriffs commended staff for their hard work on this item and for being resolute in negotiating this agreement with the developer. He asked if there was any support to table this item for a month to allow the Board more time to consider. Supervisor Dominici made a motion to approve this item as recommended by staff.

Moved: Dominici
Seconded: Bompreszi
Ayes: Baines, Barba, Barwick, Bompreszi, Case, Dominici,
Hanson, Ornellas, Walsh, Worthley, Vierra, Watson,
O'Brien
Nays: Sherriffs

Motion carried 13-1 to approve Voluntary Emission Reduction Agreement with Tesoro Viejo, Inc. to receive an estimated \$13,901,416 in funds for the

purpose of mitigating air quality impacts of the proposed “Tesoro Viejo Specific Plan” development project.

12. ADOPT THE PROPOSED PM2.5 PLAN – The Chair, Supervisor O’Brien, announced that due to the length of this item, the Board would hear the staff report first, followed by a break for lunch and Closed Session and then would reconvene for the remainder of the Public Hearing.

Samir Sheikh, Strategies and Incentives Director, gave the presentation on this item, along with David Lighthall, Ph.D., the District’s Health Sciences Advisor, Errol Villegas, Strategies and Incentives Manager and Jessi Fierro, Supervisor. He explained the 2012 PM2.5 Plan is the latest effort in the District’s ongoing mission to improve the Valley’s air quality and protect the health of Valley residents. He noted this 2012 PM2.5 Plan specifically addresses EPA’s 2006 standard (National Ambient Air Quality Standard, or NAAQS) for PM2.5, and builds upon long-term and aggressive strategies adopted by the Board, including the 2007 Ozone Plan and the 2008 PM2.5 Plan. He stated this plan relies on the latest science and best available information as its foundation, and was developed through an extensive public process. The resulting comprehensive, multi-faceted strategy achieves significant emissions reductions that will bring the Valley into attainment by 2019, with the majority of Valley residents seeing attainment well ahead of the 2019 deadline.

Staff presented an overview of 2012 PM2.5 Plan Strategy, including:

Local (District) Strategy:

- Wide-ranging regulations that reduce emissions from various Valley industries (stationary sources) and the general public. These regulations address stationary source emissions from boilers and steam generators, internal combustion engines, glass melting furnaces, turbines, and other sources. Additionally, the general public, employers, and small businesses are also involved in reducing emissions by complying with regulations that focus on residential wood burning, employee commuting, commercial cooking, and other sources.
- Risk-based approach that prioritizes measures that expedite attainment of the standard and provide the greatest public health benefits.
- Incentive programs that target cost-effective mobile sources not under the direct jurisdiction of the District, including on and off-road vehicles and equipment.
- Technology advancement efforts that assist in the development of new zero and near zero-emissions technologies critical to addressing increasingly difficult air quality standards.
- Research/Further studies that will continue to develop policy-relevant air quality science and additional potential opportunities for clean air strategies.

- Policy and legislative efforts that assist in shaping new legislation and policies at the local, state, and federal levels that promote emission reduction efforts.
- Outreach efforts that assist in educating and empowering the public in getting involved in efforts to reduce emissions and improve the Valley's air quality.

State/Federal Strategy:

- Regulations that reduce emissions from the variety of mobile and other sources under state and federal jurisdiction, including on-road sources such as passenger vehicles and heavy duty trucks, and off-road sources such as construction equipment.
- Incentive funding and programs that assist the District in our effort to accelerate reductions from mobile sources.
- Technology advancement efforts including funding and collaborative support in the development of new zero and near zero-emissions technologies.

Mr. Sadredin thanked staff for their hard work on this Plan, noting that over one hundred District staff worked on this project. He introduced Karen Magliano, Chief of the Air Quality Data Branch for ARB, explaining that ARB has been a true partner in this process, along with EPA, providing assistance as well as firm oversight. In addition, John DeMassa, Chief of ARB's Modeling and Air Monitoring Branch and Kerry Drake, Associate Director, Air Division for EPA Region IX addressed the Board to encourage adoption of this plan.

Mr. Sadredin informed that Board that EPA published a new PM2.5 Standard during the week prior to this meeting, noting this would require a new plan addressing the same sources and pollutants which leads to a lot of redundancy and uncertainty. He also gave an overview and timeline for a number of additional attainment plans that are due the coming years which illustrate the chaotic transition to new standards that has been a concern of the District under the current provisions of the federal Clean Air Act.

The Governing Board adjourned to lunch and Closed Session at 12:34 p.m.

This item was taken out of turn

19. CLOSED SESSION: District Counsel, Catherine Redmond, announced the Board would adjourn to Closed Session to discuss the following items with no further announcement necessary:

- Performance Evaluation: District Counsel
- Performance Evaluation: Executive Director/APCO

Councilmember Baines left at 1:30 p.m.

The Governing Board reconvened from lunch and Closed Session at 1:34 p.m.

12. ADOPT THE PROPOSED PM2.5 PLAN (Continued)

Supervisor O'Brien clarified that any decision made by the Board today would not be a final decision with regards to wood burning, as that item would be carefully considered at a future Governing Board meeting after the completion of a prerequisite public rule development process. He stated he felt it was important to look for a way to allow residents with EPA-certified wood burning devices to burn on more days than those with non-certified wood burning devices, citing health benefits to Valley residents. Councilmember Barwick voiced support for Supervisor O'Brien's comments regarding EPA-certified devices, suggesting the District should find a way to fund more wood stove changeouts. He also expressed concern for the amount of pollution caused by factors out of the Valley's control, including transport from outside the Valley. He noted negative financial impacts on Valley businesses should also be considered. Supervisor Dominici echoed the comments made by Supervisor O'Brien and Councilmember Barwick regarding EPA-certified wood burning devices. Supervisor Watson expressed concerns about the multiple standards set in place by EPA and the confusion that creates. He also suggested working to coincide pollutant standards with EPA diesel truck emissions standards, noting they are currently on a collision course. Dr. Sherriffs noted this plan does a great deal to protect the health of Valley residents. He asked if it were possible to move up some of the proposed measures in this plan by a year or two. Supervisor O'Brien commented that he favored moving up the adoption date for the wood burning rule if a more expanded use of EPA-certified units is incorporated.

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

- Steve Goldstein
- D.C. Snow
- Roger Pierce
- Diane Feidel, Turlock
- Steve Clay, Waterford
- John Burnett
- Jennifer Carlson, Manufacturers Council Central Valley
- Kelly Covello, Almond Haulers and Processors Association
- Katie Patterson, San Joaquin Farm Bureau
- Sarah Sharpe, Fresno Metro Ministries
- Brent Newell, Center for Race, Poverty and the Environment
- Harry Grant, Kern County Growers and Farmers
- Colby Morrow, Southern California Gas Company
- Michelle Garcia, Fresno Madera Medical Society
- Elizabeth Jonasson, Coalition for Clean Air
- Gary Lasky, Sierra Club
- Chris Acree, CVAQ

- Adenike Adeyeye, Earthjustice
- Paul Cort, Earthjustice
- Evan Shipp
- Laura Baker, CRPE
- Scott Alko
- Roger Isom, California Cotton Ginners Association
- Dennis Tristao, Kings County Farm Bureau
- Emily Schrepf, National Parks Conservatory System
- Kevin Abernathy, CA Dairy Council/Dairy CARES/Milk Prod Council
- Steven Spade, Raisin Bargaining Association
- Nick Ortiz, WSPA
- Tom Frantz, AIR/CVAQ

Mr. Sadredin responded to various public comments. Regarding Rule 4901 (Wood Burning Fireplaces), he noted the proposed plan calls for new wood burning measures to be adopted in 2016. He stated based on what has been discussed at the meeting by the Board and the public, he would recommend that the wood burning rule be adopted 2 years earlier for an effective date beginning in the winter of 2014 with added allowances for the EPA-certified units. He suggested that if the Board approved this revised recommendation, the earlier adoption date be mandated in the Board resolution as local mandate under the District's Risk Based Strategy without incorporation in the PM2.5 Plan as a federal mandate.

Several Board members voiced concern about adopting a plan now in light of the recent actions by EPA that would call for adoption of several additional plans targeting the same sources of air pollution with duplicative timelines and requirements. Board members expressed frustration with the level of confusion that results from the current regiment under the federal Clean Air Act. Board members inquired about the deadline for the current future plans and possibility of utilizing this plan as the basis for developing a new plan that meets the current standard as well as the new ones in a more streamlined fashion.

Dr. Sherriffs commented staff has worked very hard to put together a plan that attains the standards the Valley needs to attain, and it would be terrible to waste that effort.

Supervisor Case congratulated staff for their outstanding work on this plan, saying they did an extraordinary job of documenting what they had looked at, how they had looked at it, based on scientific studies. She voiced her frustration at the new EPA standard being adopted the week before this meeting. She also recognized EPA for their work and assistance with this plan. Supervisor Walsh asked about the sanctions for not adopting this plan at today's meeting. Supervisor O'Brien echoed Supervisor Walsh's question and asked about the impacts on Valley residents and future air pollution reduction measures by not adopting this plan today.

Mr. Sadredin clarified that the standard adopted by EPA the week prior to the meeting was a different form of the PM2.5 standard, than currently being considered today, but still address the same sources. He noted there are two time clocks, the sanction clock – which begins 18 months after failing to meet a certain deadline; and the Federal Implementation Plan (FIP) clock – in which EPA would develop the plan themselves, and which begins 24 months after failing to meet the deadline. He noted the deadline to adopt the plan before the Board today is December 31, 2012. He stated if this plan is not approved by the Board today, it would not be able to be considered by ARB at their meeting on January 24th. He stated EPA would then need to make a legal finding of Non-Submittal by the District, which would begin the sanction clocks. Mr. Sadredin added if the Board wanted to elevate this issue as a legislative matter, one option would be to continue with the control measures in the form of adopting a resolution next month, in lieu of adopting this plan today. He noted EPA and ARB would not be pleased by that outcome.

Supervisor O'Brien asked if there would be any delays in implementing the control measures outlined today. Mr. Sadredin responded the Board could implement those as local mandates. Dr. Sherriffs commented it seemed everyone would like a simplified process and voiced his support for moving forward with this plan that has tremendous health benefits for Valley residents. Supervisor Case noted she would not support any actions that would delay cleaning the Valley's air. Supervisor Walsh clarified the standard has not been rescinded but there is a new standard on top of it. He suggested the Board approve the plan today and then have a discussion with ARB and EPA regarding the difficulty in meeting the multiple standards.

Councilmember Barwick stated he would be willing to make a motion to table this item until the January Governing Board meeting, while still allowing the proposed control measures to be implemented at an earlier date than outlined in the plan. Kerry Drake, Assistant Director at EPA Region IX, clarified the timing of the three PM standards adopted by EPA. He noted the plan under consideration today addresses the 24-hour PM2.5 standard which has not changed and urged the Board to adopt the plan. Councilmember Barwick stated based on this clarification, he would withdraw his motion to table this item. Supervisor Worthley made a motion to approve the plan as recommended by staff with the added direction to staff to move up adoption dates for additional wood burning measures to the winter 2014 wood burning season as local mandate.

Moved: Worthley
Seconded: Case
Ayes: Barba, Barwick, Bomprezzi, Case, Dominici, Hanson, Ornellas, Sherriffs, Walsh, Worthley, Vierra, Watson, O'Brien
Nays: None

Motion unanimously carried to adopt the Proposed PM2.5 Plan with

direction to staff to move up adoption dates for additional wood burning measures to the winter 2014 wood burning season as a local mandate under the District's Risk Based Strategy
Supervisor Ornellas left at 4:11 p.m.

13. APPROVE SITE LOCATION AND LEASE AGREEMENT WITH CITY GATE BUSINESS PARK LLC TO LOCATE A NEW NEAR-ROAD NITROGEN DIOXIDE AIR MONITORING STATION IN BAKERSFIELD, CA – Morgan Lambert, Compliance Director, gave the presentation on this item which proposed siting and a lease agreement with City Gate Business Park LLC for a new nitrogen dioxide near-road monitoring station in Bakersfield.

Public Comment: None

Moved: Hanson
Seconded: Dominici
Ayes: Barba, Barwick, Bomprezzi, Case, Dominici, Hanson, Sherriffs, Walsh, Worthley, Vierra, Watson, O'Brien
Nays: None

Motion unanimously carried to approve site location and lease agreement with City Gate Business Park LLC to locate a new near-road nitrogen dioxide air monitoring station in Bakersfield, CA

14. APPROVAL OF PROJECT SELECTIONS FOR THE DISTRICT'S PUBLIC BENEFIT GRANTS PROGRAM – Todd DeYoung, Strategies and Incentives Manager, gave the presentation on this item which proposed to approve the award of \$5,179,963 for 15 emission-reduction projects in the District's three regions through the Public Benefits Grants Program. He noted over their lifetimes, the projects will remove 762 tons of nitrogen oxides, volatile organic compounds and particulate matter from the air basin.

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

- Bob Smith, Bike Bakersfield

Moved: Barwick
Seconded: Barba
Ayes: Barba, Barwick, Bomprezzi, Case, Dominici, Hanson, Sherriffs, Walsh, Worthley, Vierra, Watson, O'Brien
Nays: None

Motion unanimously carried to approve project selections for the District's Public Benefits Grants Program.

15. ADOPT A REPLACEMENT BENEFITS PLAN AS REQUIRED BY GOVERNMENT CODE SECTION 31899.4 FOR CURRENT EMPLOYEES – Catherine Redmond, District Counsel, gave the presentation on this item which

proposed the establishment of a replacement benefits plan for District employees hired before January 1, 2013 as required by Government Code Section 31899.4. In addition, she explained this item proposed approval of a memorandum of understanding with Kern County allowing the District to participate in the County's Replacement Benefits Plan and authorize the Executive Director to take all Administrative steps if necessary to establish the District's own replacement benefits plan prior to January 1, 2013.

Supervisor Case commented to be cautious and stated there is never a no-cost item. She asked what the other counties are doing. Ms. Redmond indicated Kern County adopted their replacement benefits plan in 2003. Supervisor Watson noted Kern County Board of Supervisors approved this item for benefit of the District last week. He stated he understood the contributions of the District and employees would be based on what was promised and that he believed it was the right thing to do for existing employees. Mr. Worthley noted that the replacement benefits plan would authorize benefits the cost of which is already paid for by the District.

Public Comment: None

Moved: Worthley

Seconded: Barwick

Ayes: Barba, Barwick, Bompreszi, Dominici, Hanson,
Sherriffs, Walsh, Worthley, Vierra, Watson, O'Brien

Nays: Case

Motion carried 11-1 to adopt a replacement benefits plan as required by Government Code Section 31899.4 for current employees.

Supervisor Barba left at 4:42 p.m.

16. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs gave the presentation on this item which provided highlights of the ARB meetings of October 18, 2012, November 15, 2012 and December 6, 2012. He also provided a list of upcoming matters before ARB, including: approval of two new State Implementation Plans, including the 2012 PM2.5 Plan for the San Joaquin Valley on January 24, 2013 in Bakersfield. He also noted ARB staff is developing a new State rule to reduce emissions from tractors, harvesters, and other mobile Ag equipment. He wished everyone Happy Holidays.
17. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin wished everyone a Merry Christmas and Happy New Year. He congratulated the Board and noted that Board's intelligent deliberations during the hearing on the PM2.5 Plan goes a long way in putting the federal government on notice that this Board is willing to consider all available options to address the problems created by antiquated provisions of the Clean Air Act. He noted the Board's actions today sent a strong message to those who need to hear it.

18. GOVERNING BOARD MEMBER COMMENTS – Supervisor O’Brien passed the gavel to Councilmember Barwick. Supervisor Watson stated it has been a pleasure serving on the Board and wished all a Merry Christmas and Happy New Year. Supervisor Case wished the same to the departing members of the Board. She told Supervisor O’Brien that he would be missed as the Chair and thanked him for his hard work and also for attending meetings in the Central Region. Councilmember Barwick noted he has some big shoes to fill. He stated on behalf of the Board, he wished to thank Supervisor O’Brien for a job well done. Supervisor Walsh thanked Supervisor O’Brien for stepping up in the rotation and serving as Chair this year in his place.

ADJOURN

Meeting adjourned at 4:48 p.m.

The next scheduled meeting of the Governing Board is: Thursday, January 17, 2013. Meeting starts at 9:00 a.m., in the 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.