

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, September 19, 2013
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, Councilmember Barwick called the meeting to order at 9:01 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, Chair	City of Tulare
Dennis Brazil, Mayor*	City of Gustine
Judy Case, Supervisor	Fresno County
Bob Elliott, Supervisor*	San Joaquin County
Harold Hanson, Councilmember	City of Bakersfield
William O'Brien, Supervisor*	Stanislaus County
Dr. Alexander Sherriffs	Appointed by Governor
Hub Walsh, Supervisor, Vice Chair *	Merced County
Tom Wheeler, Supervisor	Madera County
J. Steven Worthley, Supervisor	Tulare County

* Attended meeting in Northern Region Office

**Attended meeting in the Southern Region Office

***Arrived at 9:03 a.m.

Absent:

Sally Bompreszi, Councilmember	City of Madera
David Couch, Supervisor	Kern County

3. APPROVAL OF CONSENT CALENDAR – (Item 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, AUGUST 15, 2013
15. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2013
16. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR AUGUST 2013
17. RECEIVE AND FILE BUDGET STATUS REPORT AS OF AUGUST 31, 2013
18. APPROVE CONTRACT WITH GRUBER POWER SERVICES FOR MAINTENANCE SERVICES FOR THE DISTRICT'S THREE UNINTERRUPTABLE POWER SUPPLIES IN THE AMOUNT OF \$33,665.79
19. APPROVE \$8,000 OF ADDITIONAL FUNDING IN SUPPORT OF THE OZONE SATURATION STUDY IN THE ARVIN AREA

Public Comment: None

Moved: Barba
Seconded: Wheeler
Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson,
O'Brien, Sherriffs, Walsh, Wheeler, Worthley, Barwick
Nays: None

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

4. PUBLIC COMMENT: None
5. SET NEW DATE FOR THE OCTOBER GOVERNING BOARD MEETING – Seyed Sadredin, Executive Director/APCO, introduced this item by stating that typically the District does not have a Board meeting in November due to the San Joaquin Valley Supervisors Association (SJVSA) meeting and conflict with Holidays. He noted this year the SJVSA meeting will take place in October and several Board members have planned to be in attendance. He asked the Board to select a new date for the October 2013 Governing Board meeting.

Mr. Sadredin recommended three potential Governing Board meeting dates based on results of polls sent to Board members. Supervisor Worthley made a

motion to hold a combined October and November Governing Board meeting on Thursday, November 14, 2013.

Moved: Worthley
Seconded: Wheeler
Ayes: Baines, Barba, Brazil, Case, Elliott,
O'Brien, Sherriffs, Wheeler, Worthley, Barwick
Nays: Hanson

Motion carried 11-1 to set Thursday, November 14, 2013 as the new date for the October Governing Board meeting.

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Fresno County Industry/Ag Representative on the CAC presented highlights from the CAC meeting of September 3, 2013. Mr. Cunha reported the CAC expressed unanimous support from all three interest groups for the adoption of the District's *2013 Plan for the Revoked 1-Hour Ozone Standard*.

He also reported the CAC received an update from Jaime Holt, Chief Communications Officer, on plans for a District survey of Valley residents regarding residential wood burning, lawn care, and driving habits. Lastly, Mr. Cunha reported on the recent Environmental Justice Advisory Group meeting, including that they received an overview of the District permitting process from Arnaud Marjollet, Permit Services Manager; and an overview on the life cycle and incidence of Valley Fever from Dr. David Lighthall, District Health Science Advisor.

7. ADOPT THE PROPOSED 2013 PLAN FOR THE REVOKED 1-HOUR OZONE STANDARD – Jessi Fierro, Program Manager/Legal Specialist, gave the presentation on this item. She reported the Valley's ozone levels are better today than ever. Since 1996, the number of 1-hour ozone violations has been reduced by 97%. She reported in 2013, despite heat episodes and wildfires, the District had no violations of the 1-hour ozone standard. In fact, she noted the District is on the verge of attaining the standard for which the District was once designated as "extreme" nonattainment.

She noted although the District has seen tremendous air quality progress, federal law still mandates that a new plan be adopted for the revoked 1-hour ozone standard. She reported the new plan proposed today takes full advantage of sweeping control measures previously adopted by the District, which will continue to achieve significant emissions reductions in the coming years.

Supervisor Wheeler complimented Ms. Fierro on her presentation. He commented about the effects of wildfires on the Valley's air quality. Mr. Sadredin applauded the efforts of the Board and the Valley's business community for their efforts to improve air quality. Supervisor Walsh asked if the 1-hour ozone plan is still needed if the Valley reaches attainment. Mr. Sadredin affirmed this was due to the fact that it could take some time for EPA to formally declare the Valley in

attainment. He commented the 1-hour ozone plan was a summary of existing controls and measures that will assist with reaching the 8-hour ozone standard as well.

Supervisor Worthley asked if the non-attainment penalty would have to continue until EPA makes the finding that the Valley has reached attainment. Mr. Sadredin responded affirmatively. Supervisor Worthley asked if the vehicle miles traveled have been broken down by the amount of pass through traffic. Mr. Sadredin responded ARB estimates over 50% of the Valley's heavy duty truck traffic is pass through, however little information on personal vehicle pass through is currently available. Supervisor Worthley noted the negative effects of pass through traffic on the Valley's air quality must be carefully considered. Supervisor Case asked if there was any way to put pressure on EPA to act quickly to eliminate unnecessary work on these plans. Mr. Sadredin noted the number of deadlines the District is subject to and delayed action by EPA is a big source of frustration. Supervisor Case recommended a letter be sent by the District Counsel to EPA to remind them of the timeliness factor.

Dr. Sherriffs asked if there was a design value for the old Arvin site at Bear Mountain. Ms. Fierro responded affirmatively. He asked why not declare attainment for 2013. Mr. Sadredin noted there is 95% plus odds that attainment will occur, however the ozone season does not officially end until October 31. He suggested perhaps a document would be ready to send to EPA at the beginning of next year. Supervisor Elliott asked if non-attainment penalties that are assessed before attainment is declared would be refunded by the federal government. Mr. Sadredin responded that the Board crafted an alternative approach that enabled the Valley to keep the funds and reinvest them in the Valley communities to reduce air pollution. Councilmember Barwick noted the difficulty of attaining the ever-changing EPA standards. Mr. Sadredin noted EPA has taken a number of the District's recommendations and incorporated them in their proposed implementation Rule for the 8-Hour Ozone Standard.

Public Comment – *The following persons commented on this item:*

- Valerie Garofsky
- Roger Isom, California Cotton Ginners, Western Agricultural Processors Association, Air Coalition Agriculture Legal Defense Team
- Manuel Cunha, Nisei Farmers League
- Elizabeth Jonasson, Coalition for Clean Air

Moved: Wheeler
Seconded: Barba
Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson,
O'Brien, Sherriffs, Walsh, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to adopt the Proposed 2013 Plan for the Revoked 1-Hour Ozone Standard and approve all 3 staff recommendations.

8. APPROVE AND AUTHORIZE CHAIR TO SIGN CONTRACT WITH GOMEZ RESEARCH FOR A RESIDENTIAL WOOD BURNING AND LAWN CARE USER SURVEY – Jaime Holt, Chief Communications Officer, gave the presentation on this item. She stated historically, the Governing Board has relied on sound science and measurable results in guiding District actions. Ms. Holt stated this proposed contract with Gomez Research is for an in-depth quantitative and qualitative survey of Valley residents, and noted the survey will include a Valley-wide statistically significant sample and will be in English and in Spanish. She stated the survey results will be used to inform the design of the District's incentive programs and outreach efforts to promote cleaner wood burning, lawn care, and driving habits. She noted the results will also be used in the development of upcoming amendments to the District's residential wood-burning rule, which is aimed at reducing wintertime exposure to toxic wood smoke in Valley neighborhoods.

Supervisor Case noted she was impressed with the scientific approach of Gomez Research. She suggested taking an in-depth look at wood burning in local mountain communities and its impact on the Valley's air quality. Mr. Sadredin suggested developing a pilot project focused specifically on the issues in mountain communities so not to confuse with the other standards the Valley is faced with. Supervisor Case suggested bringing this item back for discussion at a future Board meeting.

Public Comment: None

Moved: Worthley
Seconded: Sherriffs
Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson,
O'Brien, Sherriffs, Walsh, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to approve and authorize Chair to sign contract with Gomez Research for a residential wood burning and lawn care user survey.

9. APPROVE CONTRACT WITH CAROUSEL INDUSTRIES FOR THE UPGRADE OF THE DISTRICT'S VIDEO TELECONFERENCING (VTC) SYSTEM IN THE AMOUNT OF \$427,453.67 – Mr. Sadredin explained this is a significant investment in the District's VTC system which is a critical part of how the District

conducts business. He noted as the largest air district in the State of California, the District saves approximately \$229 thousand per year in transportation and travel costs by using the VTC system. He stated these necessary upgrades will reduce the District's VTC maintenance costs by \$78 thousand per year, or \$390 thousand over the life of this project.

Ken Pretzer, the District's ITS Director, noted this project was approved by the Board in their 2013-14 Budget. He reported the District's last VTC upgrade was in 2008, noting major advances in technology over the past five years, making it difficult to get maintenance support with existing equipment.

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

- Manuel Cunha, Nisei Farmers League

Moved: Hanson

Seconded: Worthley

Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson, O'Brien, Sherriffs, Walsh, Wheeler, Worthley, Barwick

Nays: None

Motion unanimously carried to approve contract with Carousel Industries for the upgrade of the District's Video Teleconferencing (VTC) system in the amount of \$427,453.67.

10. UPDATES TO HEALTH RISK ASSESSMENT GUIDELINES PROPOSED BY THE STATE OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT – Dave Warner, Permit Services Director, gave the presentation on this item. He reported in the next few months, the Governor's Office of Environmental Health Hazard Assessment (OEHHA) is expected to release new guidelines that will change the way the health risk due to air pollution is calculated in California. He noted although the new methodology will result in higher calculated risk, it is indisputable by any measure that Valley residents' exposure to hazardous air pollution and actual health risks have been significantly reduced.

Mr. Warner stated staff recommended the following guiding principles for use in revising risk management policies:

1. Incorporate all portions of OEHHA's revised Risk Assessment Guidelines designed to provide enhanced protection of children.
2. Adjust permitting risk thresholds, as necessary, to prevent unreasonable restrictions on permitting of stationary sources and CEQA projects while preventing any relaxations of current health protections.
3. In order to enhance the public's right-to-know and health protection, retain the District's current public notification and health risk reduction thresholds used in implementing the Air Toxics "Hot Spots" Information and

Assessment Act.

4. Incorporate all possible streamlining of the health risk assessment process to minimize administrative costs and burden to Valley businesses.
5. Develop effective outreach tools and processes to communicate with communities and businesses regarding revised procedures and risk estimates.

Mr. Sadredin commented the District is ahead of the curve on public education regarding this issue. He stated if these recommendations are approved by the Board, part of the outreach to the community will be to inform them the risks from these facilities have been reduced. Dr. Sherriffs commended the District and the Board for using the cumulative facility risk as it is important. He noted the risks referred to in this measure are cancer causing and not cardiovascular. He stated it was important to be ahead of the game on this issue.

Supervisor Elliott suggested adjusting public notification requirements along with permitting requirements, noting it was a good idea to have more information than less. Dr. Sherriffs noted the exposure has not changed, however the exposure is riskier than it was thought to be before. He suggested proceeding a little more cautiously in making the decision regarding public notification requirements. Councilmember Baines stated he likes the idea of over-communicating and not under-communicating, noting this Board has always been transparent in providing the public with information.

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

- Colby Morrow, Southern California Gas Company
- Roger Isom, Western Growers Association

Moved: Baines

Seconded: Wheeler

Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson,
O'Brien, Walsh, Wheeler, Worthley, Barwick

Nays: Sherriffs

Motion carried 11-1 to adopt recommended guiding principles for use in revising risk management policies.

11. REVIEW AND APPROVE PROPOSALS TO ADDRESS ORGANIZATIONAL AND RESOURCE ISSUES – Mr. Sadredin gave the presentation on this item which proposed recommendations from the Governing Board Ad Hoc Subcommittee Chaired by Supervisor O'Brien. The recommendations included:

1. Reorganize District operations and staffing as detailed in the memorandum, effective April 7, 2014, with an estimated savings of up to

\$97,900 per year, to address District's succession needs and help balance staff workload.

2. Maintain current level of services at the District's Regional Offices in Modesto and Bakersfield.
3. Direct the Executive Director/APCO to prepare a report for Governing Board's consideration detailing the adequacy of fees charged by the District, identifying fees that may not be fully recovering the associated cost to the District for services rendered.
4. Reduce the frequency of the meetings of the District's Environmental Justice Advisory Group from once a month to once every other month to improve efficiency and reduce administrative costs.

Councilmember Barwick commended staff and the Ad Hoc Committee for their outstanding and comprehensive efforts designing this plan. He noted the amount of money saved by not using an outside firm. Supervisor Worthley echoed Councilmember Barwick's compliments for staff and the Committee. He commented on the importance of succession planning and reducing the workload. He stated his hope that this plan would consist of positive changes without any detriment to the staff. Mr. Sadredin responded he has been in constant communication with staff on these issues, holding staff meetings at every office and within every department. He commented at this point, every staff member will be impacted in a positive way by this plan.

Supervisor O'Brien stated he agreed with all of the recommendations presented today. However, he recommended that an administrative Manager be appointed for the regional offices. Supervisor Case agreed with Supervisor O'Brien's recommendation. She noted the plan took into account the importance of succession planning and providing opportunities for advancement to District employees. She recommended continuing to focus on staff development. Mr. Sadredin suggested the Board could authorize the APCO to appoint one of the three existing Managers in each Region the responsibility as the lead Manager for that location, based on their strengths and skills.

Dr. Sherriffs thanked everyone for their work on the plan and stated he appreciated the opportunity for succession and professional development for employees. He noted a shortfall in fees and permitting and suggested revisiting permit fees sooner. Mr. Sadredin clarified the shortfall was within individual programs and the District's budget overall was balanced. Supervisor Walsh complimented the Ad Hoc Committee Chair and Vice-Chair, Supervisor Worthley for helping move the process along. He complimented Mr. Sadredin and team for their hard work and recommendations.

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

- Manuel Cunha, Nisei Farmers League

Moved: Walsh
Seconded: Wheeler
Ayes: Baines, Barba, Brazil, Case, Elliott, Hanson, O'Brien,
Sherriffs, Walsh, Wheeler, Worthley, Barwick
Nays: None

Motion unanimously carried to approve proposals to address organizational and resource issues and authorize Executive Director to appoint a Lead Administrative Manager in each Regional Office.

12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin commented at the last Board meeting, Supervisor Walsh suggested staff make key Board action items available to the community at large. He noted staff have expanded the information available in the Governing Board highlights and will publish on the District website and distribute the document to Board members and key persons in each community after each Board meeting.

He stated the District had a good legislative year in Sacramento with the approval of a key bill regarding reauthorization of Moyer and AB 923 funding received by the District. He noted the necessary vote crossed party lines and was voted for by the Valley's delegation. He suggested sending a thank you letter to Assembly Member Perea for his efforts on this issue.

13. GOVERNING BOARD MEMBER COMMENTS – Supervisor Wheeler suggested addressing the parking issue at the Fresno office at a future meeting. Supervisor Case requested distribution to Board members of a couple of articles regarding ARB and diesel trucks, noting her concerns on the economic impacts of these requirements. Dr. Sherriffs stated he believed another \$30 million dollars was made available in recent legislation for retrofits. He noted a recent article in the LA Times applauding the compliance efforts. He recommended Board members review the San Joaquin Valley Plug In Electric Vehicle Readiness Plan in which the District participated.

ADJOURN

Meeting adjourned at 12:47 p.m.

The next scheduled meeting of the Governing Board is: Thursday, November 14, 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.