

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, March 21, 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 9:02 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
David Couch, Supervisor	Kern County
Bob Elliott, Supervisor	San Joaquin County
Harold Hanson, Councilmember**	City of Bakersfield*
William O'Brien, Supervisor	Stanislaus County
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

Absent:

Sally Bompreszi, Councilmember	City of Madera
Dr. Alexander Sherriffs	Appointed by Governor

3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 16 - 20) *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.*

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, FEBRUARY 21, 2013
17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2013
18. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR FEBRUARY 2013
19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF FEBRUARY 28, 2013
20. APPROVE CHANGE TO DEFERRED COMPENSATION PLAN INVESTMENT POLICY STATEMENT TO INCREASE THE DEFERRED COMPENSATION COMMITTEE MEMBERSHIP

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

- Tom Frantz, AIR

Moved: Wheeler

Seconded: Case

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

Nays: None

Motion unanimously carried to approve Consent Calendar Items 16-20.

4. PUBLIC COMMENT – None
5. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – This item was tabled as there was no Citizens Advisory Committee representative available to give the report.
6. VERBAL REPORT: HEALTH REPORT AND RESEARCH ON AIR QUALITY CHALLENGES – Alvaro Alvarado, Ph.D. Manager of Health and Ecosystems Assessment Section for the Air Resources Board (ARB) gave the presentation on this item which provided an overview of:
 - National Ambient Air Quality Standards (NAAQS);
 - Health effects of ozone;
 - At-risk populations; and
 - Environmental justice considerations

Dr. Alvarado reported that PM2.5 and ozone exposures are linked to health effects, noting many San Joaquin Valley residents are especially at risk due to age, occupation, health status and recreational pursuits.

Supervisor Worthley thanked Dr. Alvarado for his presentation to the Board. He asked if he has an opinion about the effects of different particulate matter on public health. Dr. Alvarado stated until there is evidence otherwise, it's safe to assume all particulate matter is equally toxic. He noted it does matter where the emissions occur, such as in populated areas. Supervisor Worthley asked about ammonia versus carbon-based emissions. Dr. Alvarado stated once a particle is in the air, it does not remain a pure particle. He noted ARB has noted a strong link between PM 2.5 exposure and premature mortality. Mr. Sadredin commented there is clear evidence that particle size, chemical composition and toxicity have a major impact or health risk impact on exposed individuals. Supervisor Case also thanked Dr. Alvarado for his presentation. She noted that it was her understanding that chronic obstructive pulmonary disease (COPD) was added to the classification of asthma. She stated typically asthma is considered more of a childhood developed disease, while COPD is strongly linked to smoking as adults. She asked if there is now research looking specifically at COPD, as opposed to lumping them together. Dr. Alvarado affirmed the premise expressed by Supervisor Case and stated that new studies should classify COPD and asthma separately. Supervisor Case asked about the risk of locating housing communities near freeways, increasing the risk of exposure to pollutants. Dr. Alvarado responded there are more respiratory effects near roadways. He noted ARB is committed to making vehicle emissions as clean as possible and reduce vehicle miles traveled via their regulatory programs.

Mr. Sadredin noted for years air quality advocates advised those in the land use capacity to build transit-oriented communities to lessen the commute. He noted under the Board's direction, the District is now providing more complete advice to land use agencies concerning the adverse impacts from exposure to mobile source emissions in proximity to major roadways. Supervisor Case stated it is important to get the information out about making housing choices adjacent to highways, from a health perspective. Supervisor Walsh asked if there were studies that indicate if the Valley's asthma problem is getting better or worse. Dr. Alvarado stated the California Department of Public Health publishes a number of documents on that information. Supervisor Elliott asked what variable controls were placed on these studies and the length of the studies. Dr. Alvarado responded PM2.5 has been studied for decades, noting the studies looked at individuals breathing the outdoor air, including all factors that could affect their life expectancy. He noted a number of studies throughout the world that have found that higher PM2.5 exposure has led to premature death. Mr. Sadredin noted asthma rates are increasing in the coastal areas at a greater rate, noting there is no relationship between air emissions and asthma rates.

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

- Tom Frantz, AIR

7. VERBAL REPORT: FINAL PRESENTATION OF THE ANNUAL REPORT TO THE COMMUNITY – Mr. Sadredin presented the Board with the final version of the District’s Annual Report to the Community for 2012-13. He stated the District produced two versions, one containing pictures of the Governing Board to use for handouts and one without pictures, for use in mass mailing to comply with FPPC guidelines. He noted each Board member would be provided with 50 copies of the report today, noting they would be distributed to the public as well.

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

- Tom Frantz, AIR

8. CONSIDER TRAVEL DATE OPTIONS FOR THE DISTRICT’S ANNUAL FEDERAL ADVOCACY TRIP TO WASHINGTON – Mr. Sadredin stated each year the District assembles a group consisting of community leaders from the business and environmental sectors, as well as Board members to pursue the District’s Legislative Platform in Washington D.C. He noted this trip typically occurs during the springtime. However, in light of recent developments, such as the sequester and budget and immigration issues, he stated he believed this may not be the best time to take this trip. He suggested that the legislative trip be moved to the fall this year to provide for more effective engagement with legislators.

Supervisor Walsh stated he just returned from Washington D.C. on county business and noted currently the focus there is on immigration, continuing resolution, debt levels, noting it was difficult to get legislators to focus on local issues. He supported moving the trip to later this year. Supervisor Case remarked it is important to take this trip on an annual basis, noting the District is proposing legislative changes to make the Clean Air Act more effective. Supervisor Worthley commented that he supports the staff recommendation for this particular year. Councilmember Barwick noted staff should decide the best time of year to take the trip. Supervisor Couch made a motion to adopt the staff recommendation.

Public Comment: None

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

Motion unanimously carried to move the District’s Annual Federal Advocacy trip to later this year.

9. AGENDA FOR THE MAY 2013 GOVERNING BOARD STUDY SESSION FOR EDUCATIONAL AND STRATEGIC PLANNING PURPOSES – Mr. Sadredin briefly reviewed the purpose of the study session and briefly reviewed each

proposed agenda topic for the Study Session.

Supervisor Case encouraged Board members, and particularly the newer Board members, to attend the Study Session as it provides a great opportunity for education and discussion on important issues before the Board.

Public Comment: None.

Supervisor Couch made a motion to adopt the agenda for the May 2013 Governing Board Study Session.

Councilmember Baines left the meeting briefly before the vote was taken.

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

Motion unanimously carried to adopt the agenda as proposed for the May 2013 Governing Board Study Session.

10. DISTRICT'S ANNUAL AIR TOXICS REPORT FOR THE YEAR 2012 – Dave Warner, Director of Permit Services, provided the presentation for this item. He explained the District prepares and distributes an annual Air Toxic Report. He added the 2012 report is a positive assessment and illustrates reductions in toxic air contaminants in the Valley since the District was formed. Mr. Warner stated there are several compounds that have been identified as causing a risk to one's health. He noted the compounds are not ozone and particulate matter but those that in small quantities may cause risk to public health. He explained the District assesses toxic air pollutant emissions from a variety of permitted sources and requires facilities to report the risk of air toxic emissions to surrounding communities. He added the District also analyzes the health risk associated with newly proposed sources and will not permit sources that will create a significant risk. Mr. Warner discussed how the District works with the community including assisting businesses in understanding and complying with standards and involving the public through community involvement and multilingual outreach.

Mr. Warner acknowledged Esther Davila, Supervising Air Quality Specialist, and Leland Villalvazo, Supervising Air Quality Specialist, for their efforts.

Mayor Brazil expressed appreciation for staff efforts and commended the District for maintaining zero high risk facilities in the Valley. He asked who monitors the public meetings. Mr. Warner responded the District coordinates with the facility to hold informational public meetings in the neighborhood affected. He noted the last public meeting that was required for this issue was in the early 2000s. Mayor Brazil asked if there was much public involvement. Mr. Sadredin responded the public meetings were well attended and successful.

Ms. Davila commented staff was prepared for multilingual public participants for the public meetings.

Supervisor Wheeler asked if any businesses were closed due to not meeting standards. Mr. Warner responded that businesses had reduced their risk by modifying their processes and adding controls and were not closed.

Public Comment: None

Moved: Worthley

Seconded: Wheeler

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

Nays: None

Motion unanimously carried to receive the District's 2012 Air Toxics Report.

11. REPORT ON DEVELOPMENT OF UPCOMING ATTAINMENT PLANS FOR REVOKED 1-HOUR OZONE AND NEW 8-HOUR OZONE STANDARDS – Jessi Fierro, Strategies and Incentives Supervisor, gave the presentation on this item which gave information on the development of upcoming attainment plans for the revoked 1-hour ozone and new 8-hour ozone standards. She reported on the chaotic transitions between federal air quality standards; the progress and remaining challenges for the Valley; history of EPA ozone standards; the 2013 Plan for the revoked 1-hour ozone standard; and what it will take to meet the 2008 8-hour ozone standard of 75 ppb.

Supervisor Walsh voiced his appreciation for staffs' understanding of the various plans. He asked for talking points to use when addressing the public's concerns regarding these plans. He asked about the 2013 Ozone Plan. Mr. Sadredin responded the plans are essentially a blueprint of control measures – becoming a federally-enforceable commitment to reducing air pollution. Mr. Sadredin noted it is important to communicate the entire context of these plans to the public. He noted there is a technical limit to control measures that can be applied to stationary sources in the future. Supervisor Wheeler asked about the timeframe for public workshops. Ms. Fierro stated they are generally held during the day at the District's 3 regional offices, in addition to being webcast. She noted there has been mixed success with attendance at evening workshops. He asked about the spikes in ozone concentrations in 2007 and 2008. Ms. Fierro responded that was due to a large number of wildfires. Supervisor Case complimented Ms. Fierro on her presentation. She asked if there have been any key developments in technology advancements to help attainment. Mr. Sadredin responded progress in technology advancement has been limited and that the District faces a large "black box" for the technology needed to achieve the ever-tightening federal standard. He added progress in technology advancement has been limited and that the District faces a large "black box" for the technology

needed to achieve the ever-tightening federal standard. He added it is important to communicate the difficulty of reaching these standards within the expected timeframe to the public.

Public Comment: None

12. APPROVE PROGRAM OFFERING CERTAIN EMISSIONS REDUCTION INCENTIVE PROGRAMS TO DISTRICT EMPLOYEES IN ACCORDANCE WITH THE TERMS AND CONDITIONS NEGOTIATED BY THE DISTRICT AND THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT EMPLOYEES' ASSOCIATION – Mr. Sadredin gave the presentation on this item which proposed the Board approve an internal program offering certain emissions reduction incentive programs to District employees in accordance with the terms and conditions negotiated by the District and the SJVAPCD Employees Association. He stated last June the Board signed a three-year employment agreement with the Employees Association, leading to a more positive work environment.

Mr. Sadredin noted historically, the District has not allowed employees to participate in emissions reduction incentives programs. He stated under the proposed program incentives will be available for purchasing clean-air devices such as clean vehicles under the District's Drive Clean program; Electric lawn mowers under the District's Clean Green Yard Machine program; and cleaner burning stoves under the District's Burn Cleaner program. Mr. Sadredin reported the funds for this program will come from salary savings. He also reported the APCO, District Counsel, Personnel Director and any employees tasked with administering this program will not be eligible to participate.

Supervisor O'Brien voiced his support of this program. He stated he would like to see this program expanded to any incentives offered to the general public, with the same guidelines. Supervisor O'Brien made a motion to expand the program to any incentives offered to the public. Supervisor Barba seconded the motion. Supervisor Case commented there should be safeguards in place to ensure no sense on the part of the public of a self-serving element. She voiced support for the program with safeguards in place, thanking the APCO for a program with a cautious start.

Councilmember Barwick noted public perception is important to the success of this program. He asked for a further explanation of the funding source. Mr. Sadredin provided an explanation of the District's salary savings. Supervisor Elliott commented a cautious approach would be a better place to start, noting by limiting opportunities available, it would be less likely to result in multiple claims by the same employee. Supervisor Walsh stated he was generally supportive of the proposed program, suggesting any further expansion of this program be revisited at a later date. Supervisor Worthley noted it was critical to ensure public awareness that this source of funds is from funds budgeted for salaries and is not taken from funding sources designated for the general public. He asked the maker of the motion to consider the staff recommendation, allowing for

a revisit in the future for expansion. Supervisor Case agreed with Supervisor Worthley and suggested adopting the staff recommendation. Supervisor Couch voiced support for adopting the staff recommendation with direction to revisit any future expansion should funds become available. Councilmember Hanson voiced agreement with the program but noted the use of any additional funds should be revisited. Mayor Brazil stated this was a great program and he felt employees deserved access to these types of programs. He suggested limiting applications to one per program.

Supervisor O'Brien withdrew his motion to expand the program to any incentive offered to the general public and Supervisor Barba withdrew his second of that motion. Councilmember Barwick suggested the APCO be given authority to expand these programs if necessary, pending further review of the Board. Supervisor Walsh made a motion to approve the staff recommendation with the caveat that broader expansion to other programs be brought back before the Board by the APCO if necessary.

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

- Sheraz Gill, SJVAPCD Employees' Association
- Colby Morrow, So Cal Gas

Moved: Walsh

Seconded: Hanson

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

Nays: None

Motion unanimously carried to approve program offering certain emissions reductions incentive programs to District employees in accordance with the terms and conditions negotiated by the District and the San Joaquin Valley Air Pollution Control District Employee's Association with direction that any future expansion of the program be brought before the Board by the APCO.

13. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin announced an Ice Cream Social is planned after the April 18th Governing Board meeting for Board members and District staff in all three regional offices. He reported he made a presentation to the Kern County Board of Supervisors regarding the proposed hydrogen power plant in Kern County for which the District has been able to work out an agreement to mitigate air quality impacts from the project. He noted many residents are opposed to the project. He stated there have been a couple of reports in the Fresno Bee regarding quality of life in West Fresno, focusing on air quality. He stated staff is working to educate residents on air quality information. He noted air quality in the western part of the Valley is better than the eastern and southern portion of the Valley due to prevailing wind direction.

14. GOVERNING BOARD MEMBER COMMENTS – Councilmember Baines stated he had a lot of concerns about his community in west Fresno, noting he would discuss further with Mr. Sadredin. Supervisor Case noted other areas of concern are low birth weight babies and expectant mothers receiving adequate health care. Mr. Sadredin noted lack of access to health care is a concern and stated the District is suggesting ARB use this information to direct Cap and Trade resources to communities in need. Supervisor Couch thanked Mr. Sadredin for his presentation to the Kern County Board of Supervisors, noted the District was well-represented. Councilmember Barwick commented he was invited to tour a natural gas conversion engine plant in Arizona, he stated this technology could possibly be a tool to help reduce emissions. He asked about the status of CEQA reform in light of Supervisor Rubio’s resignation. Mr. Sadredin commented there is still some life in the process. Supervisor Wheeler commented he was in Sacramento and noted there are four bills pending which propose minor changes to CEQA.
15. CLOSED SESSION – District Counsel, Catherine Redmond, announced the Board would move to Closed Session pursuant to Section 54957 and 54956.9(d)(4) of the Government Code (Ralph M. Brown Act) to discuss the following item, followed by adjournment:
- Public Appointment/Employment – Title: District Counsel
 - Conference with Legal Counsel – Initiation of litigation (1 potential case)

District Counsel, Catherine Redmond, reported the Governing Board, through unanimous vote, had ratified the District’s Motion to Intervene in the Case: NRDC vs. EPA, 9th Circuit, Case Number 13-70544, followed by adjournment.

ADJOURN

Meeting adjourned at 12:22 p.m.

The next scheduled meeting of the Governing Board is: Thursday, April 18, 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.