

**GOVERNING BOARD**

**Hub Walsh, Chair**  
Supervisor, Merced County

**Tom Wheeler, Vice Chair**  
Supervisor, Madera County

**Oliver L. Baines III**  
Councilmember, City of Fresno

**Tony Barba**  
Supervisor, Kings County

**Skip Barwick**  
Councilmember, City of Tulare

**Sally J. Bompreszi**  
Councilmember, City of Madera

**Dennis Brazil**  
Mayor, City of Gustine

**John Capitman, Ph.D.**  
Appointed by Governor

**Judith G. Case McNairy**  
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

**Alexander C. Sherriffs, M.D.**  
Appointed by Governor

**J. Steven Worthley**  
Supervisor, Tulare County

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**Seyed Sadredin**  
Executive Director  
Air Pollution Control Officer

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DATE: September 18, 2014

TO: SJVUAPCD Governing Board



FROM: Seyed Sadredin, Executive Director/APCO  
Project Coordinator: Michelle Franco

RE: **ITEM NUMBER 13: APPROVE ACTION SUMMARY  
MINUTES FOR THE SAN JOAQUIN VALLEY  
UNIFIED AIR POLLUTION CONTROL DISTRICT  
GOVERNING BOARD MEETING OF THURSDAY,  
AUGUST 21, 2014**

**RECOMMENDATION:**

Approve the attached Action Summary Minutes.

**DISCUSSION:**

The following Action Summary Minutes summarize the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, August 21, 2014.

***Attachment:***

*Action Summary Minutes, SJVUAPCD Governing Board Meeting, August 21, 2014 (16 pages)*

## 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, August 21, 2014**  
**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 Walsh called the meeting to order at 9 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***	City of Tulare
Sally Bompreszi, Councilmember	City of Madera
John Capitman, Ph.D.	Appointed by Governor
Judy Case McNairy, 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, <b>Chair</b>	Merced County
Tom Wheeler, Supervisor, <b>Vice Chair</b>	Madera County
J. Steven Worthley, Supervisor	Tulare County

\* Attended meeting in Northern Region Office

\*\*Attended meeting in the Southern Region Office

\*\*\*Arrived at 9:04 a.m.

*Absent:*

Dennis Brazil, Mayor	City of Gustine
David Couch, Supervisor	Kern County

3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 20 – 25) *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, JUNE 19, 2014
21. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2014
22. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR JUNE AND JULY 2014
23. RECEIVE AND FILE BUDGET STATUS REPORT AS OF JULY 31, 2014
24. APPROVE AGREEMENT WITH CJ LAKE, LLC FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$89,244
25. APPOINT MEMBER TO THE DISTRICT'S ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG)

Public Comment: None

Moved: Wheeler  
Seconded: Bomprezzi  
Ayes: Baines, Barba, Bomprezzi, Capitman, Case McNairy, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh  
Nays: None

***Motion unanimously carried to approve Consent Calendar Items 20 – 25***

4. PUBLIC COMMENT: *The following persons provided public comment during this item:*
- Tom Frantz, CVAQ and Association of Irrigated Residents (AIR)
  - Sam Chaney
  - Pam Nicolty
  - Paul Willingham
  - Chantel Neely
  - Brian Sumner
  - Gary Baxter

5. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Adriana Myovich, Director of Personnel, gave the presentation on this item which formally recognized the District employees who reached a service milestone during the second quarter of 2014:

**Five Years of Service**

Valarie Ballard, Air Quality Inspector II  
Cathy Blevins, Network Systems Analyst II  
Jesse Garcia, Air Quality Engineer II

**Ten Years of Service**

Joe Avila, Air Quality Inspector II  
Jaime Holt, Chief Communications Officer  
Glenn Reed, Senior Air Quality Specialist

**Fifteen Years of Service**

Michelle Banuelos, Senior Office Assistant  
Kamaljit Sran, Senior Air Quality Engineer

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Lee Smith, Chair of the Citizens Advisory Committee (CAC), presented highlights of the August 5, 2014 CAC meeting. He reported they received updates on upcoming District planning activities related to federal PM2.5 standards and the new flexibility provided under Subpart 4 of the Federal Clean Air Act. He also reported the CAC received an update on the efforts to develop amendments to the District's residential wood burning curtailment rule (Rule 4901) as committed to in the 2012 PM2.5 Plan. He noted the CAC discussed outreach efforts, and CAC member Manuel Cunha suggested the preparation of a bilingual one-pager that could be widely distributed through newsletters, paychecks, and other means.

Lastly, Mr. Smith reported the CAC unanimously appointed Michael Brown, an attorney and energy expert from Visalia, to the Environmental Justice Advisory Group (EJAG) as an Environmental Interest Group Alternative Representative.

7. CONSIDER PARTIAL FUNDING FOR REGIONAL TRANSIT PROJECTS PROVIDING SHUTTLE SERVICE FROM THE VALLEY TO YOSEMITE AND SEQUOIA/KINGS CANYON NATIONAL PARKS – Supervisor Walsh disclosed that he serves on the Board of Directors for Yosemite Area Regional Transportation System (YARTS). District Counsel, Annette Ballatore-Williamson, asked if he had any economic interest in the organization to which he replied none. Ms. Ballatore-Williamson stated there was no conflict of interest. Supervisor Case-McNairy disclosed she serves on the Board of Directors for the Fresno Council of Governments (Fresno COG) and also has no financial interest in that organization.

Todd DeYoung, Strategies and Incentives Program Manager, gave the presentation on this item which proposed the District provide partial funding for the Fresno COG and the City of Sanger to complete a two-year pilot project for two regional transit operations serving the Valley and the region's three national parks: Yosemite, Sequoia and Kings Canyon. Staff recommended the District provide up to \$367,040 to the Fresno COG for the Yosemite transit project and up to \$59,873 to the City of Sanger for the Sequoia/Kings Canyon project. He reported this funding represents 11.47% of the total funding necessary to complete both projects and the remaining funding for these projects has been conditionally approved under the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Laural Fawcett, Associate Regional Planner, Fresno COG; Tony Boren, Executive Officer, Fresno COG, and Brian Haddix, Sanger City Manager, provided additional information to the Board regarding these projects.

Supervisor Worthley asked if there was flexibility to allow for more stops for the Sequoia/Kings Canyon project, including Hume and Sequoia Lakes. Mr. Haddix responded affirmatively. Supervisor Worthley noted this was a pretty high price to be paying for the air quality benefit. He also asked if there were other local funding sources. Mr. Sadredin responded the cost effectiveness is higher than other projects; however, he noted the Board's policy has been to also play a role in advancing projects that ultimately would result in movement away from passenger vehicles to less polluting options. In terms of the funding, Ms. Fawcett noted they also secured \$100,000 in sustainable community strategies planning funds and have implemented that already, in addition to CMAQ dollars. Mr. Sadredin asked if it were possible to get the local match from Measure C funds. Ms. Fawcett responded current Measure C funds are obligated for other projects and noted the CMAQ funding is at risk without the District's funds.

Supervisor Wheeler stated he supports this great project and that it has valuable public support in Madera County. Supervisor O'Brien said it was a genius idea; however, he noted he was struggling with potential competition with private tour companies, local matching fund availability and costs for families. Dr. Capitman commented it was a great idea to encourage residents to get out of their cars and get to the local national parks. He said the cost effectiveness depends on whether the project survives more than two years and he was happy to hear the park service is involved in the planning process. He suggested ideas to help defray entrance fee costs for participants. Supervisor Walsh responded the park entrance fees were included in the costs to ride the bus for the current YARTS program. Dr. Capitman asked if that would be the same for these programs. Ms. Fawcett responded affirmatively.

Councilmember Barwick commented he was also concerned with local matching funds. He acknowledged traffic to the local parks is an issue; however, he stated he would like to see additional matching funds. Supervisor Elliott stated he was hesitant to provide District funds for this project considering the lack of local

funding. He also voiced concern about the ability to get residents out of their private vehicles, especially while they are on vacation. Dr. Sherriffs commented this is a worthwhile investment and worth taking a chance on. He suggested an intensive outreach campaign targeted at developing ridership. Councilmember Baines noted he was also concerned with the cost effectiveness. However, he stated this is about more than dollars; it is about educating people to change their behaviors to help improve air quality and voiced support for this project. Supervisor Case McNairy commented Fresno is the 6<sup>th</sup> largest city in the state and has no current transit service to any of these national parks. She noted these projects are opportunities to showcase public transit in Fresno County and the beautiful, local national parks. Councilmember Barwick stated in light of recent comments he would now support these projects.

Supervisor Walsh commented the YARTS program began as a pilot program 15 years ago and the counties served are very pleased with the service. Mr. Sadredin commented Fresno COG met with the District early in the process and he provided encouragement to them, noting these are the type of projects the Board is looking for in terms of improving public transit.

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

- Tom Frantz, AIR
- Cesar Campos, CCEJN

Supervisor Wheeler made a motion to approve staff recommendations. Supervisor Worthley stated he supported the motion, noting he would prefer the District not be responsible for 100% of matching funds in the future. Supervisor Elliott voiced agreement with Supervisor Worthley's comments.

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

***Motion unanimously carried to approve partial funding for regional transit projects providing shuttle service from the Valley to Yosemite and Sequoia/Kings Canyon National Parks.***

8. DISTRICT EMERGENCY RELIEF ACTIONS IN RESPONSE TO DROUGHT – REVIEW ACTIONS TO DATE TO ASSIST FARMERS AND WATER DISTRICTS, AND CONSIDER NEW ACTIONS TO ASSIST WITH RESIDENTIAL WELL DRILLING – Mr. Sadredin thanked Supervisor O'Brien for bringing this matter to the District's attention. He introduced Dave Warner, Deputy APCO, who gave the presentation on this item which provided the Board with an update on a series of measures designed to assist farmers and water districts with emergency drought relief efforts. He reported the following actions

have been taken in response to Board direction provided in April, 2014, including:

- District staff has developed and maintained a “Drought Relief” webpage on the District’s website to provide information on District and State activities related to drought relief.
- Seven internal combustion engines have been permitted using the District’s newly developed expedited permitting policies for drought relief, preventing 168 tons of NOx emissions over a 10-year period by avoiding permanent installations of internal combustion engines to drive agricultural water wells.
- Proposed and supported the Governor’s Emergency Declaration providing CEQA relief for urgent drought relief projects. Proposed mitigation of such projects through Voluntary Emissions Reduction Agreements.
- District staff has prepared two Compliance Assistance Bulletins (CABs) regarding specific drought relief expedited permitting policies the District has developed.
- District staff has met with, and otherwise communicated with, several stakeholders and stakeholder groups interested in drought relief efforts, sharing information, providing assistance, and seeking input.
- District staff, working with agricultural stakeholders, has developed an information package on revising Conservation Management Practices plans with less water-intensive options, and has committed to expedited processing of such requests.
- The District has prepared systems to expedite portable equipment registrations to help water districts address new and unique water transfer systems, and to mitigate significant impacts through VERAs. No such projects have yet been proposed to the District, although one or two large water-pumping projects are in the planning stages for implementation later in the year.

In addition, Mr. Warner reported on recent District actions to facilitate relief for residential well drilling in impacted communities, including extraordinarily long waits for drilling rig availability. He stated District staff found that state regulations contained exemptions that would allow out of state drilling rigs to operate during this time of drought emergency, but there was not widespread understanding of these allowances, even among state regulators. He stated staff recommended the Board adopt the following actions to address these issues:

1. Authorize the Executive Director/APCO to provide educational material and permitting assistance to residential well drillers, government agencies and affected residents.
2. Authorize the Board Chair to sign a letter to the State Air Resources Board in support of an executive order providing a temporary exemption for drilling rigs from the state Truck and Bus regulation.
3. Appropriate up to \$500,000 from the District’s contingency funds to the District’s emission reduction incentive grant program to mitigate air quality impacts from unregistered water well drilling rigs now allowed to operate in California for emergency drought relief purposes.

Supervisor Walsh asked if the discussion with ARB regarding twin and single-engine waivers was only focused on domestic use or on broader operations. Mr. Sadredin responded it was focused on broader operations. Supervisor O'Brien thanked District staff for all of their work on this issue, noting they worked very quickly with ARB to determine what was allowed under existing emergency laws. He commented many Stanislaus residents are out of water and there is currently a 6-month wait for drilling operators. Councilmember Barwick noted lack of water and contaminants are serious health concerns in this state. He encouraged government officials to address this issue as soon as possible before health and jobs are affected. Supervisor Case McNairy also commented on the serious drought issues. She congratulated staff for these innovative measures. Councilmember Bomprezzi thanked staff for their hard work on this serious problem. Councilmember Hanson stated he agreed with previous comments and thanked staff for doing a great job. He made a motion to approve staff recommendations. Supervisor Barba commented this is a very worthwhile effort to bring out of state well drillers to assist with drought issues on a temporary basis. Supervisor Walsh noted local groundwater agencies could be forthcoming and encouraged staff to look at the possibility of District involvement in those agencies, including water districts, given staff expertise in permitting and other areas.

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

- Tom Frantz, AIR
- Amy Brooks, Western Ag Processors Assn. & California Cotton Ginners and Growers Assn.

*Moved:* Hanson

*Seconded:* Wheeler

*Ayes:* Baines, Barba, Barwick, Bomprezzi, Capitman, Case McNairy, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh

*Nays:* None

***Motion unanimously carried to approve District emergency relief actions in response to drought and review actions to date to assist farmers and water districts, and consider new actions to assist with residential well drilling.***

9. REVIEW AND APPROVE ACTIONS TO ADDRESS AIR QUALITY IMPACTS RESULTING FROM THE EXCEPTIONAL WEATHER CONDITIONS CAUSED BY THE RECENT DROUGHT – Mr. Sadredin introduced Jessi Fierro and announced that, after recently completing law school and passing the bar exam, she was promoted to Assistant District Counsel. Ms. Fierro and Jon Klassen, Strategies and Incentives Program Manager, presented this item. They reported extraordinary drought conditions resulted in abnormally high PM2.5 concentrations in the winter of 2013-14, making attainment of the 1997 PM2.5 standard by the current 2014 deadline impossible. They noted these conditions



are not considered “exceptional events” under EPA’s current framework for excluding uncontrollable events from attainment determinations. They stated the District is pursuing legislative and administrative remedies for a more common sense definition of “exceptional events”, but this process is expected to take some time.

Ms. Fierro reported a January 2013 D.C. Circuit Court ruling requiring EPA to implement PM2.5 standards under Clean Air Act Subpart 4 provides a path for the Valley to avoid federal sanctions for missing the 2014 attainment deadline. She stated staff recommended the Board authorize the APCO to request reclassification from “Moderate” to “Serious” nonattainment immediately, and to prepare a new attainment plan meeting “Serious” area requirements in spring of 2015. This new plan would establish a new attainment date with up to an additional 5 years to reach attainment (up to 2020), as allowed by Subpart 4.

Dr. Sherriffs asked if this action would help align the District’s activities to meet the 2012 standard. Mr. Sadredin responded affirmatively, noting EPA is already behind in classification and designations for the 2012 standard and the District cannot formally address that standard without their actions. Supervisor Elliott commented he supports staff recommendations and the common sense approach to this issue. Dr. Capitman asked about the extra work associated with Subpart 4. He commented he saw in the SIP supplement the presumption about the role of ammonia and the role of VOCs and the District’s strong arguments that existing science suggests that NOx is the principal issue in the Valley. He asked if moving forward that work will need to be replicated to develop the new plans. Mr. Sadredin responded that Subpart 4 comes with added requirements; however, given the District’s tremendous air quality challenges, the plan submitted under Subpart 1 already met these requirements. He noted all of the rules adopted by the Board already contain the Best Available Control Measures (BACM) at the time as called for by Subpart 4. He commented it does demand a greater degree of demonstration in the forthcoming plan – especially for ammonia and VOCs, and it must be shown how they impact attainment, along with supporting documentation and justification. He also noted with the CAFO rule in place, although targeted at reducing VOCs, actually resulted in reducing more than 100 tons per day of ammonia – more stringent than any rule in the nation. Mr. Sadredin also noted over 90% of the Valley could reach attainment, and suggested the possibility of targeting efforts to certain “hot spots” that fail to do so. He stated that would be a groundbreaking regulatory approach. Supervisor Worthley commented on politics involved in distributing incentive funds. He agreed that targeting incentive funds in the areas that would get the most benefit for the Valley as a whole would be a good idea.

Supervisor Walsh commented this challenge is going to be very significant for the Valley, and will require major efforts to articulate to federal policy makers. Dr. Sherriffs stated the District must understand where the problems are coming from, in those “hot spots”, and then target resources to address them using better science.

*Councilmember Barwick left at 11:30 a.m.*

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

- Dennis Tristao, Kings County Farm Bureau
- Tom Frantz, AIR

*Moved:* Worthley

*Seconded:* Wheeler

*Ayes:* Baines, Barba, Bompreszi, Capitman, Case McNairy,  
Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley,  
Walsh

*Nays:* None

***Motion unanimously carried to approve actions to address air quality impacts resulting from the exceptional weather conditions caused by the recent drought.***

10. APPROVE CONTRACT WITH SCS TRACER ENVIRONMENTAL TO BUILD A NEAR-ROAD NO2 AIR MONITORING STATION IN FRESNO FOR A TOTAL OF \$164,881 – Mr. Klassen presented this item, which recommended the Board approve a contract with SCS Tracer Environmental to construct and establish the District's first of four required near-road NO2 monitoring stations in the Valley. He stated the first site would be established in southwest Fresno near Highway 99 at the RY-DEN truck center, between Jensen and Church Avenues. He noted the site will initially measure NO2 and meteorology, but will provide the infrastructure for additional monitoring capabilities to measure other pollutants as mandated.

Supervisor Walsh asked about modeling dating regarding dispersal of NO2. Mr. Sadredin responded existing modeling data shows that quarter of a mile is the peak area. Councilmember Baines commended staff on their hard work, noting this is not an easy task. He voiced appreciation for locating the monitor in southwest Fresno. Dr. Sherriffs thanked staff for their hard work on this issue. He suggested perhaps adding other types of monitoring to this location. Mr. Sadredin responded once the population in the statistical area goes over 1 million, it would mandate a PM monitor as well. He stated staff is designing these structures to handle multiple pollutants, both for efficiency as well as for providing additional air monitoring information in the future. Supervisor Case McNairy voiced support for this item and suggested there might be opportunity to place future monitors inside the chain link fenced areas maintained by Cal Trans.

Public Comment – None

*Moved:* Baines  
*Seconded:* Case McNairy  
*Ayes:* Baines, Barba, Bompreszi, Capitman, Case McNairy,  
Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley,  
Walsh  
*Nays:* None

***Motion unanimously carried to approve contract with SCS Tracer Environmental to build a near-road No2 air monitoring station in Fresno for a total of \$164,881.***

*This item was taken out of turn*

19. CLOSED SESSION – Ms. Ballatore-Williamson announced the Board would adjourn to Closed Session to consider the following:

- Conference with Legal Counsel – Anticipated Litigation. Anticipation of litigation pursuant to Government Code Section 54956.9(d)(4) (2 potential cases)

Public Comment – None

*The Governing Board adjourned to Closed Session at 12:09 p.m.*

Ms. Ballatore-Williamson announced during Closed Session, the Governing Board approved the District's intervention in two, pending federal court of appeal cases: (1) Medical Advocates for Healthy Air, et. al. v. U.S. E.P.A., 9<sup>th</sup> Circuit Case No. 14-72219, and (2) WildEarth Guardians, et. al. v. U.S. E.P.A., D.C. Cir. Case No. 14-1145

*The Governing Board reconvened at 12:40 p.m.  
Councilmember Baines left at 12:40 p.m.*

11. WOOD SMOKE IMPACTS IN FOOTHILL COMMUNITIES AND PROPOSED ACTION BY THE DISTRICT – Errol Villegas, Strategies and Incentives Program Manager, and Leland Villalvazo, Supervising Air Quality Specialist, gave the presentation on this item which gave an update on the field study and air quality modeling requested by the Board to assess wood smoke concentrations in the air basin's foothill communities in order to determine the magnitude and severity of the localized wood smoke impacts.

They reported staff conducted a field study in winter 2014 targeting the most highly populated foothill communities in Madera, Fresno, and Tulare counties to observe residential wood-burning and hazard reduction burning activities. They reported based on the field survey and conservative modeling, PM2.5 concentrations in the foothill communities are lower than those on the Valley floor and a residential wood-burning curtailment strategy in foothill communities is not expected to significantly serve the District's overall goal of achieving attainment with the federal PM2.5 ambient air quality standard.

They presented staff recommendations, including that the Board adopt the following measures to minimize episodic localized impacts from hot spots during the night-time hours (8pm-12am):

1. Creation and implementation of a public education and outreach program to urge voluntary actions to reduce emissions from residential wood-burning in the Valley's foothill communities including information regarding the health effects of wood smoke exposure and methods to minimize wood smoke through the use of EPA certified wood stoves, burning dry-seasoned wood, and routine maintenance of wood-burning devices.
2. Allocation of an additional \$100,000 in funding for the replacement of older higher polluting wood-burning devices with new cleaner certified burning devices in the Valley's foothill communities through the District's Burn Cleaner incentive program.

Councilmember Hanson suggested more wood burning restrictions may be necessary in the future. Mr. Sadredin responded wood burning restrictions is a highly emotional issue for many. He acknowledged the Board would face similar issues when considering the proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). He stated staff made these recommendations based on the scientific modeling and absent potential PM2.5 violations in that area. He noted staff hopes these measures will significantly increase participation from foothill communities in the Burn Cleaner incentive program. Councilmember Hanson voiced support for this item and for the efforts of District staff. Councilmember Wheeler commented wood smoke is a big problem in the Valley. He also voiced concern with hazard reduction burning, and suggested educating residents on burning wet branches and pine needles.

Supervisor Worthley suggested targeting communities where wood burning affects the Valley's air quality, including Three Rivers. Supervisor Case McNairy thanked staff for looking into this issue, noting it is a concern in Shaver Lake, especially with the increase in residential developments. She also suggested outreach targeting the rental housing community. Supervisor Elliott confirmed it was currently unnecessary to add wood burning restrictions to foothill communities. Mr. Sadredin responded affirmatively, according to current modeling. He stated staff is hoping residents will choose other alternatives to open hearth burning. Dr. Capitman voiced appreciation for the data from this study. He asked if foothill residents are eligible for the current Burn Cleaner program. Mr. Sadredin responded affirmatively, but noted that the staff recommendation was to target these funds to these communities. He noted the current program is heavily subscribed and additional funding is necessary. Dr. Capitman stated he supported an outreach campaign, but wasn't sure about targeted funding for these communities based on cost effectiveness. Dr. Sherriffs stated his belief that it was important to target incentive funds to communities below the inversion layer to maximize health impacts, and stated he supported increased education and outreach to foothill communities.

Supervisor Walsh stated he liked the idea of the education component of this item. He echoed the concerns of other members to see what the incentive program utilization is before targeting dollars to the foothill communities.

Public Comment – None

Supervisor Worthley made a motion to allocate \$100,000 for the replacement of wood burning devices, not specifically targeted at foothill communities and to direct staff to create and implement a public education and outreach program to urge voluntary actions to reduce residential wood burning in the Valley's foothill communities.

*Moved:* Worthley  
*Seconded:* Capitan  
*Ayes:* Barba, Bompreszi, Capitan, Case McNairy, Elliott,  
Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh  
*Nays:* None

***Motion unanimously carried to create and implement a public education and outreach program to urge voluntary actions to reduce emissions from residential wood-burning in the Valley's foothill communities and to allocate \$100,000 for the replacement of wood burning devices, not specifically targeted at foothill communities.***

12. VERBAL REPORT ON AMENDMENTS TO DISTRICT RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS) – Mr. Sadredin provided Board members with an update on proposed amendments to Rule 4901 which will be considered by the Board at their September 18, 2014 meeting. He stated the rule amendments will be combined with an incentive program of \$2.1 million dollars. He said the Board has given staff clear direction, through numerous discussions, on how the rule should be designed to achieve maximum reductions of burning and emissions from so called "dirty" units while incentivizing residents to use EPA-certified cleaner burning devices.

Mr. Sadredin reported staff has conducted a number of public meetings and workshops, while working with wood burning device vendors and manufacturers. He stated the proposed no burn threshold will be 20 micrograms per cubic meter for open hearth devices and uncertified units, which will essentially double the number of no burn days for Valley residents. He reported based on the scientific survey conducted by the District, Valley residents indicated that they would be willing to move to cleaner devices with appropriate incentives. He stated this package will have two forms of incentives for residents to switch to cleaner burning devices. Under the proposed rule amendment, the threshold for EPA-certified clean burning devices will be 65 micrograms per cubic meter, thus providing more opportunities for residents to use cleaner devices. In addition, he noted the proposed Burn Cleaner program will provide a healthy incentive for replacement of "dirty" units, \$1500 for the purchase of a clean burning device (\$2500 for low-income residents) and \$500 toward piping for natural gas units.

Mr. Sadredin stated at the Board's direction to make the new rule provisions enforceable, the District will require residents to register their clean burning devices. He noted if approved by the Board, the registration process for this year would be conducted online at no cost and without third party certification requirements.

He reported staff estimates these proposed amendments will achieve significant reductions on no burn days, in addition to reductions on days that burning is allowed as more people transition to clean burning devices. He advised the Board that Duraflame has hired an advertising company from Oregon that has crafted several op-ed pieces that local newspapers have been running, which focus on the part of the proposed amendments that would increase no burn days for residents without clean burning devices and stating these amendments are unnecessary. He stated there will be a lot of public interest in this item at the next Board meeting. He noted this is the most cost effective rule that the Board has ever put in place, and reduces emissions at the right time and right location with significant public health benefits.

Dr. Sherriffs noted 65 micrograms is unhealthy for some people and stated he was concerned about the impact of clean burning devices. Mr. Sadredin responded the entire rule package improves public health, reduces daily emissions by an average of 5.15 tons per day, and helps with attainment. He noted this would be the most stringent rule of its kind in the United States. Dr. Capitman stated the most compelling argument he has heard is a fairness argument, alleging that residents who can afford these clean burning devices will be given more freedom than those who can't. He said he wasn't convinced it was a fair argument, but wanted to make sure the Board wouldn't inadvertently penalize low income residents. Mr. Sadredin noted the proposed incentive would increase from \$1500 to \$2500 for low-income residents, including renters.

Supervisor Worthley commented it seems the District is doing what it can to make this rule fair for low income residents. Mr. Sadredin asked Dr. Capitman and Dr. Sherriffs for assistance with outreach on the public health benefits of the proposed amendments.

Mr. Sadredin noted in subsequent years, staff is proposing to charge a \$12.50 registration fee to register a clean burning device for a 3-year period, in addition to certification from a third-party chimney inspector.

Public Comment – None

13. ACCEPT \$200,000 IN UNANTICIPATED REVENUE FOR THE CARL MOYER MEMORIAL AIR QUALITY STANDARDS ATTAINMENT PROGRAM FROM THE EASTERN KERN COUNTY AIR POLLUTION CONTROL DISTRICT – Mr. Sadredin gave the presentation on this item which proposed the Board approve receipt of Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) funds in the amount of \$200,000 from the Eastern Kern County Air Pollution Control District (EKAPCD). He reported because of the District's

statewide recognition for administering highly efficient and effective incentive programs, the District has been approached by several neighboring air districts to either assist with the administration of their Carl Moyer Program funds or to allocate a portion of their unused funding allotment to the District as an alternative to sending those funds back to the state. He stated due to limited available incentive program staffing resources and program demand, the EKAPCD is unable to fully utilize their Carl Moyer Program funds prior to statutory deadlines.

Public Comment – None

*Moved:* Wheeler  
*Seconded:* Capitman  
*Ayes:* Barba, Bomprezzi, Capitman, Case McNairy, Elliott,  
Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh  
*Nays:* None

***Motion unanimously carried to accept \$200,000 in unanticipated revenue for the Carl Moyer Memorial Air Quality Standards Attainment Program from the Eastern Kern County Air Pollution Control District.***

14. RECEIVE AND FILE DRAFT 2014 ANNUAL DEMONSTRATION REPORT FOR DISTRICT RULE 9610 (SIP-CREDITABILITY OF EMISSION REDUCTIONS GENERATED THROUGH INCENTIVE PROGRAMS) – Mr. Sadredin presented this item. He stated earlier this year the Board adopted Rule 9610 (SIP-Creditability of Emission Reductions Generated through Incentive Programs), the first rule of its kind to allow the District to take credit for its incentive generated reductions and that rule requires the District to present a demonstration report each year to the Board before sending it to EPA. He stated this year's report demonstrates the District has achieved more than enough reductions to meet its obligations for the portion of the reductions designated to come from incentive-based programs. He stated the proposed public comment period would end August 31, 2014, after which the report will be submitted to ARB and EPA.

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

- Amy Brooks, Western Ag Processors Assn. & California Cotton Ginners and Growers Assn.

*Moved:* Worthley  
*Seconded:* Wheeler  
*Ayes:* Barba, Bomprezzi, Capitman, Case McNairy, Elliott,  
Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh  
*Nays:* None

***Motion unanimously carried to receive and file Draft 2014 Annual Demonstration Report for District Rule 9610 (SIP-Creditability of Emission Reductions Generated Through Incentive Programs)***

15. AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN MEMORANDUM OF UNDERSTANDING WITH VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT FOR THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TO PERFORM AIR QUALITY PERMITTING SERVICES AND BE REIMBURSED FOR THOSE SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) – Mr. Sadredin presented this item which recommended the Board authorize the Executive Director/APCO to sign a Memorandum of Understanding(MOU) with the Ventura County Air Pollution Control District (Ventura) approving the use of District staff and resources to perform specialized air quality permitting services. Mr. Sadredin stated the Board enjoys a great reputation around the state for running and maintaining an agency that possesses a great deal of expertise in a number of areas, including the grant program, permitting and enforcement.

He stated in the case before the Board, the Ventura APCD has asked for the District's assistance with performing complex permitting services for two potential power plant permit applications before them and for which they do not have the internal expertise necessary to process the applications. He said the Board has entertained proposals such as this in the past, as they help build the District's reputation in a number of areas and result in both tangible and non-tangible returns for the District.

Public Comment – None

*Moved:* Wheeler  
*Seconded:* Barba  
*Ayes:* Barba, Bomprezzi, Capitman, Case McNairy, Elliott, Hanson, O'Brien, Sherriffs, Wheeler, Worthley, Walsh  
*Nays:* None

***Motion unanimously carried to authorize the Executive Director to sign Memorandum of Understanding with Ventura County Air Pollution Control District for the San Joaquin Valley Air Pollution Control District to perform air quality permitting services and be reimbursed for those services for a total amount not to exceed two hundred thousand dollars (\$200,000)***

16. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs reported on highlights from recent ARB Board meetings. He shared that on June 26, 2014, ARB adopted changes to their Enhanced Fleet Modernization Program (EFMP), a car-scraping program funded at about \$30 million per year. He noted SB459 (Pavley), enacted into law in 2013, required ARB to modify their existing EFMP program to increase the benefits of the program for low-income California residents. He also reported they adopted staff recommendations to commit over \$220 million in fiscal year 2014-15 to projects that reduce criteria pollutant and greenhouse gas emissions from light- and heavy-duty vehicles.



On July 24 and 25, 2014, he reported they adopted revisions to the Carl Moyer Program guidelines for heavy-duty trucks to provide additional assistance to small truck fleets subject to future requirements under the state's Truck and Bus Regulation. The changes are consistent with changes suggested by the Board, as detailed in testimony by the Executive Director/APCO when the ARB adopted revisions to the Truck and Bus Rule in April of this year.

*Supervisor Walsh left at 1:50 p.m.*

17. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin reported on the District's retirement system and stated a Board Briefing Memo would be forthcoming. He said Kern County Retirement Association (KCERA), of which the District is a member, has just decided to lower their expected rate of return from 7.75% to 7.5%. He noted that this change will bring benefits by reducing unfunded obligation, while in the short term causing an increase in employer contributions. He stated the rate of increase will be 2.9%, which for the District translates to approximately \$700,000 per year. Mr. Sadredin said he suggested the District take on the added costs now as opposed to amortizing it over time. He also reported the Board members received a Save the Date card for the 2015 Transboundary Ozone Conference to be held March 31 – April 2, 2015. He asked Board members to plan to attend at least the last day of this conference, noting there will be expert participants from around the world at this conference.
18. GOVERNING BOARD MEMBER COMMENTS – Councilmember Hanson voiced his appreciation for his positive experience working with District staff. He commended Mr. Sadredin and all staff. Supervisor Wheeler agreed. Supervisor O'Brien thanked Supervisor Case McNairy for attending today's meeting in Modesto. She stated she enjoyed seeing staff in the Northern Region and voiced appreciation for their hard work.

## **ADJOURN**

Meeting adjourned at 2:03 p.m.

*The next scheduled meeting of the Governing Board is: Thursday, September 18, 2014. The 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.*