

## 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 17, 2015**  
**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 Wheeler, called the meeting to order at 9:04 a.m.
2. ROLL CALL was taken and a quorum was present.

*Present:*

Sally Bompreszi, Councilmember	City of Madera
John Capitman, Ph.D.	Appointed by Governor
David Couch, Supervisor**	Kern County
Bob Elliott, Supervisor*	San Joaquin County
Virginia R. Gurrola, Councilmember	City of Porterville
Harold Hanson, Councilmember**	City of Bakersfield
Buddy Mendes, Supervisor	Fresno County
William O'Brien, Supervisor*	Stanislaus County
Craig Pedersen, Supervisor	Kings County
Dr. Alexander Sherriffs	Appointed by Governor
Hub Walsh, Supervisor*	Merced County
Tom Wheeler, Supervisor, <b>Chair</b>	Madera County
J. Steven Worthley, Supervisor	Tulare County

\* Attended meeting in Northern Region Office

\*\*Attended meeting in the Southern Region Office

*Absent:*

Oliver L. Baines III, Councilmember, <b>Vice Chair</b>	City of Fresno
Dennis Brazil, Mayor	City of Gustine

3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 13 – 17): *These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public was given the opportunity to comment on any consent item.*
13. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, AUGUST 20, 2015
14. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2015
15. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR AUGUST 2015
16. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF AUGUST 31, 2015
17. APPROVE AGREEMENT WITH CJ LAKE, LLC FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$89,244

Dr. Capitman requested to pull Item # 17 APPROVE AGREEMENT WITH CJ LAKE, LLC FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$89,244 for further discussion and a separate vote.

Public Comment: None

Moved: Worthley  
Seconded: Bomprezzi  
Ayes: Bomprezzi, Capitman, Couch, Elliott, Gurrola, Hanson, Mendes, O'Brien, Pedersen, Sherriffs, Walsh, Worthley, Wheeler  
Nays: None

***Motion unanimously carried to approve Consent Calendar Items 13 – 16***

17. APPROVE AGREEMENT WITH CJ LAKE, LLC FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$89,244

Dr. Capitman wanted to clarify that this contract with CJ Lake, LLC, is for federal legislative advocacy, which includes a number of ongoing concerns for the Board, such as advocating for air quality and Farm Bill funding as well as the efforts to modernize the Clean Air Act. He asked if

supporting this contract represents support for those efforts and wanted to vote for it separately from the other Consent items. Seyed Sadredin, Executive Director/APCO, responded that voting for or against this contract would not be read as individual support for what the Board, as a majority, ultimately directs the lobbyist or staff to do. He said this is simply an administrative contract to retain the services of the lobbyist to operate at the direction of the Board and staff consistent with the wishes of the majority of the Board.

Given the current legislative climate, Mr. Sadredin added it might be timely to have a discussion at the next Governing Board Study Session about the feasibility and type of advocacy that the Board would like to have in Washington, D.C. He explained the bulk of outreach relating to messaging and talking to legislators about the very complicated issues faced by the District are beyond the expertise of lobbyists and are conducted by District staff.

Supervisor O'Brien voiced agreement with Mr. Sadredin's comments and said that he has had the opportunity to work with many lobbyists in Washington. He feels that CJ Lake meets the District's needs and does a great job of getting the necessary contacts for the District and he fully supports this item. Supervisor Walsh echoed Supervisor O'Brien's comments and voiced support for this item.

Public Comment: None

*Moved:* Pedersen

*Seconded:* Mendes

*Ayes:* Bomprezzi, Capitman, Couch, Elliott, Gurrola, Hanson, Mendes, O'Brien, Pedersen, Sherriffs, Walsh, Worthley, Wheeler

*Nays:* None

***Motion unanimously carried to approve Consent Calendar Item 17***

4. PUBLIC COMMENT: None

5. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Chris McGlothlin, Fresno County Industry/Ag Alternate member, provided highlights from the Citizens Advisory Committee (CAC) meeting held on September 1, 2015, which included updates from Mr. Sadredin on the District's upcoming State audit on the adequacy of District fees; implementation of the District's residential wood burning strategy this coming winter season; legislative efforts to modernize the Clean Air Act; the Public Advisory Workgroup; and air quality-related bills currently under consideration in the California Legislature.

He said members received a presentation from Ms. Babeeta Nagra from PG&E

regarding the proposed Central Valley Power Connect project for a new electrical transmission line crossing Madera, Fresno, and Kings Counties.

In addition, he reported Mr. Sadredin led a discussion with members on the role of the Committee and expectations of its members. Members expressed consensus support for their existing roles and responsibilities and recommended that new members be provided with an orientation to help ensure that the expectations are understood. Additionally, they recommended the list of tasks and expectations be clarified to include the review of District attainment plans. Lastly, he said members received an update on the implementation of the District's Tune In Tune Up program.

6. REVIEW AND AUTHORIZE THE DISTRIBUTION OF OP-ED REGARDING THE VALLEY'S LEGISLATIVE EFFORT TO MODERNIZE THE CLEAN AIR ACT –

At the May 2015 Governing Board Study Session, the Board directed staff to draft an op-ed to be placed in the Valley's key newspapers under the signature of Board members to marshal support from the general public and policy makers for the District's legislative proposal to modernize the Clean Air Act. Mr. Sadredin presented the op-ed for the Board's consideration to publish in major newspapers across the Valley.

Illustrating the District's philosophy of leaving no stone unturned, he reviewed a list of measures put in place by the Board, in cooperation with the California Air Resources Board (CARB), to improve air quality in the Valley. Valley businesses have spent over \$40 million on clean air measures to modernize their facilities and comply with these very tough measures. The District has invested over \$1 billion in public and private funds on incentive-based voluntary reductions that have reduced emissions by over 100,000 tons. In addition, he said the District through CARB has the toughest regulations on cars and trucks and the toughest regulations on consumer products. These efforts have reduced air pollution over 80 percent but under the current Clean Air Act, the District needs another 90 percent reductions to meet the current standard, which is just about to be replaced with a tougher standard. He said the only way to meet these standards is to ban fossil fuel or find a way to have zero emissions from fossil fuel combustion. Stationary sources, which are the only sources under the District's regulatory control, make up only 20 percent of emissions. All other sources are under federal or state authority.

Councilmember Gurrola asked about the public outreach regarding the District Clean Air Act modernization efforts. Mr. Sadredin responded this topic has been on the agendas of at least a dozen public meetings, including the Governing Board, CAC and EJAG meetings, and discussed in presentations given to outside groups in an effort to get the word out. He said the topic has been well-debated by the Board at a number of public meetings and explicit direction on proposed legislation was given at the public hearing on the District's legislative platform and advocated for by Valley delegation on annual legislative trip to Washington, DC to advocate for this effort. Supervisor Pedersen commented

that each Board member has a duty to inform his or her constituents of the District's messages. Councilmember Gurrola voiced agreement with Supervisor Pedersen's comments. Supervisor Gurrola added that her only concern is the health of the community including future generations with regards to air quality.

Dr. Capitman said while he appreciates the progress made on air quality in the Valley since the 1990's, including enormous public and private investments, he does not support this effort. He said he does not think the focus should be on adjusting the Clean Air Act to provide a longer time to achieve adherence or suffer fewer sanctions, but should be on meeting the health-protective standards to save lives. Supervisor Wheeler stated his belief that this effort is to make deadlines more manageable and not slow down progress, noting the extensive public engagement conducted by District staff. He suggested adding Sierra Sun-Star to the list of newspapers in which to publish the op-ed.

Mr. Sadredin said simply setting a higher standard does not result in cleaner air. He said there is a long way to go and many transformative measures needed to just meet the current standard. He added that the Board's Clean Air Act modernization proposal puts the burden of proof on the District to demonstrate that every possible measure that is technologically achievable and economically feasible to improve air quality is in place and if so, asks for a penalty not to be imposed on Valley residents.

Dr. Sherriffs commented that he does not support the op-ed because he disagrees with specifics of the proposed legislation. Dr. Sherriffs added that the reform of the Act under President Bush was to set attainment deadlines because the Act was not as successful without them. He said the driving force behind the Act is health first with a scientific basis that is designed to move technology forward and has been a great economic driver as well. Mr. Sadredin clarified that the District's proposed legislation retains EPA's authority intact in setting standards solely based on health without considering economics. Supervisor Walsh echoed comments by other Board members that the health of Valley residents is the District's priority, and said he was concerned about comments that misrepresent District's proposed legislation and imply that clarifying and streamlining the Clean Air Act will move the District away from that focus.

Councilmember Hanson said he was anxious to hear from members of the public, stating this is a common sense proposal. Supervisor Pedersen said the area's water issues are a perfect road map for the devastation that policies like those currently pursued under the Act can cause. Supervisor Pedersen added that the modernization proposal is a realistic approach to real issues that need real answers. He commented the Board has to provide a level playing field and look at the margins between health and economic viability and said this is a realistic approach to dealing with policies that if left unchecked will lead to disastrous results.

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

- Virginia Madueno, American Lung Association
- Dolores Weller, CVAQ
- Michelle Garcia, CVAQ
- Cesar Campos, CCEJN
- Ron Bohigian, Fresno Resident
- Roger Isom, CA Cotton Ginners and Western Ag Processors
- Dennis Tristao, CAC and San Joaquin Valley Association of Certified Air Permitting Professionals
- Manuel Cunha, Nisei Farmers League

Mr. Sadredin stated that this is a very complex issue and in addressing a public comment clarified that the proposal protects the 3 percent Reasonable Further Progress milestones currently required by the Act. He agreed that the standard must be health-based and reiterated that the proposal retains this aspect of the Act while requiring that the District do everything feasible, as fast as possible, to attain the standard.

Supervisor O'Brien reminded everyone that the action before the Board is just for the op-ed item and the Board took action to approve the platform in January 2015. He said it is appropriate to remind everyone that the District is a health organization that is here to save lives and ensure the air that residents and children breathe is clean. The Clean Air Act does not recognize that reducing NOx is more effective at reducing ozone in the Valley and these proposed changes would allow greater weight to be given to pollutants that have greater impact on improving public health. He said extreme non-attainment areas should not be required to delay clean air by setting aside control measures for contingency purposes and the lack of common sense in the Act is a hindrance to clean air. Jobs are important to the health of a community as well and any requirements of the Act must be realistic. This will be a long-term process and the op-ed will enhance public involvement by starting the conversation on needed changes.

Supervisor Elliott agreed that the District is first and foremost a public health agency. He pointed out the District has made exceptional progress over the past years in improving air quality and public health for Valley residents. He said there needs to be a balance when policies are set and this is not a bold change, but a middle of the road approach to help make some common sense adjustments to the Clean Air Act in order to make it bearable for Valley residents and voiced support for this measure.

Supervisor Worthley commented that due to circumstances beyond Valley residents and the District's control, the air quality in the Valley over the past week was horrible. He said these conditions came from the Forest Service, the Parks Service and the Bureau of Land Management not doing their jobs effectively in managing the forests and parks. The District, state and federal EPA have done

so much to improve air quality. He articulated the need for the Clean Air Act to focus on specific pollutants that have the most impact on public health while voicing support for this plan.

Councilmember Bomprezzi voiced agreement with Supervisor Elliott's and Supervisor Worthley's comments and said these actions still protect the health of constituents in the areas served by the District. She said she is in full support of this proposal. Councilmember Bomprezzi highlighted the first sentence in the second paragraph in the op-ed stating that "We support and want to retain the core elements in the Act that serve to protect public health through the establishment and pursuit of science-based ambient air quality standards" as clearly articulating the District's intentions.

Councilmember Hanson said he also supports this proposal and made a motion to approve the staff recommendation. Mr. Sadredin said at the Board's direction, he would work with members to identify which newspapers would be appropriate to publish their signatures on the op-ed.

*Moved:* Hanson  
*Seconded:* Mendes  
*Ayes:* Bomprezzi, Couch, Elliott, Gurrola, Hanson,  
Mendes, O'Brien, Pedersen, Walsh, Worthley,  
Wheeler  
*Nays:* Capitman, Sherriffs

***Motion carried 11-2 to authorize distribution of op-ed regarding the Valley's legislative effort to modernize the Clean Air Act, and agree to work with Executive Director/APCO to identify which newspapers would be appropriate for publishing their signatures***

7. REVIEW THE 2014-15 BURN CLEANER INCENTIVE PROGRAM IMPLEMENTATION AND APPROVE INCENTIVE LEVELS – Mr. Sadredin said this item is a result of the Board's previous direction for staff to return with an evaluation of the Burn Cleaner Program incentive levels. He introduced Todd DeYoung, Program Manager, who explained that staff recommended the Board maintain the following incentive levels for the Burn Cleaner Program:

1. Up to \$1,000 for certified wood and pellet inserts and freestanding stoves
2. Up to \$1,000 for natural gas inserts and freestanding stoves
3. Up to \$2,500 for eligible low-income applicants for all devices
4. Up to additional \$500 for the installation of natural gas devices

In addition, Mr. DeYoung reviewed results of a Board-directed, comprehensive survey of past applicants as well as Burn Cleaner retailers to gauge whether the current incentive amounts provided by the District continue to be appropriate. Based on the responses from the surveys and detailed program participation

analysis, no changes to the incentive amounts were recommended at this time by District staff.

Supervisor Couch asked if a property owner with low-income tenants would qualify for the low-income incentive level even if the property owner would not otherwise qualify as low income. Mr. DeYoung responded affirmatively. Supervisor O'Brien voiced full support for this program and said it was one of the best programs the Board has ever developed. Supervisor Wheeler agreed 100 percent and thanked the entire Board for including all of Fresno and Madera counties, especially those that were not required to participate in the Check Before You Burn Program. Supervisor Mendes agreed with Supervisor O'Brien's comments. Dr. Capitman said he is very much in support of this program and was struck that the proportion of low-income participants varies dramatically by county and the low levels of overall participation by low-income participants. He suggested perhaps supplementing the low-income incentive to increase participation.

Mr. Sadredin responded it may be an appropriate time for the District's Environmental Justice Advisory Group (EJAG) to review and provide recommendations on the low-income component looking at both the incentive level as well as the outreach means and methods. He said that 20 percent low-income participation may be a pretty good number as participation in the program represents a considerable investment. Additionally, he said the tenant provision was provided to appeal to low-income residents, as many do not own their own homes. Dr. Capitman responded affirmatively saying it would be good to look at both the incentive levels and the marketing.

Supervisor Couch said he disagrees with the low-income component because it may be easier for low-income residents who receive other government assistance to participate in this program than those who are just above the threshold to qualify for this or any other low-income assistance. He also said it is not fair that a landlord with low-income tenants would qualify for more incentive dollars than one that doesn't have low-income tenants. Mr. Sadredin reminded the Board that last year the Board decided to limit the low-income tenant incentive to no more than 2 units per landlord.

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

- Amanda Ott, Resident
- Robert Gurdiola, All Brands Hearth & Spa
- Mark Oliphant, Robert H. Petersen Company
- Richard Melhuish, Resident
- Tom Hayston, Resident
- Bob Hahn, Buck Stove
- Genevieve Gale, Young Fresnans for the Environment
- Steve Combs, Energy House
- Cesar Campos, CCEJN and EJAG member

- Tom Bludau, Agape Fireplaces
- Norma Rodgers, Hearth Retailer

Supervisor Worthley made a motion to support staff recommendations. He said this is a tremendous program and may be one of the finest devised by the Board. Dr. Sherriffs suggested a simple analysis to assess how Valley residents have changed their fireplace burning behavior with regards to this program. Mr. Sadredin responded that staff will continue to return to the Board with a full report at the end of every wood burning season and will keep the Board updated as the program moves forward. He suggested at the Board's direction, staff could return to the Board with a proposal for a scientific survey that would cover many of the questions raised at today's meeting.

*Moved:* Worthley  
*Seconded:* Sherriffs  
*Ayes:* Bompreszi, Capitman, Elliott, Gurrola, Hanson, Mendes, O'Brien, Pedersen, Sherriffs, Walsh, Worthley, Wheeler  
*Nays:* Couch

***Motion carried 12-1 to approve incentive amounts for the Burn Cleaner Program as recommended by staff and to request EJAG members to review and provide feedback on the low-income component and staff to return to the Board with a proposal for a scientific survey to cover the questions raised at today's meeting.***

8. PROPOSED CHANGES TO THE WOOD BURNING DEVICE REGISTRATION PROCESS UNDER RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS) – Mr. Sadredin said the Board has always directed staff to be forward thinking and look ahead in the spirit of continuous improvement. He said this item is one of those cases where part of the Check Before You Burn program is working well but there are potential issues in some areas. As part of the wood burning strategy adopted by the Board in September 2014, the District established a training and licensing program and engaged in extensive outreach to hearth retailers and chimney sweep professionals to solicit them to become Registered Wood Burning Heater Professionals to inspect clean wood burning devices to ensure proper maintenance and operation. At this time, staff does not believe that there are an adequate number of licensed Professionals in every county to meet the expected demand. He asked the Board to consider and adopt a number of measures to ensure continued success in implementing the program while allowing more time to recruit an adequate number of licensed Professionals, including:

1. Allow Valley residents to self-register qualifying clean wood burning devices for one additional year without requiring an inspection by a Registered Wood Burning Heater Professional.

2. To ensure equity, for Valley residents that utilized a Registered Wood Burning Heater Professional to register their device for the 2015-16 season, extend the term of their device registration by one year for a total of four years.
3. Require all Burn Cleaner retailers that receive incentive funding from the District to participate in the Registered Wood Burning Heater Professional program.
4. Authorize the Executive Director/APCO, in consultation with the hearth retailers and chimney sweep professionals, to examine the licensing requirements for Registered Wood Burning Heater Professionals and to develop rules or policies needed to ensure clarity and adequacy.

Supervisor Walsh asked if the suggestion for a 1-year extension was to accommodate the seasonality of the hearth industry. Mr. Sadredin responded the extension was designed to allow the self-registration process to continue for 1-year as well as provide an additional year of registration for those who chose to go through the complete registration process, which including an inspection and verification by a licensed Professional. Supervisor O'Brien commented that while he is overall supportive of this proposal, the most important aspect is working with industry to tighten up in figuring out the best way to register professionals. He suggested the hearth industry professionals should be the ones doing the inspections. Supervisor O'Brien expressed concerns with the ability of other professions such as chimney sweeps, building inspectors, or contractors to identify a properly-working device and suggested working with the industry to find the best solution.

*Supervisor Elliott left at 11:30 a.m.*

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

- Robert Gurdiola, All Brands Hearth and Spa

*Moved:* Bompreszi  
*Seconded:* Worthley  
*Ayes:* Bompreszi, Capitman, Couch, Gurrola, Hanson, Mendes, O'Brien, Pedersen, Sherriffs, Walsh, Worthley, Wheeler  
*Nays:* None

***Motion carried unanimously carried to adopt proposed changes to the wood burning device registration process under Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters)***

9. JOINT LEGISLATIVE AUDIT ON ADEQUACY OF FEES – Mr. Sadredin said on August 25, 2015, the California Legislature's Joint Legislative Committee on Audits agreed to a request by Assemblymember Cooper (Democrat – Elk Grove)

to audit the District. Specifically, the request asked the State Auditor to determine if the District fees are adequate in providing sufficient revenues to operate its regulatory programs and to protect itself against potential future litigation relating to permits granted by the District.

Mr. Sadredin reported he appeared before the Committee in support of the audit while attempting to respond to questions raised by Assemblymember Cooper. He also offered suggestions on how the audit and the final report could be crafted to provide the most public benefit. During the Committee hearing, the State Auditor testified that this audit should take about 5 months and as a “straightforward audit” it should take about 2,000 hours of state staff time to complete. Mr. Sadredin said the District welcomes audits of any kind and will fully cooperate with the State Auditor’s office.

Supervisor Pedersen asked if this is an adversarial request. Mr. Sadredin said it may have come from a misunderstanding of the District’s processes. Supervisor Mendes said it too bad the District is being audited because the District makes such efficient use of its funds. He commended staff for their many years of good work on behalf of the people of the Valley. Supervisor Worthley said this audit seemed like a waste of public funds unless the information is shared with other public agencies to show how the District makes such efficient use of funds.

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

- Colby Morrow, So Cal Edison

10. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs reported there was no ARB Board meeting held in August. He gave an overview on upcoming matters before ARB including:

- On September 24, 2015, the Board will consider adoption of a new Low Carbon Fuels Standard (LCFS) regulation to replace the existing LCFS regulation adopted by ARB in 2009.
- Also on September 24, as a companion to the LCFS, the Board will consider adoption of a proposed regulation governing the commercialization of diesel fuel substitutes for mobile vehicles.
- On November 19, 2015, the Board is expected to hear and consider adoption of a new regulatory effort to reduce GHG emissions from the oil and gas production and processing industries by establishing a series of operating practices, equipment design standards, and control strategies.
- Also on November 19, the Board is expected to hear and consider adoption of amendments to the fleet rule for transit agencies to achieve additional Particulate Matter, Nitrogen Oxide, and Greenhouse Gas emissions reductions from transit fleets.

11. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin introduced the District’s new Personnel Director, Chenecua Dixon, who has worked for the District for 5 years, and who he said rose to the top in a highly competitive recruitment of both internal and external candidates. In addition, regarding the the PM2.5 Plan, Mr. Sadredin said EPA approved the Wood Burning Rule 4901, which was a key part of that plan and all indications are that EPA will approve the plan. Finally, he announced staff is preparing an item to present at the October Board meeting on wildfires and their impact on air quality and what the District can do working with the state and federal land managers to encourage policies that can help minimize future wildfires.
  
12. GOVERNING BOARD MEMBER COMMENTS – None

**ADJOURN**

Meeting adjourned at 12:08 p.m.

*The next scheduled meeting of the Governing Board is: Thursday, October 15, 2015. 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.*