

## Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

### **GOVERNING BOARD MEETING**

Central Region Office, Governing Board Room  
1990 E. Gettysburg Avenue, Fresno, CA

**Thursday, September 17, 2020  
9:00 a.m.**

***Meeting held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast. Given the international COVID-19 pandemic, and consistent with the California Department of Public Health's recommendations and Governor Newsom's Executive Order N-29-20, no physical location was provided for public attendance.***

1. CALL MEETING TO ORDER – The Chair, Supervisor Pedersen, called the meeting to order at 9:01 a.m.
2. ROLL CALL – was taken and a quorum was present.

*Present:*

Drew M. Bessinger, Mayor**	City of Clovis
David Couch, Supervisor	Kern County
Kuyler Crocker, Supervisor*	Tulare County
Bob Elliott, Supervisor	San Joaquin County
Christina Fugazi, Councilmember	City of Stockton
Buddy Mendes, Supervisor	Fresno County
Kristin Olsen, Supervisor	Stanislaus County
Tania Pacheco-Werner, Ph.D	Appointed by Governor
Lloyd Pereira, Supervisor, <b>Vice Chair</b>	Merced County
Craig Pedersen, Supervisor, <b>Chair</b>	Kings County
Alvaro Preciado, Councilmember*	City of Avenal
Monte Reyes, Councilmember	City of Porterville
Chris Vierra, Mayor	City of Ceres
Tom Wheeler, Supervisor	Madera County

*Absent:*

Dr. Alexander Sherriffs	Appointed by Governor
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\*Arrived at 9:13 a.m.

\*\*Arrived at 9:15 a.m.

\*\*\*Arrived at 10:00 a.m.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (18 – 24): *These matters are routine in nature and are usually approved by a single vote. Prior to any action by the board, the public was given the opportunity to comment on any consent item.*
18. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT SPECIAL PUBLIC HEARING: REVIEW OF 2020-21 RECOMMENDED BUDGET OF THURSDAY, AUGUST 20, 2020
19. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2020
20. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR AUGUST 2020
21. RECEIVE AND FILE BUDGET STATUS REPORTS AS AUGUST 31, 2020
22. APPROVE CONTRACT WITH CHESTER LABNET TO PROVIDE LABORATORY SPECIATION ANALYSIS OF PARTICULATE MATTER 2.5 SAMPLES
23. APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS & CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF TOXIC ORGANIC COMPOUNDS
24. RECEIVE AND FILE LISTING OF REFUNDS FOR FISCAL YEAR 2019-20

Public Comment: None

Moved: Wheeler

Seconded: Mendes

Ayes: Couch, Elliott, Fugazi, Mendes, Olsen, Pacheco-Werner, Reyes, Vierra, Wheeler, Pedersen

Nays: None

***Motion unanimously carried to approve Consent Calendar Item Numbers 18 – 24***

5. PUBLIC COMMENT – *The following persons commented on this item:*
- Connie Young, Citizens Climate Lobby
6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Kevin Abernathy, CAC Chair, provided the Board with an update on the Citizens

Advisory Committee meeting held on September 1, 2020.  
*Supervisor Crocker and Mayor Preciado arrived at 9:13 a.m.*  
*Mayor Bessinger arrived at 9:15 a.m.*

7. REPORT ON 2020 WILDFIRE SEASON – Samir Sheikh, Executive Director/APCO, said the Valley has seen significant air quality and public health impacts this year due to the wildfires across the state. He introduced Jon Klassen, Director of Air Quality Planning and Jaime Holt, Chief Communications Officer, who provided an update on the 2020 wildfire season-to-date and associated impacts on the Valley's air quality.

*Councilmember Fugazi left briefly at 9:23 a.m.*

Supervisor Wheeler said his community has been severely impacted by the fires and discussed the importance of changing air conditioner filters regularly to reduce the smoke impacts.

Supervisor Mendes thanked staff for doing a great job on wildfire outreach in the Valley. He commented on the different smoke impacts seen on the east side versus the west side of the Valley.

Supervisor Crocker thanked staff for all of the work they do. He said what is happening right now really illustrates that forest health is not just an issue for mountain communities. We are all experiencing it now. He thanked his fellow Board members, and said that even though forest management is a passion for some and they have reiterated the need for years, the entire Board had the same foresight to make sure that forest health is a priority for the District. He said we are now recognizing the impacts at home. He added he has been using and promoting the District's app, which has been extremely helpful for outdoor activities and farm operations. He also voiced appreciation for the District's social media posts advising that cloth masks do not protect against wildfire smoke, and to use N95 masks.

Supervisor Elliott thanked staff for the great report and said he was especially happy to hear that staff is starting to work early on getting these wildfires classified as exceptional events.

Dr. Pacheco-Werner thanked staff for their work on this issue and the valuable information provided today. She shared as she was preparing for this meeting, she was using her nebulizer at home as she has severe asthma which is greatly impacted by the current conditions. She said this issue is very personal for her in terms of choosing to live here and living with the impacts. She added it was important that yes salvage logging has been shown in studies in Europe to mitigate those effects and have positive effects on forest land management and preventing those fires, particularly even the bark beetle effect on trees. She also mentioned that climate change for her and salvage logging were not in direct opposition to one another. She said climate change is happening and is causing

the extreme weather that has led to the number of dead trees that we are faced with in our backyard today. She said those two areas do not have to be in opposition, but we must recognize that both are necessary and part of the conversation that we need to have.

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

- Manuel Cunha, Nisei Farmers League
- Connie Young, Citizens Climate Lobby
- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition (CVAQ)
- Tom Menz, Resident

Chairman Pedersen said these conversations reminded him of the advocacy of former long-standing Board member Supervisor Steve Worthley. He said the Board and District have been progressive, insightful, and very aggressive in trying to address forest management issues. He mentioned exceptional events and asked how wildfires would affect our ability to achieve federal air quality standards.

Mr. Sheikh responded staff would present more information later this year after the wildfire season, adding that it is a huge priority to document the emissions from these wildfires because there is an exceptional event provision within the federal Clean Air Act that avoids imposing unreasonable requirements on areas related to violations of the federal air quality standards due to emissions from exceptional events that are unusual or naturally occurring and are not reasonably controllable. He said we are in a critical juncture in our PM2.5 journey as well and right now. We have attainment deadlines starting this year for one standard, then another deadline in 2024 and another in 2025. He added it is important that through the exceptional event process, these wildfire emissions are extracted from the attainment demonstration process so we can properly assess whether the Valley has properly met the federal standards. It's a very technical and intensive process to be able to quantify and document the impacts to take advantage of exceptional event provisions.

Mayor Bessinger said he wanted to point out that last year he was part of a coalition that went back to Washington, D.C., and one of the things they spoke to the Department of Commerce about was workforce training for loggers and fellers. He said it fell on deaf ears, but this conversation needs to take place again because they are needed more than ever. Mr. Sheikh responded that there are conversations taking place with our congressional delegation about some of these issues including the one raised by Mayor Bessinger. He added staff is also looking at some recent legislation that was introduced on the federal side that deals with wildfire and public safety to see if that is consistent with the Board's policy positions.

Councilmember Reyes mentioned it was just brought to his attention that during this meeting the fires have moved on to the Tule River Reservation. The Tule

River Tribe has long approached mitigating the dangers of fire in responsible ways, consistent with the approaches the members of this Board have been advocating for many years.

Chairman Pedersen said the Board and staff can be proud that they have always leaned into this issue and not ran away from it.

*Councilmember Fugazi returned at 9:50 a.m.  
Supervisor Pareira arrived at 10:00 a.m.*

8. DISTRICT COMMUNITY SELECTION RECOMMENDATION FOR CARB UNDER THIRD-YEAR IMPLEMENTATION OF AB 617 – Ryan Hayashi, Deputy APCO, presented this item which asked the Board to approve the recommendation that CARB consider Arvin/Lamont for additional clean air resources and public engagement under AB 617 for the state’s third year implementation. The proposal also included a secondary recommendation that CARB also consider La Vina for selection. Mr. Hayashi said these recommendations are contingent upon sufficient state resources being made available to support implementation of this program.

Supervisor Crocker said he was supportive of the staff recommendations but added he would like to nominate and add for future consideration, the City of Lindsay. He added there was interest in the community and the District has a temporary monitoring station at the high school there to measure air quality impacts from wildfires. He said his recommendation is contingent on the District getting additional state funds.

Mr. Sheikh responded that one of the things that was important in this process was continuing to identify communities that would be good candidates from both an air quality and impact perspective but also from a local interest perspective in participating in the program. He said a community like Lindsay, where there would be local interest at the city and county level, along with residents and others that are active in that community could be added to the conversation in the District’s communications with CARB as we continue trying to expand the reach of the program.

Supervisor Wheeler said he was in full support of this recommendation but said he did not want to use the money that the state has already authorized for the other three communities already selected because it is so important to complete those programs and not take any dollars from them for additional communities.

Chairman Pedersen said the points made by the Board members were great and it was important to reiterate that there has always been a concern with AB 617 that it would not continue to receive the necessary state funding to properly implement the program and add additional communities.

Dr. Pacheco-Werner thanked staff for their work on this program and said she

can support and advocate for more funding at the state level. She said she agreed with Supervisor Wheeler's comments regarding scaling things and not setting them up to fail. She added staff has already done a lot of work in the existing communities and offered to assist wherever she could.

Supervisor Couch said the communities of Arvin and Lamont are very different and distinct but for the purpose of this program, it makes sense to put them together. He said they are both rural communities and downwind from Bakersfield. He added they get the brunt of all the dirty air that comes down the San Joaquin Valley and they are in his supervisorial district, so he knows them very well. He assured the Board that there will be a great deal of community interest and input and they would be very active in this program. He made a motion to approve staff's recommendations and underline the fact that we do not want to dilute any previous projects or actions the Board has already taken, but this was contingent on receiving additional funding from the state.

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

- Christine Viterelli, City of Arvin
- Cynthia Pinto-Cabrera, CVAQ

Chairman Pedersen commented on the funding issue and said we need to be very careful about committing ourselves to unfunded programs and then have it be thrown back in our lap.

*Moved:* Couch  
*Seconded:* Crocker  
*Ayes:* Bessinger, Couch, Crocker, Elliott, Fugazi, Mendes, Olsen, Pacheco-Werner, Pareira, Reyes, Vierra, Wheeler, Preciado  
*Nays:* None

***Motion unanimously carried to approve the District community selection recommendation for CARB under third-year implementation of AB 617***

9. RECEIVE AND FILE THE 2020 ANNUAL REPORT ON THE DISTRICT'S INDIRECT SOURCE REVIEW PROGRAM – Arnaud Marjollet, Director of Permit Services, gave the presentation on this item which asked the Board to receive and file the 2020 Annual Report on the District's Indirect Source Review Program.

Supervisor Wheeler asked if monies collected from the Voluntary Emissions Reduction Agreements (VERAs) go back to the county where the project is located or if they are used throughout the Valley. Mr. Marjollet said we first look at the local impact of the project then widen the circle based on project availability. He said we obviously must consider cost effectiveness and meet those emission reductions on behalf of the project developer.

Mayor Bessinger said with the new SB 743 Vehicle Miles Traveled (VMT) standards coming into our development practices now, he felt it would hinder small towns from being able to do economic development and housing. He asked how ISR fits in with the new VMT requirements.

Mr. Sheikh responded and said to the extent that a project has reduced VMT by design to comply with SB 743 and we can take credit for that under our rule, it certainly will help with satisfying our rule and will hopefully minimize or mitigate the fee requirement.

Supervisor Wheeler asked if the High Speed Rail project is paying any mitigation fees for their projects up and down the Valley. Mr. Sheikh responded affirmatively. The District entered into a VERA with the High-Speed Rail Authority under which they must quantify and mitigate the air quality impacts of the project.

10. ACCEPT AND APPROPRIATE \$30,366,695 IN ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND THE REPLACEMENT OF AGRICULTURAL TRACTORS AND NUT HARVESTING EQUIPMENT – Brian Clements, Program Manager, presented this item which asked the Board to accept \$30,366,695 from the United States Environmental Protection Agency for the following projects:

- \$20,000,000 to replace agricultural tractors that have uncontrolled, Tier 1 or Tier 2 engines with new agricultural tractors that have Tier 4 engines;
- \$10,366,695 to replace nut-harvesting equipment with low-dust nut harvesting equipment;

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

- Manuel Cunha, Nisei Farmers League
- Connie Young, Citizens Climate Lobby

Chairman Pedersen thanked staff and recognized the competitiveness of the District in advancing the clean air initiatives in our region. He said with the impacts from COVID-19 and market interruptions we have seen through supermarkets and getting products moved, this funding is more important than ever. Mr. Sheikh voiced appreciation for Chairman Pedersen's comments and added his appreciation for the staff's hard work. He added staff really could not put these applications together without the support and partnerships with the agricultural community. He expressed appreciation for the agricultural community for giving us the types of projects that staff can package together and then have the response and commitment from them to move forward with these types of projects. He said it was really a testament to that public private partnership and the hard work of the community who is also investing in these projects.

Moved: Mendes  
Seconded: Wheeler  
Ayes: Bessinger, Couch, Crocker, Elliott, Fugazi, Mendes,  
Olsen, Pacheco-Werner, Pareira, Preciado, Reyes,  
Vierra, Wheeler, Pedersen  
Nays: None

***Motion unanimously carried to accept and appropriate \$30,366,695 in additional revenue from the United States Environmental Protection Agency to fund the replacement of agricultural tractors and nut harvesting equipment***

11. ACCEPT AND APPROPRIATE \$2,329,486 IN ADDITIONAL PROPOSITION 1B REVENUE FROM THE CALIFORNIA AIR RESOURCES BOARD TO FUND ADDITIONAL GOODS MOVEMENT EMISSIONS REDUCTION PROJECTS – Brian Dodds, Program Manager, presented this item which asked the Board to accept \$2,329,486 from the California Air Resources Board to fund additional truck, locomotive, or transportation refrigeration unit replacement projects through the Proposition 1B Goods Movement Emission Reduction Program.

Supervisor Mendes asked if there was any regulation at all on the locomotives or if they were all tier zero equivalent. Mr. Sheikh responded there was some regulation at the federal level for new locomotives, but that turnover to new locomotives is very slow.

Public Comment: None

*Councilmember Fugazi left briefly at 10:35 a.m.*

Moved: Mendes  
Seconded: Wheeler  
Ayes: Bessinger, Couch, Crocker, Elliott, Mendes,  
Olsen, Pacheco-Werner, Pareira, Preciado, Reyes,  
Vierra, Wheeler, Pedersen  
Nays: None

***Motion unanimously carried to accept and appropriate \$2,329,486 in additional Proposition 1B revenue from the California Air Resources Board to fund additional goods movement emissions reduction projects***

*Councilmember Fugazi returned at 10:45 a.m.*

12. RECEIVE UPDATE ON 2020 AGRICULTURAL BURNING REPORT – Mr. Sheikh said for many years the Board and District staff have worked with the agricultural community to continually look for opportunities for reducing agricultural open burning. He said for years now, the District has moved forward



with a number of prohibitions under state law and have managed any remaining burning through our smoke management system in a controlled environment from an air quality perspective. Consistent with District Rule 4103, every five years staff go through an extensive review of the open burn categories, especially anything that has been postponed through prior determinations, to determine if there are additional opportunities to continue reducing open burning.

Mr. Sheikh said there have been a lot of developments in this area in recent years through a variety of alternatives that have that have either been demonstrated or in the process of being demonstrated. He said staff would be returning to the Board by the end of the year and today would provide a status report on the evaluation. Mr. Sheikh highlighted the importance of really understanding the feasibility and any remaining concerns that may be associated with the implementation of some of these different alternatives. He introduced Jessica Coria, Program Manager, who presented an update to the Board on progress in preparing the District's 2020 Staff Report and Recommendations on Agricultural Burning.

Supervisor Crocker said in light of all the blackouts that we have had and energy issues, even though he hasn't necessarily heard anything about our biomass plants, he felt there should be an opportunity there to re-engage and try and get some emphasis, to have some localized projects that continue to provide power for us. Mr. Sheikh responded that was certainly on the priority list. He said the District is also supporting legislative efforts that could support new biomass to clean energy technologies mentioned in the presentation. He said there was a bill with the Governor right now that opens the door to renewable gas also being made available from biomass gasification.

*Councilmember Fugazi left the meeting at 11:05 a.m.*

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

- Cynthia Pinto-Cabrera, CVAQ
- Manuel Cunha, Nisei Farmers League
- Connie Young, Citizens Climate Lobby

13. UPDATE ON DISTRICT RESPONSE TO CALIFORNIA AIR RESOURCES BOARD'S REVIEW OF THE DISTRICT EMISSION REDUCTION CREDIT SYSTEM – Morgan Lambert, Deputy APCO, presented this item which asked the Board to authorize the Executive Director/APCO to provisionally withdraw emission reductions from agricultural engine electrification projects associated with the AG-ICE incentive program and unbanked facility shutdowns ("orphan shutdowns") from the District's offset equivalency system, and continue Board-directed efforts to identify longer-term solutions associated with the offset equivalency system, including reintroducing the appropriate reductions from the provisionally withdrawn projects through mechanisms and methodologies informed by the ERC Public Advisory Workgroup process.

Mr. Sheikh highlighted the importance of the proactive response by the Board with this action, but also even more importantly, the public process moving forward for addressing the long-standing difficulties of operating an offsetting program in an extreme non-attainment area. He said staff are seeing some positive indications as they interface with CARB and EPA because those challenges are recognized and they have always been a challenge that is built into our extreme non-attainment status. He added it was really important that we use the robust process through the Public Advisory Workgroup that the Board put into place last month to look for a longer term viable solutions.

*The Governing Board Room lost connection with Zoom briefly at 11:53 a.m.  
The Governing Board Room regained connection to Zoom at 11:55 a.m.*

Chairman Pedersen if staff were comfortable that they would be able to develop an approvable mechanism and reintroduce the appropriate portion of the provisionally withdrawn projects in a timely fashion. Mr. Sheikh responded that there was no specific timetable for this but his hope was that significant progress on this front could be made by next year's report. He said this was a high priority and will get the appropriate level of attention to address it as soon as possible.

*Mr. Vierra left at 12:00 p.m.*

Moved: Mendes  
Seconded: Pacheco-Werner  
Ayes: Bessinger, Couch, Crocker, Elliott, Mendes, Olsen,  
Pacheco-Werner, Pareira, Preciado, Reyes,  
Wheeler, Pedersen  
Nays: None

***Motion unanimously carried to authorize the Executive Director/APCO to provisionally withdraw emission reductions from agricultural engine electrification projects associated with the AG-ICE incentive program and unbanked facility shutdowns ("orphan shutdowns") from the District's offset equivalency system, and continue Board-directed efforts to identify longer-term solutions associated with the offset equivalency system, including reintroducing the appropriate reductions from the provisionally withdrawn projects through mechanisms and methodologies informed by the ERC Public Advisory Workgroup process.***

14. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Mr. Sheikh referred members to the written report in their agenda packets as Dr. Sherriffs was not present at the meeting.
15. EXECUTIVE DIRECTOR/APCO COMMENTS – None
16. GOVERNING BOARD MEMBER COMMENTS – Supervisor Wheeler gave an

update on the Creek Fire.

Mayor Bessinger said he had a recent conversation with former Board member, and Fresno City Councilmember, Oliver Baines, and he was very complimentary of the District and staff.

17. **CLOSED SESSION** - Annette Ballatore, District Counsel, announced that the Board would adjourn to Closed Session to discuss the item below followed by adjournment.

- CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code Section 54956.9(d)(1), *Comite Progreso de Lamont, et. al. v. SJVUAPCD, Fresno Co. Sup. Ct. Case No. 20CECG01008.*

Public Comment: None

## **ADJOURN**

*Chairman Pedersen adjourned the meeting at 12:10 p.m.*

*The next scheduled meeting of the Governing Board is: Thursday, October 15, 2020, at 9:00 a.m. 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.*