

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 15, 2022
9:00 a.m.**

Given the international COVID-19 pandemic, and consistent with public health recommendations and Assembly Bill 361, this meeting was held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast.

1. CALL MEETING TO ORDER – The Chair, Vito Chiesa, called the meeting to order at 9:03 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor, Chair	Stanislaus County
Buddy Mendes, Supervisor, Vice Chair	Fresno County
Tania Pacheco-Werner, Ph.D.	Appointed by Governor
Lloyd Pareira, Supervisor*	Merced County
Craig Pedersen, Supervisor	Kings County
Alvaro Preciado, Mayor	City of Avenal
Robert Rickman, Supervisor**	San Joaquin County
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

Absent:

David Couch, Supervisor	Kern County
Christina Fugazi, Vice Mayor	City of Stockton
Deborah Lewis, Councilmember	City of Los Banos
Alexander Sherriffs, M.D.	Appointed by Governor

*arrived at 9:05 a.m.

**arrived at 10:05 a.m.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (18 - 25): *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.*

18. ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFRENCING UPDATE

19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF AUGUST 18, 2022

20. APPROVE CONTRACT WITH DESERT RESEARCH INSTITUTE TO PROVIDE LABORATORY SPECIATION ANALYSIS OF PARTICULATE MATTER 2.5 SAMPLES FOR A TOTAL OF \$167,166

21. APPROVE CONTRACT WITH ENTHALPY ANALYTICAL TO PROVIDE LABORATORY ANALYSIS OF TOXIC ORGANIC COMPOUNDS FOR A TOTAL OF \$117,216

22. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH MAJESTIC REALTY COMPANY TO MITIGATE AIR QUALITY IMPACTS

23. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2022

24. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR AUGUST 2022

25. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF AUGUST 31, 2022

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

- Perry Elerts, Leadership Counsel for Justice and Accountability

Moved: Wheeler

Seconded: Shuklian

Ayes: Bessinger, Chiesa, Mendes, Pareira, Pedersen, Preciado, Shuklian, Wheeler

Nays: Pacheco-Werner

Motion carried to approve Consent Calendar (Items 18-25)

5. PUBLIC COMMENT – *The following individuals provided public comments at this meeting:*
 - Connie Young, Citizens Climate Lobby (CCL)
 - Michael Salvador, Police Chief for City of Atwater
 - Janet Dietz-Kamei, Resident
 - Manuel Cunha, Nisei Farmers League (NFL)

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Citizens Advisory Chair, reported on highlights from the CAC meeting held on September 6, 2022.

7. APPROVE ENHANCEMENTS TO THE DISTRICT'S BURN CLEANER PROGRAM TO PROVIDE INCREASED INCENTIVES FOR THE INSTALLATION OF NATURAL GAS OR ELECTRIC DEVICES – Brian Dodds, Program Manager for Grants and Incentives Department, presented this item seeking the Board's approval for enhancements to the District's Burn Cleaner Program.

Mr. Wheeler expressed his gratitude for the staff with this program. Mr. Mendes thanked the staff for their approach when program usage declines to ensure maximization of the program. Dr. Pacheco-Werner expressed her appreciation for the review and in light of looking for enhancements of the program, suggested considering incentivizing solar powered homes in hopes of going more electric. Mr. Pederson expressed some concern with the possibility of supply chain issues having an impact on the District's ability to spend money and the applicants receiving product on time. Mr. Sheikh said the District would continue to monitor supply chain issues.

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

- Connie Young, CCL
- Janet Dietz-Kamei, Resident
- Thomas Menz, Resident
- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition (CVAQ)

Moved: Mendes

Seconded: Bessinger

Ayes: Bessinger, Chiesa, Mendes, Pacheco-Werner, Pareira, Pedersen, Preciado, Shuklian, Wheeler

Nays: None

Motion unanimously carried to (1) adopt proposed enhancements to the District's Burn Cleaner Program to offer increased financial incentives to Valley residents for the replacement of existing high polluting wood burning devices with cleaner alternatives; (2) adopt the proposed program enhancements for AB 617 communities of Stockton, South Central Fresno, and Shafter for woodstove change-out measures in Board approved Community Emission Reduction Programs, in consultation and

coordination with the respective Community Steering Committees; and (3) authorize the Executive Director/APCO, on behalf of your Board, to make administrative changes to the program as necessary.

Item 10 was taken out of order.

10. AUTHORIZE DISTRICT TO SERVE AS ADMINISTRATOR OF CARB OCEAN-GOING VESSELS AT-BERTH REGULATION REMEDIATION FUND FOR THE PORT OF STOCKTON – Todd DeYoung, Director of District’s Grants and Incentives Department, presented this item seeking the Board’s authorization to submit an application to CARB to serve as an administrator of the ships at berth remediation fund for activities related to the Port of Stockton.

Mr. Bessinger asked if there was fuel savings substantial enough for a shipping company to incentivize the use of the control equipment. Mr. DeYoung responded that depending on the type of emission control system that is used there may be savings. For instance, shore power does have significant fuel savings because basically you're shutting down those onboard engines and plugging into electrical power.

Mr. Mendes asked why CARB was not administering this program. Mr. DeYoung said that he believes it is due to CARB’s desire to provide local air districts and the local communities the say in the types of projects that are funded, whether those are truck replacement projects, port handling equipment, etc.

Mr. Rickman joined the meeting at 10:05 a.m.

Public Comment: None

Moved: Bessinger

Seconded: Mendes

Ayes: Bessinger, Chiesa, Mendes, Pacheco-Werner, Pareira, Pedersen, Preciado, Rickman, Shuklian, Wheeler

Nays: None

Motion unanimously carried to (1) authorize the District to serve as an administrator of the California Air Resources Board (CARB) Ocean-Going Vessels At-Berth Regulation Remediation Fund for the Port of Stockton; (2) authorize the Executive Director/Air Pollution Control Officer (APCO), on behalf of your Board, to enter into any necessary agreements or memoranda of understanding necessary for successful implementation of the program; and (3) authorize District to allow the California Air Pollution Control Officers Association (CAPCOA) to administer funds collected through the Remediation Fund on behalf of, and in consultation with the District should District administration of the Remediation Fund be determined by the Executive Director/APCO to be cost-prohibitive.

Mr. Pareira, Mr. Pederson and Ms. Shuklian left the meeting at 10:20 a.m.

8. THE VERBAL REPORT ON WILDFIRE SEASON – Jon Klassen, Director of District’s Air Quality Science Department, and Jaime Holt, Chief Communications Officer, provided an update on the current 2022 wildfire season and ongoing District outreach and education efforts.

Mr. Wheeler complimented the District efforts and expressed the concern of wildfire damage coming from the lack of proper forest management.

Mr. Bessinger also expressed his concerns for the wildfire devastation of communities due to the lack of proper forest management.

Dr. Pacheco-Werner congratulated the District on the pilot program for the portable air cleaners. She would love to see that program expand and is excited for the growth of that program.

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

- Connie Young, CCL
- Janet Dietz-Kamei, Resident
- Jasmine Martinez, CVAC
- Thomas Menz, Resident

Dr. Pacheco-Werner asked if there were any inaccuracies that were mentioned by one of the public comments regarding the real-time of air quality data. Mr. Sheikh clarified some of the concern and said that the air quality data is available in real-time basis, “real-time” being defined as within an hour of the timeframe.

9. RECEIVE UPDATE ON IMPLEMENTATION OF AGRICULTURAL OPEN BURN PHASE-OUT STRATEGY – Sheraz Gill, Deputy Air Pollution Control Officer, provided an update on the implementation of the District’s agricultural open burning phase-out strategy.

Mr. Mendes pointed out that due to the Smoke Management System and atmospheric conditions, there are not many days in which acreage can be burned. He thinks we are going a great job moving forward with this but we need to acknowledge what has been done.

Ms. Pacheco-Werner applauded the staff for being able to move forward in this strategy and acknowledged the effort it requires of everyone. She would like to see some of the data parsed out as to individual goals of orchard removal, etc. For future reference, she requested the District present relevant enforcement data as the phase-out continues. Mr. Sheikh pointed out a small area on one of the graphs that points out the crop-type and other data that Mr. Pacheco-Werner referenced. He also mentioned that we would bring more information as we continue to track the effects the ag-burn phase-out strategy may bring.

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

- Cynthia Pinto-Cabrera, CVAC
- Janet Dietz-Kamei, Resident
- Thomas Menz, Resident
- Roger Isom, Western Ag Processors Association & California Cotton Ginners and Growers Association
- Manuel Cunha, NFL

11. ADOPT PROPOSED AMENDMENTS TO RULE 4460 (PETROLEUM REFINERY FENCE-LINE AIR MONITORING) AND RULE 3200 (PETROLEUM REFINERY COMMUNITY AIR MONITORING FEES) AND ADOPT RULE 4460 PETROLEUM REFINERY FENCE-LINE AIR MONITORING PLAN GUIDELINES – Chairman Chiesa continued this item to the October 20, 2022, scheduled Governing Board meeting.
12. REVIEW AND SET AGENDA FOR THE NOVEMBER 2022 GOVERNING BOARD STUDY SESSION FOR EDUCATIONAL AND STRATEGIC PLANNING PURPOSES – Samir Sheikh, Air Pollution Control Officer reviewed the agenda for the Governing Board Study Session scheduled for November 9-10, 2022.
13. VERBAL UPDATE ON DISTRICT EFFORTS TO ENHANCE NEW SOURCE REVIEW AND EMISSION REDUCTION CREDIT BANKING RULES – Morgan Lambert, Deputy Air Pollution Control Officer, provided an update regarding Rule 2201 (New and Modified Stationary Source Review). He stated the District is currently in the process of amending Rule 2201 and Rule 2301 (Emission Reduction Credit Banking) to ensure the continued compliance with the federal new source review requirements. Mr. Lambert discussed the public engagement process and stated the District will continue to be open to any feedback provided in the process.
14. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Dr. Pacheco-Werner provided a list of upcoming matters before CARB, including the State Implementation Plan and the Advanced Clean Fleet Regulation.

Mr. Sheikh thanked Dr. Pacheco-Werner for the different actions she's been involved with that are benefitting the Valley.
15. EXECUTIVE DIRECTOR/APCO COMMENTS – Samir Sheikh introduced and congratulated Ryan Buchanan, the District's newly appointed Director of Administrative Services.
16. GOVERNING BOARD MEMBER COMMENTS – Chair Chiesa thanked District staff for their presentations, the public for their participation and all the work that is being done.

17. CLOSED SESSION – Annette Ballatore, District Counsel, held a Closed Session item pursuant to the Ralph M. Brown Act as follows:
- CONFERENCE WITH LEGAL COUNSEL – Pending litigation pursuant to Government Code Section 54956.9(d), SJVAPCD v. AG Land Joint Venture, Fresno County Superior Court Case No. 21CECG02452.

ADJOURN

Chairman Chiesa adjourned the meeting at 12:14 p.m.

Meeting adjourned from Closed Session at 12:35 p.m.

The next meeting of the Governing Board is scheduled for Thursday, November 15, 2022 at 9:00 a.m.