

GOVERNING BOARD

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Appointed by Governor

Lloyd Pareira
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Robert Rickman
Supervisor, San Joaquin County

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

Amy Shuklian
Supervisor, Tulare County

Tom Wheeler
Supervisor, Madera County

Samir Sheikh
Executive Director
Air Pollution Control Officer

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DATE: March 17, 2022

TO: SJVUAPCD Governing Board

FROM: Samir Sheikh, Executive Director/APCO
Project Coordinator: Michelle L. Franco

RE: **ITEM NUMBER 17: APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, FEBRUARY 17, 2022**

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, February 17, 2022

Attachment:
Action Summary Minutes, SJVUAPCD Governing Board Meeting of Thursday, February 17, 2022 (9 pages)

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, February 17, 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, Mayor Reyes, called the meeting to order at 9:01 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor, Vice Chair	Stanislaus County
David Couch, Supervisor	Kern County
Deborah Lewis, Councilmember**	City of Los Banos
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, Ph.D.	Appointed by Governor
Lloyd Pareira, Supervisor*	Merced County
Alvaro Preciado, Mayor	City of Avenal
Monte Reyes, Mayor, Chair	City of Porterville
Robert Rickman, Supervisor	San Joaquin County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

Absent:

Christina Fugazi, Vice Mayor	City of Stockton
Craig Pedersen, Supervisor	Kings County

*arrived at 9:14 a.m.

**arrived at 9:16 a.m.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (16 - 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.*
16. ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFERENCING UPDATE
 17. APPROVE REAPPOINTMENT OF HEARING BOARD ATTORNEY/ENGINEER MEMBERS GROUP
 18. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH CALMAT CO., DBA VULCAN MATERIALS COMPNAY TO MITIGATE AIR QUALITY IMPACTS
 19. RESCIND COUNTY EQUIPMENT BREAKDOWN RULES FROM STATE IMPLEMENTATION PLAN
 20. APPROVE AGREEMENTS WITH AMBILABS LLC AND TROPOSPHERIC MEASUREMENT SYSTEMS INC NOT TO EXCEED \$544,719 FOR COMMUNITY AIR MONITORING EQUIPMENT IN THE ARVIN/LAMONT AB 617 COMMUNITY
 21. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, JANUARY 20, 2022
 22. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2021
 23. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR JANUARY 2022
 24. RECEIVE AND FILE BUDGET STATUS REPORTS AS JANUARY 31, 2022

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

- Thomas Menz, Fresno Resident

Dr. Sherriffs commented on Item 16 ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFERENCING UPDATE, and said the District has done a very good job responding to the uncertainties of COVID-19 and acting as a responsible public health agency in terms of protecting staff and the public. He commended staff for the signage at District offices and expressed hope we would continue to do that as we transition through different recommendations.

Moved: Wheeler
Seconded: Mendes
Ayes: Bessinger, Chiesa, Couch, Mendes, Pacheco-Werner, Pareira,
Preciado, Rickman, Sherriffs, Shuklian, Wheeler, Reyes
Shuklian, Wheeler
Nays: None

Motion unanimously carried to approve Consent Calendar (Items 16-24)

Supervisor Pareira arrived at 9:14 a.m.

5. **PUBLIC COMMENT** – *The following persons provided public comments at this meeting:*

- Connie Young, Citizens Climate Lobby
- Janet Dietz-Kamei, Fresno Resident
- Anthony Molina, Fresno County Bicycle Coalition
- Thomas Menz, Fresno Resident
- Casey Lauderdale

Councilmember Lewis arrived at 9:16 a.m.

6. **REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES**, Manuel Cunha, Citizens Advisory Chair, reported on highlights from the CAC meeting held on February 1, 2022.

7. **S.T.A.R EMPLOYEE OF THE YEAR AWARDS** – Chenecua Dixon, Personnel Director, formally acknowledged the following individuals who were recognized this past year as STAR Employees of the Year for their outstanding performance and achievement:

- Aleksandr Krivobok, Network Systems Analyst
- Erin Green, Personnel Technician
- Lien Vong, Office Assistant,
- Lawrence Castaneda, Custodial Worker
- Maricela Velasquez, Senior Air Quality Education Representative
- Oshri Feldman, Senior Accountant
- Roshelle Lee, Personnel Analyst
- William Chen, Programmer Analyst
- Brad Dawson, Supervising Air Quality Instrument Specialist
- Emily Kneeland, Air Quality Specialist
- Madison Perkins, Senior Air Quality Specialist
- Muhammad Mian, Air Quality Instrument Specialist
- Jason Lawler, Compliance Manager
- Josue Gonzales, Air Quality Inspector
- Mark Rasmussen, Senior Air Quality Inspector

- Preet Bath, Air Quality Inspector
- Michelle Ortiz, Senior Air Quality Specialist
- Dania Haj, Air Quality Specialist
- Crystal Yunker, Supervising Air Quality Specialist
- Derek Fukuda, Supervising Air Quality Engineer
- Mungi Hong, Air Quality Engineer
- Silvana Procopio, Senior Air Quality Engineer
- Will Worthley, Air Quality Specialist

Samir Sheikh, Executive Director/APCO, expressed his appreciation to the STAR Employees of the Year and thanked them for all of their hard work. Chairman Reyes congratulated the Employees of the Year and thanked them for their great work on behalf of the District.

Councilmember Bessinger left at 9:25 a.m.
Supervisor Couch left at 9:36 a.m.

8. APPOINT AD HOC BUDGET SUBCOMMITTEE – Mr. Sheikh said one of the key steps in the District’s budget development process is establishing an Ad Hoc Subcommittee to review and provide feedback on the District’s Recommended Budget prior to the Budget Hearing in May.

Chairman Reyes appointed Supervisor Mendes, Dr. Sherriffs, Dr. Pacheco-Werner, Councilmember Lewis, Mayor Preciado, and himself to serve on the Ad Hoc Budget Subcommittee.

9. UPDATE ON IMPLEMENTATION OF ALTERNATIVES TO AGRICULTURAL OPEN BURNING INCENTIVE PROGRAM – Todd DeYoung, Director of Grants and Incentives, presented an update on implementation of the District’s Alternatives to Agricultural Open Burning Incentive Program, and recommended the Board include CARB-approved funding of air curtain burners into the Alternatives to Agricultural Open Burning Incentive Program Guidelines subject to specific program criteria and limitations.

Supervisor Shuklian asked if the per acre incentives for chipping cover the actual costs for the grower. Mr. DeYoung said generally speaking it does not cover the entire amount. Mr. Sheikh added there are cases where it does not even cover 50% of costs.

Dr. Pacheco-Werner commended the District and agricultural community for stepping up and knocking this first challenging season out of the park. She added the harder work remains in these next couple of years as the funds get lower and the restrictions get tighter. She said from the CARB perspective they are going to continue to push at the state level to make sure there are resources available to see this be completely successful through full implementation.

Dr. Sherriffs commended all on the collaboration it has taken to get to this point.

He said it is understood that it will be a very difficult transition for growers to not have agricultural burning as an option and this is critically important for air quality for the Valley. He said the Board has expressed concern at recognizing the challenges of smaller farmers. Regarding air curtain burners, he said we want to encourage people to move towards chipping the materials and suggested lowering the incentive for air curtain burning to encourage people to move in that direction.

Mr. Sheikh responded staff projection is that there would not be a large use of air curtain burners because they are subject to many different requirements and most likely would be used at times for smaller removals with a lot of wire infused material.

Supervisor Rickman asked how long we can anticipate state funding for these efforts. Mr. Sheikh said staff expect funding in the 12-18 month range and continue to advocate for more resources as directed by the Board in their Legislative Platform. Regarding air curtain burners, Supervisor Rickman said he likes incentive levels where they are and the target with air curtain burners is specific to certain conditions when non-combustion alternatives are not viable. He said this alternative shows the District is doing everything they can to help growers meet the requirements imposed by the state.

Councilmember Lewis agreed with Supervisor Rickman's position and said she supports air curtain burner incentives to stay at the same level. She said it is fair and equitable way to help farmers dispose of these materials.

Supervisor Wheeler said it is amazing how well air curtain burners work and how clean they burn. He supported keeping incentives at the existing level.

Chairman Reyes said air curtain burners are important tools that are very useful in certain circumstances.

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

- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition
- Janet Dietz-Kamei, Fresno Resident

Moved: Pacheco-Werner

Seconded: Mendes

Ayes: Chiesa, Lewis, Mendes, Pacheco-Werner, Pareira, Preciado, Rickman, Sherriffs, Wheeler, Reyes

Nays: None

Motion unanimously carried to include CARB-approved funding of air curtain burners into the Alternatives to Agricultural Open Burning Incentive Program Guidelines subject to specific program criteria and limitations; and authorize the Executive Director/APCO to make administrative changes

to the program as necessary for successful implementation.

10. ACCEPT AND APPROPRIATE \$36,573,008 IN STATE CAP AND TRADE FUNDING FOR TWO ZERO EMISSION DEMONSTRATION PROJECTS – Brian Dodds, Program Manager, presented this item which asked the Board to accept \$36,573,008 from the California Air Resources Board and California Energy Commission to fund two zero-emission heavy-duty demonstration projects in the San Joaquin Valley.

Dr. Pacheco-Werner said this was exciting and she especially commended the work being done in an AB 617 community. She said she hoped at the state level we were able to highlight this as one of the successes of this program in terms of what collaboration between industry, community, and the District can look like.

She asked about the Fresno project and whether there was a contingency plan in case the Tesla trucks were not available. Mr. Dodds responded Tesla is very much committed to providing these trucks for the project. He said staff feels confident in delivery although there have been delays along the way and they are closely involved in those discussions to ensure the trucks are available for delivery.

Supervisor Mendes said this was a good program with a lot of potential. He asked if there have been studies done comparing cost-effectiveness of zero-emission trucks to tier 3 or 4 diesel vehicles. Mr. Sheikh said these projects would be an early demonstration in the Valley, so that others can evaluate the use of the emerging technologies and benefit from that experience. He said in addition to the criteria pollutant benefits from the zero-emission trucks, there is also an elimination of diesel particulate toxic impact, which is a huge benefit in the communities where these trucks will be utilized.

Dr. Sherriffs shared his excitement for these projects. He said large trucks were a huge challenge as a major air pollution and greenhouse gas source. He said the progress made over last deadline is really amazing and highlights the nexus of air quality and climate change with Cap and Trade funding. He added it was great to see the workforce training part, and one thing the pandemic has taught us is that change is normal. He said climate change is happening and it is great to see the District embrace this opportunity and being leaders to help make it happen.

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

- Manuel Cunha, Nisei Farmers League
- Cynthia Pinto-Cabrera, CVAQ
- Janet Dietz-Kamei, Fresno Resident

Moved: Mendes
Seconded: Sherriffs

Ayes: Chiesa, Couch, Lewis, Mendes, Pacheco-Werner, Pareira,
Preciado, Rickman, Sherriffs, Shuklian, Wheeler, Reyes
Nays: None

Motion unanimously carried to (1) accept \$36,573,008 from the California Air Resources Board and California Energy Commission to fund two zero emission heavy-duty demonstration projects in the San Joaquin Valley; (2) approve the Budget Resolution to amend the 2021-22 District Budget to appropriate \$36,573,008 in unanticipated revenue; (3) authorize the Executive Director/APCO, on behalf of the Board, to negotiate and enter into any agreements with CARB and CEC to accept and administer this funding; and (4) authorize the Board Chair, on Executive Director/APCO recommendation, to negotiate and execute any agreements with subcontractors, as necessary, to administer this funding.

Mayor Preciado left at 10:55 a.m.

10. UPDATE ON DISTRICT EMISSION REDUCTION CREDIT SYSTEM AND CONSIDER ACTIONS TO ADDRESS FEDERAL OFFSETTING REQUIREMENTS – Morgan Lambert, Deputy APCO, provided an update on District efforts to enhance the Emission Reduction Credit program as necessary to maintain an effective permitting system that allows for the protection of public health and economic growth, and recommended that the Board take actions to address federal offsetting requirements.

Dr. Pacheco-Werner commented that this is a huge feat and thanked staff for their leadership and getting us here to this very challenging but important place to be, not only for industry, but also for communities who feel like there's responsiveness to their concerns as well. In terms of moving forward, she said she hoped the District uses this next phase as an opportunity to further engage stakeholders through the rulemaking process and be as clear and concise as possible so that everyone can have a clear understanding the actions being taken. She said because this was a sensitive topic and she would like for the state to be able to go back and understand how this next rulemaking process went, she requested that at all of the District meetings associated with this effort be recorded so that there is good documentation of the process.

Mr. Sheikh thanked Dr. Pacheco-Werner for her directions and said staff is committed to transparency and making public workshop and Public Advisory Workgroup and workshop recordings available to the public.

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

- Maryn Pitt, Manufacturers Council of the Central Valley
- Cynthia Pinto-Cabrera, CVAQ
- Jasmine Martinez, CVAQ
- Jesus Alonzo, Clean Water Action

- Cesar Aguirre, Central CA Environmental Justice Network
- Brian Kristofic, Ardaugh Glass
- Chris McGlothlin, CA Cotton Ginners and Growers Association and Western Agricultural Processors Association

*Mayor Bessinger rejoined the meeting at 11:35 a.m.
Supervisor Couch left at 11:38 a.m.*

Dr. Sherriffs asked if there were mechanisms being developed to address community concerns raised regarding ERCs. Mr. Sheikh said enhancements to the ERC program and associated rules would be developed through stakeholder engagement during the public rulemaking process.

Moved: Mendes
Seconded: Wheeler
Ayes: Chiesa, Lewis, Mendes, Pacheco-Werner, Pareira,
Rickman, Sherriffs, Shuklian, Wheeler, Reyes
Nays: None

Motion unanimously carried to (1) authorize the Executive Director/APCO to withdraw the NOx portion of the 2020-21 Annual Offset Equivalency Report, and, consistent with Section 7.4.1.3 of Rule 2201, enact the remedy to require all ATCs for new major NOx sources or NOx federal major modifications issued after the report withdrawal to comply with the offset requirements of 40 CFR 51.165, and part D of Title I of the CAA; (2) direct District staff to begin the rule development process required by Section 7.4.1.2 of Rule 2201 to amend Rule 2201 to ensure the applicability and offset requirements comply with the federal new source review requirements; and (3) direct District staff to continue working with stakeholders, EPA, and CARB through the Public Advisory Workgroup in pursuit of solutions to enhance the District Emission Reduction Credit program to ensure an adequate supply of credits are available to meet offsetting obligations.

12. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES – Dr. Pacheco-Werner reported on highlights from the CARB Board meeting held on January 27, 2022.
13. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh noted that the residential wood burning season is coming to a close at the end of February and staff will examine what they saw during this last season in terms of air quality, enforcement, outreach, education, and the various incentives that make up the Comprehensive Residential Wood Smoke Reduction Strategy that the Board has put into place. He said staff looks forward to presenting the analysis along with any opportunities for enhancements to the Strategy to the Board at a future meeting.

Mr. Sheikh announced there was a new Regional Administrator for EPA Region IX, Martha Guzman, who is a Valley native who has worked in a lot of different roles, most recently as a California Public Utilities Commissioner. He said he had the pleasure of meeting her yesterday and said staff was excited to continue strong partnerships with Ms. Guzman and EPA staff on the challenges facing the Valley.

14. GOVERNING BOARD MEMBER COMMENTS – Supervisor Wheeler said there was a recent article in the Fresno Bee regarding a research study by University of California researchers that was published in Forest Ecology and Management. He said this was a great study that includes valuable recommendations that resource conservation districts and loggers and have been suggesting for a long time.

Chairman Reyes said he was glad to be at the meeting in person and thanked Vice Chair Chiesa for chairing the last meeting in his absence.

15. CLOSED SESSION: Annette Ballatore, District Counsel, announced that the Governing Board would hold a Closed Session pursuant to the Ralph M. Brown Act as follows:
- CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code Section 54956.9(d)(1) in *Comite Progreso de Lamont, et. al. v. SJVUAPCD, Fresno Co. Sup. Ct. Case No. 20CECG01008.*

Public Comment: None

ADJOURN

Vice Chair Chiesa adjourned the meeting to Closed Session at 11:55 a.m.

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

The next scheduled meeting of the Governing Board is: Thursday, March 17, 2022. 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 Zoom audio and video teleconference (VTC).