

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
Governing Board Meeting, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.**

**Thursday, May 20, 2004
9:00 a.m.**

The Meeting was held in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.

1. **CALL TO ORDER** – The Chair, Supervisor Barbara Patrick, called the meeting to order at 9:47 a.m.

2. **ROLL CALL** was taken and a quorum was present.

Mike Maggard, Councilmember (*) (**)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Sam Armentrout, Councilmember (absent)	City of Madera
Michael G. Nelson, Supervisor	Merced County
Dan Prince, Councilmember (***)	City of Ripon
Jack A. Sieglock, Supervisor (***)	San Joaquin County
Thomas W. Mayfield, Supervisor, Vice Chair (***)	Stanislaus County
Barbara Patrick, Supervisor, Chair	Kern County

(*) Not present during Roll Call

(**) Attended meeting in Southern Region Office (Bakersfield)

(***) Attended meeting in Northern Region Office (Modesto)

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(15–22)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item).

15. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Wednesday, April 21, 2004.

16. Receive and file List of Scheduled Meetings for 2004.

17. Receive and file Operations Statistics Summaries for April 2004.

18. Receive and file Budget Status Report as of April 30, 2004.
19. Approve and authorize Chair to execute agreement with Macias, Gini & Company, LLP to provide annual audit services for the fiscal years ending June 30, 2004, 2005 and 2006.
20. Accept additional ERC bank program funds in the amount of \$720,300 from ARB to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
21. Approve and authorize the Chair to execute agreement with Environmental Audit, Inc. for CEQA support on Extreme Ozone Plan.
22. Receive and File Proposed Amendments to Regulation VIII (Fugitive PM-10 Prohibitions).

David L. Crow, Executive Director/APCO, noted staff had a comment in respect to Item # 22. Mr. Crow requested the Board change the date for the Public Hearing to August 19, 2004.

The Chair stated that Item # 22 would be amended to read: set August 19, 2004 for the public hearing date.

APPROVED AS RECOMMENDED – Board Member Worthley made the motion to approve as submitted the Consent Calendar with an amendment to 22. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

Ayes: Sieglock, Nelson, Dominici, Worthley, Case, Barba, Prince, Mayfield and Patrick.

Absent: Armentrout and Maggard.

Action: The Board approved as submitted Consent Calendar Items 15, 16, 17, 18, 19, 20, 21, and amended 22.

The Chair introduced Supervisor Raymond Watson who was attending the Board Meeting in the Southern Region Office. The Chair noted that Supervisor Watson is her Alternate on the District's Governing Board.

4. **PUBLIC COMMENT** – No Public Comment.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Chris Savage, Industry/Agriculture, Primary Member, Stanislaus County and Vice Chair of the CAC.

Mr. Savage noted the CAC recommends the following to the Governing Board.

- 1.) The District pursue participation with the Governor's Order pertaining to the Hydrogen Highway, as well as pursue participation in the California Fuel Cell Partnership.

The District participate in any development of incentive based technologies and assist those folks who may have interest in pursuing those technologies and help them with getting EPA funding and grants.

- 2.) CAC appreciates measures that streamline the permitting process, and Rule 4002 was a step in the right direction.
- 3.) In respect to Rule 4550 (Conservation Management Practices) (CMP) the CAC gave a complimentary comment to both District staff as well as the interested stakeholders who participated in this rule making. The CAC feels that Rule 4550 is a very solid rule and it should accomplish the PM reductions that are being targeted.
- 4.) The CAC Technical Rule Committee has produced a Rule Tracking Log and will be providing that log to the Board prior to each meeting. Mr. Savage stated he hopes to get feedback from the Governing Board if they have any suggestions or comments on the Rule Tracking Log.

The Chair asked if staff saw any opportunities for the Board to get involved in the Hydrogen Highway concept. The Chair requested staff bring some information back to the Board at the June meeting regarding the Hydrogen Highway.

Mr. Crow stated that staff would prepare an overview and a presentation, for the Board's June meeting regarding what's occurring statewide in respect to the Hydrogen Highway concept.

6. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4002 (NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS)**
Presentation made by David L. Crow, Executive Director/APCO and Dave Warner, Director of Permit Services.

No Public Comments received on this item.

APPROVED AS RECOMMENDED – Board Member Case made the motion to adopt Rule 4002 as recommended. Seconded by Board Member Dominici and carried unanimously with the following **Roll Call Vote**:

Ayes: Case, Dominici, Barba, Prince, Nelson, Sieglock, Worthley, Mayfield and Patrick.

Absent: Armentrout and Maggard.

Action: The Board (1.) adopted the proposed amendments to Rule 4002 (National Emission Standards for Hazardous Air Pollutants) and (2.) authorized the Chair to sign the resolution.

7. **PUBLIC HEARING: ADOPT REVISED PROPOSED RULE 4550 (CONSERVATION MANAGEMENT PRACTICES), REVISED PROPOSED RULE 3190 (CONSERVATION MANAGEMENT PRACTICES PLAN FEE), AND APPROVE LIST OF CONSERVATION MANAGEMENT PRACTICES**

Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, Dave Mitchell, Planning Manager.

Mr. Sadredin characterized the proposed rules as the most comprehensive and effective program in the nation to date for controlling particulates from agricultural operations.

Mr. Sadredin complimented Dave Mitchell, Planning Manager and Patia Siong, Air Quality Specialist, for their work with the public and the stakeholders on Rules 4550 and 3190 for the last eighteen months.

Board Member Case requested that the Conservation Management Practices (CMP) Handbook be put on the District's web site for easy accessibility.

Board Member Case asked staff to provide her with the level of emissions from prescribed burns. Board Member Case also requested information on the comparison of level of emissions between wood burning stoves and prescribed burns.

The following persons provided comments during the public comment portion of this item:

Kerry Drake, U. S. Environmental Protection Agency (EPA), spoke in support of the Board adopting Rules 4550, 3190 and the CMP list. Mr. Drake commended District staff for their work on Rules 4550 and 3190 and commended the Board for their leadership.

Manuel Cunha, Nisei Farmers League, spoke in support of the Board adopting Rules 4550, 3190 and the CMP list. Mr. Cunha provided the Board with a flyer

from Agriculture Improving Resources titled *What You Must Know About the New Agriculture Air Quality Regulations*. Mr. Cunha stated that agriculture will hold thirty workshops starting May 25, 2005 through June 10, 2004.

Debbie Jacobsen, President, Fresno County Farm Bureau, spoke in support of the Board adopting Rules 4550, 3190 and the CMP list.

Karla Kay Fullerton, Manager, Fresno County Farm Bureau, provided the Board with a draft CMP booklet.

John Beyer, U. S. Department of Agriculture, stated the agriculture community has spent over \$29 million dollars that went towards air quality emission reductions in the San Joaquin Valley.

Roger Isom, California Cotton Ginners & Growers Association, spoke in support of the Board adopting Rules 4550, 3190 and the CMP list.

Kevin Hall, member of the Sierra Club, spoke in opposition to the adoption of Rules 4550, 3190 and the CMP list.

Vanessa Stewart, Earthjustice, spoke in opposition to the adoption of Rules 4550, 3190 and the CMP list.

Loron Hodge, Kern County Farm Bureau, spoke in support of the Board adopting Rules 4550, 3190 and the CMP list. Mr. Hodge complimented District staff for their efforts and work on these rules.

Mr. Hodge stated that on behalf of Les Clark who had to leave the meeting early, the Citizens Advisory Group of Industries (CAGI) supports the adoption of 4550, 3190 and the CMP list.

Marty Viveros, UC. Coop. Ext., asked if growers implement an item on the CMP list will they receive any type of credit.

Mr. Sadredin responded only if they go beyond what is required by law.

Paul Martin, Western United Dairymen, echoed accolades for District staff that worked on these rules. Mr. Martin noted that his Board supports the adoption of Rule 4550. Mr. Martin noted his Board has a policy of no new fees for regulatory programs therefore, they are unable to support the adoption of Rule 3190.

Joe Kretsch, who is affiliated with Sun-Maid Growers of California, asked how staff separates urban dust from agriculture dust.

Dave Mitchell responded the District utilizes PM10 monitors in the urban area as well as PM10 monitors in field studies to get the ambient level in both areas.

The Chair complimented District staff and stakeholders for their efforts in developing what she understands to be the most comprehensive plan and program in the United States of America.

The Board complimented District staff and stakeholders.

APPROVED AS RECOMMENDED – Board Member Barba made the motion to approve Rules 4550, 3190 and the CMP list. Seconded by Board Member Nelson and carried unanimously with the following Roll Call Vote:

Ayes: Worthley, Prince, Nelson, Sieglock, Case, Dominici, Maggard, Barba, Mayfield and Patrick.

Absent: Armentrout

Action: The Board:

1. ***Adopted proposed negative declaration for the revised proposed rules***
2. ***Adopted revised proposed Rule 4550 (Conservation Management Practices)***
3. ***Adopted revised proposed Rule 3190 (Conservation Management Practices Plan Fee)***
4. ***Approved list of CMPs***
5. ***Authorized the Chair to sign the resolution.***

8. **VERBAL PRESENTATION: CHOOSING A PATH TO CLEARING THE AIR IN THE SAN JOAQUIN VALLEY** – Presentation by Dr. Adrian Moore, Vice President, Reason Foundation

Item # 8 continued to June 17, 2004

{Philip M. Jay, District Counsel, requested the Board add an item to Closed Session. Mr. Jay stated the District received a letter this morning from a law firm representing some dairy groups that threatened litigation. Mr. Jay stated the need to address this issue arose after the posting of the agenda, so a two-thirds vote is required}.

APPROVED ADDING ITEM TO CLOSED – Board Member Worthley made the motion to add the litigation item to Closed Session. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**:
Ayes: Prince, Worthley, Dominici, Barba, Case, Sieglock, Maggard, Nelson, Mayfield and Patrick.
Absent: Armentrout.

Philip M. Jay, made the following announcement.

14. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54957.6** of the Government Code (Ralph M. Brown Act) as follows:
- Conference with District representative, David L. Crow, regarding compensation for management.
 - Potential litigation item.

The Board adjourned to Closed Session at 12:20 p.m.

The Board reconvened from Closed Session at 1:06 p.m.

Board Member Maggard was absent for the remainder of the meeting.

9. **NORTH AMERICAN FREE TRADE AGREEMENT – AIR QUALITY IMPLICATIONS OF MEXICO-DOMICILED TRUCK TRAVEL IN THE U.S.** – Presentation made by David L. Crow, Executive Director/APCO and Scott Nester, Planning Manager.

Report received.

10. **VERBAL REPORT: PRELIMINARY ANALYSIS OF THE IMPLICATIONS OF THE FEDERAL 8-HR OZONE STANDARDS ON THE SAN JOAQUIN VALLEY AIR BASIN** – David L. Crow, Executive Director/APCO and Don Hunsaker, Supervising Air Quality Planner.

Report received.

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Presentation made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District.

Report received.

12. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow reported that the District Board Ad Hoc Legislative Subcommittee (Chair Patrick, Board Member's Worthley and Case) took some actions with regards to some pending legislation.

Mr. Crow briefed the Board on SB 999 written by Senator Machado regarding the restructuring of the District Board. Mr. Crow reported that the Board Chair recently sent a letter in opposition to SB 999.

Mr. Crow reported that the District's new Smoke Management Program was implemented last week. Mr. Crow stated that this program is extraordinarily important and it is something the Board and staff has had a commitment to for many, many years. Mr. Crow indicated that the District is very pleased that we are finally able to put that program online.

Mr. Crow announced that the Northern California Air Quality Coordinating Group will meet on May 21 in Davis, Ca.

Mr. Crow announced that this week, May 17 – 23 is National Bicycle Week.

13. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Case noted that one of her constituents stated he called the District to obtain an ag burn permit. Board Member Case stated that he indicated it was a “no burn day”. He was told that he would be allowed to burn if he paid a fee. Board Member Case asked staff for an explanation on this issue.

Mr. Jay explained that an individual requesting a burn permit on a “no burn day” would have to show extreme economic hardship.

Mr. Crow stated that this happens very rarely and he noted that he would put together a Board Briefing Report that talks about how often we get those kinds of requests and how often it is substantiated.

Board Member Case also stated that in regards to Smoke Management Rules there is an issue in Fresno County in regards to pine needle burn sites in Shaver Lake. Board Member Case requested additional information on this issue.

Mr. Crow noted that during Title 17 discussions we addressed that issue. Mr. Crow noted that he would include that information in the briefing.

Board Member Nelson thanked Board Member Mayfield for serving on the District's Ad Hoc Budget Subcommittee, since he nominated Board Member Mayfield to the subcommittee.

Board Member Nelson complimented staff for their ability to assimilate the District's Board Packet Binders.

Board Member Nelson announced that the Merced County Board of Supervisors on Tuesday prepared a resolution and a letter in opposition to SB 999.

Board Member Barba noted that the Board of Supervisor for Kings County also wrote a letter of opposition to SB 999.

OTHER BUSINESS – No Other Business.

ADJOURN – The Chair adjourned the meeting at 2:05 p.m.