

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

**Thursday, May 19, 2005  
9:00 a.m.**

<p><b>The Meeting was held via video teleconference (VTC) in the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).</b></p>
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1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:03 a.m.

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

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

(\*) **Attended Meeting in Northern Region Office (Modesto)**

(\*\*) **Attended Meeting in Southern Region Office**

(\*\*\*) **Arrived after Roll Call**

3. **APPROVAL OF CONSENT CALENDAR**– Item Numbers **(14-21)**. (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).

14. Approve Action Summary Minutes from the Governing Board Meeting of Wednesday, April 20, 2005, and the Special Governing Board Meeting of Wednesday, April 27, 2005.

15. Receive and file List of Scheduled Meetings for 2005.

16. Receive and file Operations Statistics Summary for April 2005.

17. Receive and file Budget Status Report as of April 30, 2005.
18. Receive and file proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2), and set June 16, 2005 for a Public Hearing to consider the proposed amendments.
19. Receive and file SB 656 Particulate Matter Control Measure Implementation Schedule, and set June 16, 2005 for a Public Hearing to consider the adoption of the control measure schedule.
20. Proposed District Policy on preparing California Environmental Quality Act (CEQA) documents for air quality permits issued to dairies.
21. Approve and authorize Chair to sign contract with True North Research for a Public Opinion Survey and Market Research Project.

David L. Crow, Executive Director/APCO, requested Item # 18 be removed for discussion.

**APPROVED AS RECOMMENDED** – Board Member Worthley made the motion to approve the Consent Calendar as submitted minus Item # 18. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

**Ayes:** Sieglock, Nelson, Worthley, Anderson, Barba, Prince and Mayfield.

**Absent:** Dominici, Armentrout, Patrick and Maggard.

**Action:** The Board approved the Consent Calendar Items 14, 15, 16, 17, 19, 20, and 21 as submitted. Item 18 removed from the Consent Calendar for discussion.

The Board received a copy of the following correspondence written to Don Hunsaker, Plan Development Supervisor, in respect to Item 20, from: Remy, Thomas, Moose and Manley, LLP, RE: CEQA Review for Kings County Dairies Seeking Authority to Construct Permits, dated: May 19, 2005

18. Receive and file proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2), and set June 16, 2005 for a Public Hearing to consider the proposed amendments.

Staff comments provided by David L. Crow, Executive Director/APCO and Scott Nester, Director of Planning.

The Board received an Addendum to proposed Rule 4702 that included language change, and a report titled: *Compliance Cost and Socioeconomic Impact Analysis Proposed Amendments to Rule 4702: Internal Combustion Engines*.

Mr. Nester stated that based on comments from affected sources District staff recommends the following change to proposed Rule 4702 by adding language to Sections 3.24 and 4.1.5.

Mr. Nester also requested that a report titled, *Compliance Cost and Socioeconomic Impact Analysis Proposed Amendments to Rule 4702: Internal Combustion Engines*, prepared by M.Cubed for the San Joaquin Valley Agricultural Industrial Coalition, be included as an appendix to the staff report.

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

Kevin Hall, member of the Sierra Club, requested clarification by asking if the proposed exemption language includes those instances where we see a tractor in use for pumping irrigation water from canals into fields, and any other form of mobile pumps.

Mr. Nester responded that the engines on tractors are exempt without this recommendation, and any other form of mobile pumps used in agriculture would be exempt.

Manuel Cunha, Nisei Farmers League, thanked staff for their work. Mr. Cunha asked the Board to approve the Socioeconomic Analysis as part of this rule packet, and move forward with Rule 4702.

Shirley Batchman, California Citrus Mutual, thanked staff for their recommendations on Rule 4702.

Colby Morrow, Southern California Gas Company, thanked staff for their work on this rule, and stated that Southern California Gas Company is very happy with the natural gas portion of Rule 4702.

**RECEIVED AND FILED** – ***Board Member Barba made the motion to receive and file the proposed amendments with addendum to Rule 4702. Seconded by Board Member Sieglock and carried unanimously with the following Roll Call Vote:***

***Ayes: Anderson, Barba, Nelson, Sieglock, Prince, Worthley, Maggard and Mayfield.***

***Absent: Dominici, Patrick and Armentrout.***

**Action: The Board:**

- 1.) ***Received and filed proposed amendments with addendum to Rule 4702 (Internal Combustion Engines – Phase 2). The addendum included language change to Section 3.24 and 4.1.5 and a report titled: Compliance Cost and Socioeconomic Impact Analysis Proposed Amendments to Rule 4702: Internal Combustion Engines, to be included as an appendix to the staff report.***
- 2.) ***Set June 16, 2005 for the Public Hearing to consider adoption of the proposed amendments with addendum to Rule 4702.***

4. **PUBLIC COMMENT** – Manuel Cunha, Shirley Batchman and Dennis Tristao, presented Certificates of Appreciation to Rick McVaigh, Permit Services Manager for District staff. Mr. Cunha announced the Certificates of Appreciation are given to these staff members for their hard work and efforts regarding the forty workshops from June and December 2004 that were held to assist farmers to meet the requirements for Particulate Matter.

Mr. Cunha stated the following groups were involved in the presentation of the Certificates of Appreciation: California Citrus Mutual, California Tree and Grapefruit League, Nisei Farmers League, California Cotton Ginners and Growers Association, and the Fresno County Farm Bureau.

Rick McVaigh noted that on behalf of staff he wanted to say they are honored to be a part of such an important, and successful effort. Mr. McVaigh noted that the following staff members who will receive the Certificates of Appreciation are involved in the District's Small Business Assistance Program: Felix Trujillo, Timothy Bush, Kai Chan, Brian Clerico, Brian Clements, Fred Cruz, Sheraz Gill, Renald Harris, John Ludwig, Darrin Pampaian, Joe Siongco, Patia Siong and David Torii.

Mr. Crow stated that he would like to add the District's appreciation to staff, all the growers associations, and farmers that participated in these efforts.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Dennis Tristao, City Primary Member, Kings County, presented the CAC Report to the Board for the May 3, 2005 CAC Meeting. Mr. Tristao commented that attendance at the CAC meetings has been exceptional over the last few months and this year. Mr. Tristao reported that the CAC made a motion to commend the District staff and the Board for their efforts in development of the potential contracts with the industrial, commercial and residential developers to quantify and mitigate air pollution emissions. Mr. Tristao noted that the discussion that took place at the

CAC meeting followed along the lines that these innovative voluntary type measures were a demonstration of the progressiveness that this District has shown over the years.

Mr. Tristao noted there was a discussion regarding SB 999. Mr. Tristao stated he did want to be careful in his statements because there was no discussion on whether or not the CAC supported SB 999. The CAC did however, want to express their concern for the cost to the District if SB 999 is approved.

6. **PUBLIC HEARING APPROVE 2005 AMENDMENTS TO THE 2003 PM10 PLAN** - Staff presentation provided by David L. Crow, Executive Director/APCO and Dave Mitchell, Planning Manager.

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

Manuel Cunha, Nisei Farmers League, spoke in support of the amendments to the PM10 Plan.

Dennis Tristao, Tulare Lake Resource Conservation Districts, spoke in support of the amendments to the PM10 Plan.

Karla Kay Fullerton, Fresno County Farm Bureau, spoke in support of the amendments to the PM10 Plan.

Anne Harper, Earthjustice, spoke in opposition to the amendments to the PM10 Plan.

Vanessa Steward, Earthjustice, urged the Board to disapprove the amendments to the PM10 Plan.

Carolina Simunovic, Fresno Metro Ministry, requested the Board not adopt the amendments to the PM10 Plan.

Kevin Hall, member of the Sierra Club, requested the Board reject the amendments to the PM10 Plan.

Dennis Tristao, Tulare Lake Resource Conservation Districts, returned to the speakers podium and stated that he would like to enter into the record for today's Plan Hearing the Compliance Cost, and the Socioeconomic Impact Analysis Report for Rule 4702 so that it's included in the administrative record.

The Board received a copy of the following correspondence written to Don Hunsaker, Planning Manager from:

- 1) The Center on Race, Poverty & the Environment, **RE:** Draft 2005 Amendments to the PM-10 Plan; Health & Safety Code § 40724 (PM-10 Precursor Controls), dated: May 12, 2005.
- 2) Earthjustice, submitted comments **RE:** 2005 PM-10 Plan Amendment, on behalf of Latino Issues Forum, Medical Advocates for Healthy Air, Sierra Club – Tehipite Chapter, Environmental Defense, Natural Resources Defense Council and Fresno Metro Ministry, dated: May 19, 2005.

**APPROVED AS RECOMMENDED** – Board Member Sieglock made the motion to approve the 2005 proposed amendments to the 2003 PM10 Plan. Seconded by Board Member Prince and carried unanimously with the following **Roll Call Vote:**

**Ayes:** *Worthley, Prince, Nelson, Sieglock, Anderson, Barba, Maggard and Mayfield.*

**Absent:** *Patrick, Dominici and Armentrout.*

**Action: The Board:**

- 1.) ***Approved the Proposed 2005 Amendments to the 2003 PM10 Plan.***
- 2.) ***Authorized the Chair to sign the resolution.***
- 3.) ***Directed staff to forward the adopted 2005 Amendments to the 2003 PM10 Plan and signed resolution to the California Air Resources Board (ARB).***

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4623 (STORAGE OF ORGANIC LIQUIDS)** – Staff presentation made by David L. Crow, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

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

Jerry Frost, Kern Oil & Refining Company, stated he supports the rule as proposed.

Mike Kelly, Vector Environmental and Western States Petroleum Association (WSPA) stated WSPA supports the adoption of the proposed amendments to Rule 4623. Mr. Kelly commended staff for their work on Rule 4623.

**ADOPTED AS RECOMMENDED-** Board Member Barba made the motion to adopt Rule 4623 as proposed. Seconded by Board Member Worthley and carried unanimously with the following **Roll Call Vote:**

**Ayes:** Worthley, Barba, Anderson, Sieglock, Prince, Nelson, Maggard and Mayfield.

**Absent:** Patrick, Dominici and Armentrout.

**Action: The Board:**

- 1.) Adopted proposed amendments to Rule 4623 (Storage of Organic Liquids).
- 2.) Authorized the Chair to sign the resolution.

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4103 (OPEN BURNING)** – Staff presentation made by David L. Crow, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

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

Jack Dameron, pistachio farmer, spoke in opposition to Rule 4103.

Gerry Georgian, resident of Fresno, Ca., applauded the Board and staff for developing rules and regulations that improve our air quality. Mr. Georgian requested that the field representatives of the Air District be given better tools to find those individuals that do not comply with District rules when they burn garbage, and plastic at four o'clock in the morning. Mr. Georgian asked the Board to review the Clean Air Act, and the health act to allow joint use of perhaps, California Highway Patrol helicopters with infrared and GPS systems to locate those individuals who burn at night.

Manuel Cunha, Nisei Farmers League, spoke in support of Rule 4103. Mr. Cunha noted that staff has done a good job with the amendments to the rule.

Shirley Batchman, California Citrus Mutual, recommended the Board approve Rule 4103 as presented.

George House, almond grower, Hughson, spoke in opposition to the regulation of farmers.

**ADOPTED AS RECOMMENDED** – Board Member Prince made the motion to adopt proposed amendments to Rule 4103. Seconded by Board Member Anderson and carried unanimously with the following **Roll Call Vote**:

**Ayes:** Barba, Prince, Nelson, Worthley, Sieglock, Anderson, Maggard and Mayfield.

**Absent:** Armentrout, Patrick and Dominici.

**Action: The Board:**

1.) **Adopted proposed amendments to Rule 4103 (Open Burning)**

2.) **Authorized the Chair to sign the resolution.**

9. **INFORMATIONAL ITEM: MANAGEMENT AUDIT REPORT** – Staff presentation by David L. Crow, Executive Director/APCO, and Seyed Sadredin, Deputy Air Pollution Control Officer.

Mr. Crow introduced Jenny Mah, and Colin Lewis, representatives of CPS Human Resource Services (CPS).

Jenny Mah and Colin Lewis made the CPS Management Audit Report to the Board.

Mr. Crow indicated that staff regards the report at this juncture as an assignment sheet with a list of things to do and things to pursue. Staff agrees with the concept of CPS's recommendations and the District wants to move forward to implement them. Mr. Crow stated that staff shared some of the salient recommendations with the Board Members who served on the District's 2005-06 Ad Hoc Budget Subcommittee. Mr. Crow noted staff incorporated some of the recommended organizational changes in the recommended 2005-06 Budget.

Mr. Crow explained the District can initiate some of the recommendations with some alacrity. Mr. Crow indicated that staff will fully investigate the consultant's recommendations and will explore implementation options available to the District.

Board Member Anderson encouraged staff to work out an arrangement with CPS to help the District with any transition to get through the process of implementing CPS's recommendations.

Board Member Maggard stated there is a great deal of information in the report, and he was grateful for it, and it is a great first step, and he applauded staff for working with the consultants and the consultants for their efforts.

Board Member Maggard asked if any members of those entities which we regulate were interviewed for this process. Board Member Maggard indicated



that he also believes that the Board, and the Citizens Advisory Committee should have been interviewed. Board Member Maggard stated that this is a good first step, but it does not take into account different facets, and different perspectives that might lead us to have those communication lines opened, and have that customer service perspective even more thoroughly understood and implemented. Board Member Maggard stated he applauded CPS's first step, and hopes we can incorporate these other steps and move forward.

Mr. Lewis stated that CPS did not interview regulated industries, members of the Board, or the Citizens Advisory Committee. Mr. Lewis explained CPS's primary focus was on an operational, functional organizational audit, and CPS wanted to keep the audit focused on the operational side. Mr. Lewis stated the next phase of the audit will focus on how the public and the regulated industries are reacting to the District.

Board Member Worthley noted that the District does a pretty good job with our stakeholders. Board Member Worthley stated that he thinks that the District's outreach program is lacking because of articles he reads in the paper noting that something needs to be done about air quality. Board Member Worthley stated we need to be more advocacy oriented and educational to the public, and that includes elected officials.

Board Member Maggard stated he agrees with Board Member Worthley and he thought that would be in the first phase of the audit, but if it's intended to be in the next phase then Board Member Maggard suggested we do that phase as soon as possible.

Mr. Crow stated the District will pursue that. We may need further expertise on how to affect that in the broadest way, and we may need additional resources on commitment to that task.

Board Member Prince thanked Board Member Worthley for bringing up the issue of outreach. Board Member Prince noted he has been harping on the issue of outreach for six months.

Sayed Sadredin, Deputy Air Pollution Control Officer, announced that the District has already began a major initiative within the District's Compliance Department to improve customer service. The goal is to maintain an active and effective enforcement program while delivering good customer service and compliance assistance to the regulated community. Mr. Sadredin explained the District has already started to engage outside consultants for training purposes and will also engage the stakeholders and others to find out what their needs are, and what's the best way to go about improving customer service.

10. **VERBAL REPORT – CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report made by Kurt Karperos, ARB representative. Mr. Karperos noted Douglas Ito has left ARB to work with the San Joaquin Valley Council of Governments. Mr. Karperos noted he spoke with Supervisor Barbara Patrick a week or so ago and promised her he would be looking for someone to put into this spot that fits the caliber of Mr. Ito and his predecessor Mr. Ramalingam.

Mr. Karperos reported the ARB Board will meet on June 23, 2005, in the District office's, 1990 E. Gettysburg Avenue, Governing Board Room, Fresno, CA. Mr. Karperos noted one item on the Board's agenda is a Public Hearing to consider adoption of the definitions for "A Large Confined Animal Feeding Facility" (Implementation of Senate Bill 700, Florez 2003).

11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – Mr. Crow indicated over the weekend we lost one of our colleagues Juan Torres. Mr. Crow stated Juan was a permit engineer who worked in the Fresno office for the last four years. Mr. Crow stated Juan was a great employee, and a great personality. Mr. Crow noted the time for memorial services and conveyed deepest sympathy to Mr. Torres's family.

Colby Morrow, member of the public, announced that she was going to attempt to get a memorial fund established. Ms. Morrow noted she will notify the District when the fund is established.

12. **GOVERNING BOARD MEMBER COMMENTS** – The Board expressed their condolences, and expressed wishes to help in any way the District can.

Board Member Maggard stated it came to his attention this morning that while discussions are taking place in Sacramento regarding SB 999, there is apparently a pretty strong expression by legislatures that they are not sufficiently aware of the accomplishments and progress we have made in the Air District. Board Member Maggard asked if was possible, to immediately get in the hands of our lobbyist a bullet point synopsis of the accomplishments and the progress that we are making here so they can provide it to those legislators who are making these decisions.

Mr. Crow noted we have already done that. Mr. Crow stated that over the last three weeks he and Mr. Sadredin have met with all the members of our delegation on a whole host of issues associated with the Board's legislative agenda. Mr. Crow indicated one of the things we have emphasized is a retrospective view of how effective the District's programs have been over the years. Mr. Crow continued by stating we have already provided that information, and we have instructed our lobbyist to further our objectives in Sacramento by speaking to other members beyond our own delegation with respect to voting on various measures. Mr. Crow added that given the volume of bills in Sacramento

that will impact the District, he will be deploying a senior level staff person to Sacramento each week for a couple of days to pursue the District's legislative agenda. Mr. Crow noted this person will be available to answer questions not only of members of our own delegation who are fairly familiar in what we do, but with other members of the California delegation as well.

Board Member Prince stated he appreciates all the efforts Board Member Worthley made in respect to SB 999.

**OTHER BUSINESS** - No Other Business.

**The Board recessed the Governing Board meeting to hold a Special Public Hearing for the exclusive purpose of reviewing the District's 2005-06 Recommended Budget at 11:46 a.m.**

**The Board reconvened the meeting from the Special Public Hearing at 12:44 p.m.**

Philip M. Jay, District Counsel announced the Closed Session.

13. **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 labor negotiator – Carolyn Rose;  
Employee Organization SEIU, Local 700

**The Board adjourned to Closed Session at 12:45 p.m.**

**The Board adjourned from Closed Session at 1:15 p.m.**