

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

**Thursday, September 15, 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 9:16 a.m.

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

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

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

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-19)**. (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).

11. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, August 18, 2005.

12. Receive and file List of Scheduled Meetings for 2005 and 2006.

13. Receive and file Operations Statistics Summary for August 2005.

14. Receive and file Budget Status Report as of August 31, 2005.

15. Claim for damages against San Joaquin Valley Unified Air Pollution Control District.
16. Receive and file Proposed Rule 3135 (Dust Control Plan Fee) and set October 20, 2005 for a Public Hearing to consider the proposed new rule.
17. Receive and file Proposed Rule 4308 (Boilers, Steam Generators and Process Heaters-0.075 MMBtu/hr to 2.0 MMBtu/hr) and set October 20, 2005 for a Public Hearing to consider the proposed new rule.
18. Receive and file Proposed Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces) and set October 20, 2005 for a Public Hearing to consider the proposed new rule.
19. Receive and file the Proposed Amendments to the 2004 Extreme Ozone Attainment Demonstration Plan and set October 20, 2005 for a Public Hearing to consider the proposed amendments.

**No Public Comments received.**

**APPROVED AS RECOMMENDED – On motion by Board Member Prince to approve the Consent Calendar as submitted. Seconded by Board Member Sieglock and carried with the following roll call vote:**

**Ayes:** Sieglock, Nelson, Dominici, Worthley, Armentrout, Barba, Watson, Prince, Maggard and Mayfield.

**Abstain:** Sieglock on Item # 11.

**Absent:** Anderson.

**Action: The Governing Board approved the Consent Calendar Items 11, 12, 13, 14, 15, 16, 17, 18 and 19 as submitted with one abstention on Item 11.**

4. **PUBLIC COMMENT** – No Public Comment.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Les Clark, Industry/Agricultural Primary Member, Kern County and Chair of the CAC, presented the CAC Report to the Governing Board for the September 6, 2005 CAC Meeting. Mr. Clark stated the CAC would like to thank the Governing Board for directing staff, at the request of the CAC, to prepare a list of ideas pertaining to Alternative Compliance Strategies.
6. **APPROVE THE 2005 EDITION OF THE AIR QUALITY GUIDELINES FOR GENERAL PLANS (continued from August 18, 2005)** – Presentation made by David L. Crow, Executive Director/APCO, and Dave Mitchell, Planning Manager.

The District received the following correspondence regarding the Air Quality Guidelines for General Plans:

Clean Water & Air Matter, September 6, 2005

Department of Housing and Community Development, September 9, 2005

**No Public Comments received.**

***APPROVED AS RECOMMENDED – Board Member Sieglock made the motion to approve the 2005 Edition of the Air Quality Guidelines for General Plans as recommended. Seconded by Board Member Prince and unanimously carried with the following roll call vote:***

***Ayes: Dominici, Barba, Watson, Nelson, Armentrout, Sieglock, Prince, Worthley, Maggard and Mayfield.***

***Absent: Anderson.***

**Action:**

- 1. Approved the 2005 Edition of the Air Quality Guidelines for General Plans,***
- 2. Authorized the Chair to sign the resolution, and***
- 3. Directed the APCO to forward the 2005 Edition of the Air Quality Guidelines for General Plans to the planning agencies of each city and county in the San Joaquin Valley.***

7. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Jeff Lindberg introduced himself to the Governing Board and District staff and indicated he was the new ARB District Liaison. Mr. Lindberg briefed the Governing Board on the most recent ARB Board activities.

8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated he wanted to highlight comments made earlier today during the CAC Report regarding the Governing Board's upcoming heavy regulatory agenda. Mr. Crow reaffirmed that the Governing Board will have a very heavy regulatory agenda in the coming months. Mr. Crow stated that on today's Consent Calendar the Governing Board received and filed four items that will appear on the October 20, 2005 Governing Board Agenda for consideration. As a result of the accelerated rule development activity the District has been extremely busy in the workshop environment dealing with Rule 9510 (Decreasing Emissions' Significant Impact from Growth and New Development) (DESIGN) and Rule 4694 (Wine Fermentation and Storage Tanks) and the list goes on. Mr. Crow noted that also as a result of the District's accelerated rule activity the Governing Board will be meeting during the month of November, which is a month the Board typically does not meet.

Mr. Crow stated that SB 999 was mentioned earlier in today's meeting and he would like to thank Supervisor Worthley who on behalf of the Governing Board played a very important role in the discussions and negotiations on SB 999. Mr. Crow noted that SB 999 went through a number of committee meetings, the assembly and made it to the assembly floor. Mr. Crow indicated there were extensive discussions regarding SB 999 on the assembly floor and the results were there were no satisfactory amendments brought forth. The author has withdrawn it for consideration in this session being the first year of a two year session.

Board Member Worthley added that he would like to commend the San Joaquin Valley legislative delegation, both the Republicans and the Democrats, who played a key role in keeping SB 999 from becoming law as it was originally designed by the author.

9. **GOVERNING BOARD MEMBER COMMENTS** – No Governing Board Member Comments.

**OTHER BUSINESS** – No Other Business.

**Philip M. Jay, District Counsel, announced the following item.**

10. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54956.9 and 54957** of the Government Code (Ralph M. Brown Act) as follows:
- Conference with Legal Counsel – Existing litigation: Association of Irrigated Residents et al. v. United States Environmental Protection Agency, et al., Count of Appeals for the Ninth Circuit Case Nos. 04-72650 and 04-72736 (consolidated) pursuant to Government Code Section 54956.9 (a)
  - Performance Evaluation: District Counsel
  - Performance Evaluation: Executive Director/APCO

**The Governing Board adjourned to Closed Session at 9:47 a.m.**

**The Governing Board adjourned from Closed Session at 10:30 a.m.**

**No announcements were made after Closed Session.**