

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

**Thursday, April 20, 2006
9:00 a.m.**

Meeting held via video teleconference (VTC) system with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).

1. **CALL TO ORDER** – The Chair, Councilmember Mike Maggard, called the meeting to order at 9:00 a.m.

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

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

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

(**) **Arrived after Item #3)**

3. **APPROVAL OF CONSENT CALENDAR – Item Numbers (15-21)**. (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).

15. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, March 16, 2006.

16. Receive and file List of Scheduled Meetings for 2006.

17. Receive and file Operations Statistics Summary for March 2006.

18. Receive and file Budget Status Report as of March 31, 2006.
19. Approve Contract for Executive Director/APCO.
20. Receive and file proposed amendments to Rule 4352 (Solid Fuel Fired Boilers, Steam Generators and Process Heaters) and set May 18, 2006 for a Public Hearing to consider the proposed amendments.
21. Receive and file proposed amendments to Rule 4603 (Surface Coating of Metal Parts and Products) and set May 18, 2006 for a Public Hearing to consider the proposed amendments.

No Public Comments received.

APPROVED AS RECOMMENDED – On motion by Governing Board Member Barba to approve the Consent Calendar as submitted. Seconded by Governing Board Member Anderson and unanimously carried with the following roll call vote:

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

Absent: Sieglock, Dominic and Patrick.

The Governing Board:

Approved Consent Calendar Item Numbers 15, 16, 17, 18, 19, 20 and 21 as submitted.

4. **ADOPTION OF FORMAL POLICY REGARDING PUBLIC COMMENT AT GOVERNING BOARD MEETINGS** – Presentation by Philip M. Jay, District Counsel.

The Governing Board and members of the public received an addenda to Item #4 adding language to the last paragraph in respect to good cause.

Governing Board Member Nelson indicated he was lobbied to have the Public Comment time be raised from a three-minute limit to a six-minute limit.

Governing Board Member Nelson noted with the receipt of the addenda to Item # 4 which explains the Chair's authority to waive the three-minute limit for good cause he was comfortable with the policy of a three-minute limit.

ADOPTED FORMAL POLICY REGARDING PUBLIC COMMENT AT GOVERNING BOARD MEETINGS WITH ADDENDA ADDING LANGUAGE PERTAINING TO GOOD CAUSE – On motion by Governing Board Member Armentrout to adopt the amended formal policy regarding public comment.

Seconded by Governing Board Member Nelson and unanimously carried with the following roll call vote:

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

Absent: Dominici and Patrick.

The Governing Board:

Adopted the formal policy providing three (3) minutes per speaker during public comment with addenda adding language to last paragraph pertaining to good cause.

5. **PUBLIC COMMENT** – Jim Tillison, CARES Board Member, stated that CARES supports the District staff’s work on Rule 4570 (Concentrated Animal Feeding). Mr. Tillison noted that next month the District’s Governing Board will hear comments on new rules to reduce emissions from dairies. Mr. Tillison indicated the proposed rule allows dairy producers to select, and implement smaller, but ultimately more effective steps in reducing emissions. Mr. Tillison noted despite this landmark progress, some have complained that Rule 4570 doesn’t go far enough, and should regulate ammonia too. Mr. Tillison stated many of the management practices in Rule 4570 will also reduce ammonia emissions from dairies.

Mr. Tillison provided the Governing Board with a 3 page fact sheet prepared by Dr. Julian Lester, titled “*Dairy rule focus is where it needs to be... on better air quality*”.

The Chair stated he hopes Mr. Tillison’s colleagues feel that the process has been conducted in a fair manner, and that they’ve had an appropriate opportunity to make their feelings known.

Mr. Tillison indicated that working with the District has been a very balanced situation. District staff has been willing to listen, and take into consideration the concerns the dairies have.

The Chair asked Mr. Tillison to express to his members the Governing Board’s gratitude to step up, and be responsible. The Chair indicated the Governing Board admires the dairy industry’s willingness to participate.

Mary-Michal Rawling, Program Manger for the Merced/Mariposa County Asthma Coalition, stated an important study was released last month by a team of prominent economists in air pollution science that documented the economic and health costs of breathing unhealthy air in the San Joaquin Valley. Ms. Rawling suggested the Governing Board request a presentation from the individuals who prepared the study for a future Governing Board Meeting.

6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Report given by Dennis Tristao, City Primary Member representing Kings County, and Chair of the CAC. Mr. Tristao announced the CAC had a quorum of all three Interest Groups, and a unanimous vote supporting the Governing Board adopting the proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2) and Rule 4307 (Boilers, Steam Generators, and Process Heaters – 2.0 MMBTU/HR to 5.0 MMBTU/HR).

Mr. Tristao noted the CAC had an excellent presentation, and discussion on Rule 9310 (School Bus Fleets), and there seems to be unanimous opinion from the members of the CAC that replacement of the older school bus fleets in the Valley is necessary.

Mr. Tristao indicated Public Education provided a very informative presentation, and provided CAC members with handouts and notes on upcoming events to take back to their respective Interest Groups in their counties.

Mr. Tristao announced the CAC will discuss Rule 4570 (Concentrated Animal Feeding) during their May 2, 2006 CAC Meeting in anticipation of providing comments to the Governing Board during their May 18, 2006 meeting when this rule will be considered for adoption.

Governing Board Member Armentrout encouraged the CAC to visit, or contact by phone some of the Directors of Transportation for School Districts in the Valley to discuss replacing school bus fleets.

7. **RECEIVE AND FILE THE DISTRICT'S ANNUAL AIR TOXICS REPORT FOR THE YEAR 2005** – Presentation by Seyed Sadredin, Executive Director/APCO and Samir Sheikh, Technical Services Manager.

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

Jerry Frost, Kern Oil & Refining Company, provided follow-up to a question asked by Governing Board Member Armentrout to Mr. Sheikh regarding formaldehyde. Mr. Frost stated it is his understanding that formaldehyde is one of the key toxic emissions generated from natural gas-fired engines and natural gas-fired vehicles, therefore, formaldehyde comes from mobile sources and stationary sources running on natural gas.

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4702 (INTERNAL COMBUSTION ENGINES – PHASE 2) AND RULE 4307 (BOILERS, STEAM GENERATORS, AND PROCESS HEATERS - 2.0 MMBTU/HR TO 5.0 MMBTU/HR)** – Presentation by Seyed Sadredin, Executive Director/APCO and Dave Warner, Director of Permit Services.

No Public Comments received on this item.

ADOPTED AS PROPOSED – On motion by Governing Board Member Barba to adopt proposed amendments to Rule 4702 and Rule 4307 as recommended. Seconded by Governing Board Member Worthley and unanimously carried with the following roll call vote:

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

Absent: Patrick and Dominici.

The Governing Board:

1. **Adopted proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2) and Rule 4307 (Boilers, Steam Generators, and Process Heaters – 2.0 MMBtu/hr to 5.0 MMBtu/hr).**
2. **Authorized the Chair to sign the resolution.**

9. **APPROVE AND AUTHORIZE THE CHAIR TO SIGN AGREEMENT BETWEEN THE DISTRICT AND NEUTON TO CONDUCT A LAWN MOWER TRADE-IN PROGRAM; APPROVE AND AUTHORIZE CHAIR TO SIGN MEMORANDUM OF UNDERSTANDING BETWEEN THE AIR DISTRICT AND OPERATION CLEAN AIR, AND APPROVE BUDGET RESOLUTION APPROPRIATING \$131,546 IN UNANTICIPATED REVENUE FOR A LAWN MOWER PROGRAM**

Presentation by Seyed Sadredin, Executive Director/APCO and Jaime Holt, Public Education Administrator.

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

Manuel Cunha, Nisei Farmers League, thanked staff for recognizing the Asian community in respect to this program.

Carolina Simunovic, Fresno Metro Ministry, spoke in support of the Lawn Mower Trade-In Program.

Jerry Frost, Kern Oil and Refining Company, spoke in support of the Lawn Mower Trade-In Program. Mr. Frost echoed Governing Board Member Mayfield's comment in respect to how will the District determine if mowers are operational if mower fluids are drained out in advance of trade-ins.

Several Governing Board Members made favorable comments about the Lawn Mower Trade-In Program. Some Governing Board Members asked if the District will be looking at expanding the Lawn Mower Trade-In Program to include a leaf blower trade-in program.

The Chair indicated he would like to see the District do something in the area of commercial users, and would be interested in seeing some comments and ideas come back to the Governing Board about how to provide incentives to the commercial user.

Mr. Sadredin noted the District is looking at how to incorporate commercial users, and to possibly use the District's grant program. The District is evaluating not only the equipment they use, but also the vehicles used by commercial landscapers.

Governing Board Member Sieglock invited Ms. Holt to speak before the San Joaquin County Board of Supervisors Meeting at the beginning of June regarding the District's Lawn Mower Trade-In Program. Governing Board Member Sieglock indicated he will make all of the necessary arrangements when Ms. Holt contacts him regarding her availability. Governing Board Member Sieglock suggested Ms. Holt contact Rob Lechner, City of Lodi, to discuss the City of Lodi's participation in the Lawn Mower Trade-In Program.

The Chair asked if Ms. Holt would attend the Bakersfield City Council meeting the second Wednesday in June. The Chair indicated if this date is not suitable it can be switched to a May meeting date. The Chair indicated that since the Bakersfield City Council meetings are televised meetings it will help in getting the word out. The Chair suggested it also might be a good idea to go on morning radio talk shows in the greater Bakersfield area, and he can help with that also.

The Chair pointed out that in Bakersfield the leaf blower issue is a huge issue, and there is a great deal more concern about leaf blowers than about lawn mowers. The Chair requested the District do a run-up of the budget so we could implement a leaf blower trade-in program before the next budget cycle, and we could make a mid-year budget amendment to implement a trade-in program for leaf blowers.

Mr. Sadredin indicated the District may have funding available, and if that is the desire of the Board, we will bring an item back to the Board in the near future.

Governing Board Member Worthley commented he had no objection to the proposal, but we should look at a cost benefit analysis. The leaf blower study indicated that leaf blowers are not the demons people make them out to be, so again, our goal is to clean up the air, it is not to make a social statement. He realizes there is a lot of public concern about leaf blowers, but another concern is the PM10 issues and not the pollutants coming out of the machinery. You are still blowing the stuff around so I'm not sure you are really solving all the problems that people are raising. Governing Board Member Worthley stated he thinks we need to take it in proper context. Again, we want to use our dollars wisely, and use them in the best way that we can.

The Chair noted it would help to tweak the lawn mower advertising campaign to make it very clear that if you have a certain type of grass in your yard this may or may not be the tool for you.

APPROVED AS RECOMMENDED – *On motion by Governing Board Member Worthley to approve the Lawn Mower Trade-In Program as recommended. Seconded by Governing Board Member Nelson and unanimously carried with the following roll call vote:*

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

Absent: Dominici and Patrick.

The Governing Board:

1. ***Authorized the Chair to sign the agreement with Neuton Lawn Mower Company committing the District to pay \$163 per lawn mower for up to 1200 lawn mowers for a total not to exceed \$195,600 as part of five trade-in events to be held on May 20, June 3, June 10, June 17 and June 24 of 2006.***
2. ***Approved Memoranda of Understanding (MOU) between Operation Clean Air (OCA) and the District, obligating OCA to sponsor a Lawn Mower Trade-In Program in the amount of \$60,000.***
3. ***Approved Budget Resolution to amend the 2005-06 District Budget to appropriate \$131,542.75 in unanticipated revenue for the lawn mower incentive program.***

10. **APPROVE AND AUTHORIZE CHAIR TO SIGN CONTRACT RENEWAL WITH JEFFREY/SCOTT ADVERTISING (JSA) FOR BILINGUAL SPARE THE AIR AND WOOD-BURNING CURTAILMENT MEDIA OUTREACH CAMPAIGNS** – Presentation by Seyed Sadredin, Executive Director/APCO and Jamie Holt, Public Education Administrator.

Ms. Holt introduced Ms. Maricela Velasquez who recently joined the District in the Public Education Division. Ms. Holt briefed the Governing Board regarding Ms. Velasquez's job duties which include bilingual presentations for the District.

Ms. Holt introduced two representatives from Jeffrey/Scott Advertising, John Ostlund, President and Jackie Graizer, Account Supervisor.

Ms. Holt's presentation included playing English, and Spanish radio spots for the Governing Board. After Ms. Holt's presentation Governing Board Member Nelson asked if there had been any thought of including on the District's website radio spot messages regarding the Spare the Air and Wood-Burning Season programs? Governing Board Member Nelson indicated he has not discussed this with Mr. Sadredin, but it seems to him that the District's website is disjointed.

Mr. Sadredin indicated the District has received feedback about the District's website with some commenting it is easy to use, and some commenting it is difficult to use. Mr. Sadredin indicated he was in the process of forming a focus group made up of various constituents we work with, i.e. the general public, and various businesses. The purpose of this focus group will be to provide feedback to the District that will assist in making the website more user friendly for our customers.

No Public Comments received on this item.

APPROVED AS RECOMMENDED – On motion by Governing Board Member Anderson to approve the contract renewal with Jeffrey/Scott Advertising (JSA) for bilingual Spare the Air and Wood-Burning Curtailment media outreach campaigns as recommended. Seconded by Governing Board Member Nelson and unanimously carried with the following roll call vote:
Ayes: Barba, Armentrout, Prince, Nelson, Mayfield, Sieglock, Anderson, Worthley and Maggard.
Absent: Patrick and Dominici.

The Governing Board:
Approved and authorized the Chair to sign a contract renewal between the District and Jeffrey/Scott Advertising (JSA) in the amount of \$408,750 to implement comprehensive, bilingual media outreach campaigns for Spare the Air season and Wood-Burning Curtailment season during FY 2006-07.

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Presented by Jeff Lindberg, ARB Planning Liaison for the San Joaquin Valley Air District.

The Chair stated the Governing Board is happy Mr. Sadredin accepted the Governing Board's offer to become the Executive Director/APCO of the San Joaquin Valley Air Pollution Control District.

12. **EXECUTIVE DIRECTOR/APCO COMMENTS** – Seyed Sadredin, Executive Director/APCO, thanked the Governing Board for placing their trust and confidence in him by appointing him as the Executive Director/APCO. He stated there are enormous challenges facing the Valley, unmatched by any other area in California. Mr. Sadredin indicated he is confident these challenges can be overcome with the leadership, support, and guidance of the Governing Board. He stated he is confident our efforts in air quality will be a genuine source of pride for all Valley residents. Mr. Sadredin referred to a number of new initiatives designed to get all of our stakeholders, and the general public, fully engaged in addressing the difficult tasks that lie ahead of us. He stated some of these initiatives will be rolled out in the next few weeks and months. As an example,

Mr. Sadredin discussed a major effort currently being put together to develop a comprehensive strategic plan that will lay out the District's road map for the next ten to fifteen years. He stated he would like for everyone to be involved in this strategic planning process. Mr. Sadredin indicated the Board will be involved at the beginning and will ultimately be giving final approval of the strategic plan.

Mr. Sadredin informed the Board the District would be sending a formal request to EPA through ARB for attainment designation for the PM10 standard next week. The District has three years of clean air data that will be sent with our request to EPA. The District will also engage in a major outreach effort for a PM10 media initiative so the residents of the Valley will know what has been accomplished, as well as what lies ahead of us in maintaining the air as clean as it has been over the past three years.

Mr. Sadredin referred to the District's new Fact Sheet, which has been provided to each Board Member. The Fact Sheet highlights the District's accomplishments and the challenges that lie ahead of us. It has been updated to include recent statistics and is also more visually appealing. Mr. Sadredin suggested this would be an excellent document for the Board to share with their various constituencies.

Mr. Sadredin reminded the Board about the important symposium the District is putting together on May 17, 2006 called *How Science is Charting a Path to Cleaner Air*. The morning session will be more policy oriented, and the afternoon session will be more technically oriented. The symposium will provide information regarding what has been learned from the study after expending more than fifty million dollars over the past fifteen years.

13. **GOVERNING BOARD MEMBERS COMMENTS** - Governing Board Member Worthley noted that Jaime Holt and Public Education have been very effective in their outreach efforts to clean the air. Board Member Worthley noted that he and Board Member Nelson arrived at today's meeting driving a hybrid county vehicle.

The Chair thanked Emily Gonzalez-Demont in the Southern Region Office for assisting him with a District hybrid vehicle to drive to today's Governing Board Meeting.

Philip M. Jay, District Counsel, announced the following Closed Session, and indicated he thinks there will be an announcement on the litigation item after the Closed Session.

14. **CLOSED SESSION** - The Governing Board will hold a Closed Session pursuant to Sections **54957.6, 54956.8 and 54956.9 (c)** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with labor negotiator – Agency negotiator: Carolyn Rose; Employee Organization: SEIU, Local 700; pursuant to Government Code Section 54957.6.
- Government Code Section **54956.8** – Conference with Real Property Negotiator: Property - 4800 Enterprise Way, Modesto, CA. Negotiating Parties: Roger W. McCoy, Phil Mastagni, Under Negotiation: Price and terms of payment regarding option to purchase.
- Conference with Legal Counsel – Anticipated Litigation; Initiation of Litigation pursuant to subdivision (c) of Government Code Section **54956.9**: one potential case.

The Governing Board adjourned to Closed Session at 10:50 a.m.

Philip M. Jay, District Counsel, returned to the Governing Board Room, and made the following announcement:

The Governing Board authorized District Counsel to intervene in the action of Medical Advocates and the Sierra Club versus the EPA, Ninth Circuit Court of Appeals. Mr. Jay indicated he did not have a case number on this action, but anyone who is interested can contact the District Counsel's office, and we will provide them with all of the details.

Mr. Jay announced the Governing Board adjourned from Closed Session at 11:45 a.m.