

**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 18, 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). This meeting was webcast.

1. **CALL TO ORDER** – The Chair, Councilmember Mike Maggard, called the meeting to order at 9:43 a.m.

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

Susan B. Anderson, Supervisor	Fresno County
Barbara Patrick, Supervisor	Kern County
Ronn Dominici, Supervisor	Madera County
Tony Barba, Supervisor	Kings County
Sam Armentrout, Councilmember (absent)	City of Madera
Michael G. Nelson, Supervisor (absent)	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)**

3. **APPROVAL OF CONSENT CALENDAR – Item Numbers (13-20).** (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).

13. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, April 20, 2006.

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

15. Receive and file Operations Statistics Summary for April 2006.

16. Receive and file Budget Status Report as of April 30, 2006 and Cash

Balance Report as of March 31, 2006.

17. Receive and file proposed amendments to Rule 4311 (Flares) and set June 15, 2006 for a Public Hearing to consider the proposed amendments.
18. Receive and file proposed Rule 4570 (Confined Animal Facilities) and set June 15, 2006 for a Public Hearing to consider the proposed rule.
19. Receive and file proposed State Contingency Addendum for the San Joaquin Valley PM10 SIP and set June 15, 2006 for a Public Hearing to consider the proposed addendum.
20. Accept San Joaquin Valley Emergency Clean Air Attainment Program (VECAP) funds in the amount of \$3,538,758 from the California Department of Transportation (CALTRANS) to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.

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

Mike Polyniak, MKP Environmental, stated he is currently working with staff on issues related to Rule 4311.

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

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

Absent: Nelson and Armentrout.

Governing Board Action:

Approved Consent Calendar Item Numbers 13, 14, 15, 16, 17, 18, 19 and 20 as submitted.

4. **PUBLIC COMMENT** – Paul Martin, Western United Dairymen, stated he traveled to Chicago last week for a meeting with the National Milk Producers Federation (NMPF). The NMPF is involved in the Air Consent Agreement with EPA, and will be participating in a national air emissions two-year research project that will be conducted in various regions of the country. Mr. Martin indicated there will be a total of six research sites, and the first site is located in the Northern Region of the District.

The Chair asked Mr. Martin to thank his members for their cooperation and efforts to help move this issue along.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Report given by Dennis Tristao, City Primary Member, Kings County, and Chair of the CAC. Mr. Tristao announced the CAC reached a unanimous vote in support of the Governing Board receiving and filing Rule 4570 (Confined Animal Facilities).

Mr. Tristao noted the Environmental Interest Group had two specific comments they wanted brought forward to the Governing Board:

- 1.) The District should more succinctly devise a process that outlines and defines how alternative mitigation measures will be submitted to the District, validated, and approved for use.
- 2.) The Environmental Interest Group hopes they will see significant ammonia reductions as a result of this rule, but they also look forward to the District working on additional ammonia controls in the future.

Mr. Tristao stated the CAC received a very good presentation from Mr. Sadredin on the Draft Environmental Justice (EJ) Policy. Mr. Tristao indicated there was a good deal of comments, questions and discussions on the Draft EJ Policy. Mr. Tristao stated staff requested the CAC provide comments regarding the Draft EJ Policy at the next CAC Meeting.

Mr. Tristao noted there appears to be unanimous support from the CAC regarding a need to address funding issues in respect to Rule 9310 (School Bus Fleets).

Mr. Tristao indicated the District's Clean Green Yard Machine Program generated quite a bit interest from the CAC. All members were instructed to provide information on this program to their constituents.

The Chair requested Mr. Tristao convey to the CAC that the Governing Board appreciates their hard work.

6. **VERBAL REPORT: STATE OF THE STATE AIR QUALITY** – Presentation by Jeff Lindberg, Planning Liaison for the Air Quality & Transportation Planning Branch of ARB. Mr. Lindberg's presentation covered the progress that has been achieved in reducing Californian's exposure to unhealthy air, and improving air quality in the state to meet state and federal standards.

Mr. Lindberg reported that air quality trends continue to show improvement in the San Joaquin Valley. He also indicated that for 2005 the San Joaquin Valley experienced a dramatic reduction in the number of 8-hour ozone exceedances. He compared this progress with the progress in South Coast which experienced

a slight reduction in the number of exceedances, and with Sacramento which experienced a slight increase in the number of exceedances. Mr. Lindberg indicated that the dramatic reductions in the San Joaquin Valley demonstrate real air quality improvement and can not be attributed to weather patterns. The San Joaquin Valley experienced "normal" weather during the 2005 ozone season.

Mr. Lindberg also reported dramatic reductions in the number of PM2.5 violations for the 24 hour standard, but that the annual number of PM2.5 violations have declined slightly but continue to be the regions biggest challenge.

Mr. Lindberg concluded his presentation with a summary of the health impacts associated with air pollution and indicated that while much progress has been made, there is still much progress to be made in ensuring that all Californians are breathing clean air.

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

Sarah Sharpe, Coalition for Clean Air, stated she is happy to hear the Governing Board asking questions about the health effects of air quality. Ms. Sharpe stated a report was recently published by California State Fullerton and Jane Hall, about the cost of air pollution as it pertains to health and premature deaths in the San Joaquin Valley. Ms. Sharpe noted District staff had indicated they would arrange for the Governing Board to receive a presentation on this report.

Ms. Sharpe stated she is a member of an organization that has been trying to get a health official selected as a member of the District's Governing Board. Ms. Sharpe noted she believes having a health official on the Governing Board would be a benefit to everybody in the Valley, and to the Board.

Mike Polyniak, MKP Environmental, stated the ARB Report contains the word "premature" in several places, and he would like to see ARB's definition of the word. Mr. Polyniak noted the report also mentions exceedances and he would appreciate seeing a breakdown of where the exceedances took place by specific regions within the Valley.

The Governing Board thanked Mr. Lindberg for his presentation. The Governing Board indicated it was important for them to understand the whole report, therefore they requested a more complete breakdown on the numbers presented to them.

Mr. Lindberg indicated he would work with Mr. Sadredin and return this item to the Board with a complex breakdown on the numbers he presented.

Governing Board Member Worthley responded to Ms. Sharpe's earlier comments regarding the health effects of air pollution. Governing Board Member Worthley stated that the Governing Board is primarily engaged in the process of adopting plans and regulations aimed at meeting the health-based standards established by the federal Environmental Protection Agency (EPA) and by the state Air Resources Board (ARB). Towards that end, the Governing Board assumes that the health care costs and impacts have been fully addressed by the EPA and ARB in the establishment of those health-based standards.

Mr. Sadredin thanked Mr. Lindberg for making the report. Mr. Sadredin indicated the District is aware that we need more research in the area of the cause and effect relating to air pollution and potential health impacts.

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4352 (SOLID FUEL FIRED BOILERS, STEAM GENERATORS AND PROCESS HEATERS)** – Presentation by Seyed Sadredin, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

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

Sarah Jackson, Earthjustice, indicated she was speaking on behalf of Central Valley residents who have concerns that the Valley will not be able to achieve the new Ozone and PM Standards. Ms. Jackson noted ARB has repeatedly asked the District to strengthen the NOx limits in Rule 4352 to meet the same standards as other air districts, such as the Sacramento Air District. Ms. Jackson urged the Board to send Rule 4352 back to staff, not just because the rule does not meet the requirements of the law, but because we need to get a head start on the ozone standards that are going to be difficult to meet.

Mr. Heinen responded that BARCT could either be an emission limit or a control technology. Rule 4352 meets the BARCT requirement since the proposed limits are based on source test data from existing facilities which use the best control equipment technology, non-catalytic selective reduction for this application. Mr. Heinen noted that ARB's comments were based on an early 1990's document that specifically excluded electrical generation facilities, and since all of these boilers are used for electrical generation the ARB document does not apply.

Governing Board Member Worthley indicated he would like to note for the record that a total of fifteen businesses located in the San Joaquin Valley Air Basin will be impacted by Rule 4352.

ADOPTED AS RECOMMENDED – *On motion by Governing Board Member Dominici to adopt Rule 4352 as recommended. Seconded by Governing Board Member Worthley and unanimously carried with the following roll call vote:*

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

Absent: *Nelson and Armentrout.*

Governing Board Action:

- 1.** *Adopted proposed amendments to Rule 4352 (Solid Fuel Fired Boilers, Steam Generators and Process Heaters).*
- 2.** *Authorized the Chair to sign the resolution.*

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4603 (SURFACE COATING OF METAL PARTS AND PRODUCTS)** – Presentation by Seyed Sadredin, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

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

Mike Polyniak, MKP Environmental, indicated industry brought this issue pertaining to Rule 4603 to the attention of staff at the end of last year. Mr. Polyniak thanked the Governing Board and staff for their efforts in respect to Rule 4603.

ADOPTED AS RECOMMENDED – *On motion by Governing Board Member Worthley to adopt Rule 4603 as recommended. Seconded by Governing Board Member Barba and unanimously carried with the following roll call vote:*

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

Absent: *Nelson and Armentrout.*

Governing Board Action:

- 1.** *Adopted proposed amendments to Rule 4603 (Surface Coating of Metal Parts and Products).*
- 2.** *Authorized the Chair to sign the resolution.*

9. **APPROVE PURCHASE OF THE NORTHERN REGION OFFICE BUILDING FROM P & N PROPERTIES IN THE AMOUNT OF \$3,370,000 AND APPROVE BUDGET RESOLUTION INCREASING THE 2005-06 BUDGET TO FACILITATE THE PURCHASE** – Presentation by Seyed Sadredin, Executive

Director/APCO and Roger McCoy, Director of Administrative Services. The presentation consisted of:

Northern Region Office Building

- Lease/Purchase Agreement Background
- Consideration for Purchase
- Recommendations

Governing Board Member Patrick noted she would support the motion under the caveat that we have no intention of growing into the extra 5,000 sq. ft. for many years.

The Chair stated he applauds Mr. McCoy and all of those involved for thinking in an entrepreneurial fashion. The Chair asked about the possibility of subleasing the additional space to someone else to create revenue for the District.

Mr. Sadredin indicated it was his intention to explore an option of subleasing the additional office space in the Northern Region office building as a source of revenue for the District.

APPROVED AS RECOMMENDED – On motion by Governing Board Member Mayfield to approve the purchase of the Northern Region Office Building. Seconded by Governing Board Member Sieglock and unanimously carried with the following roll call vote:

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

Absent: Nelson and Armentrout.

Governing Board Action:

- 1. Approved and authorized Chair to sign the option exercise notice, the purchase agreement with P & N Properties, and any related documents necessary during escrow, for the purchase of the Northern Region office building in the amount of \$3,370,000.***
- 2. Approve Budget Resolution, which increases the 2005-06 District Budget by appropriating \$3,370,000 into a fixed asset account designated specifically for the purchase of the Northern Region office building.***

- EXECUTIVE DIRECTOR/APCO COMMENTS** – Seyed Sadredin, Executive Director/APCO, indicated the May 17, 2006 one-day Symposium on air quality research was very successful. Mr. Sadredin noted the Symposium was well attended by several Governing Board Members, as well as the business community, the environmental community and local officials. Mr. Sadredin indicated that he believes it was a good first step in providing the District with the

specifics to assist us in putting our attainment plan together. Mr. Sadredin indicated it also served as a reality check for everyone in the business community, as well as community representatives, as to the difficulty and the magnitude of the monumental challenges that are ahead of the District to bring the Valley into attainment. Mr. Sadredin indicated the Symposium also raised the issue of whether or not we need to request an extension of our timeline regarding the District achieving attainment.

Mr. Sadredin reported the District recently forwarded a formal request for determination of PM10 Attainment for the San Joaquin Valley to ARB for their review, and in that formal request we also requested that ARB forward the District's request for determination to EPA. Mr. Sadredin reported that ARB has reviewed the District's request, and forwarded it to EPA. Mr. Sadredin stated the District will be in constant contact with EPA to assist them in making a timely decision.

11. **GOVERNING BOARD MEMBER COMMENTS** – Governing Board Member Patrick asked staff if they thought EPA could reach a decision on the District's request for determination of PM10 Attainment within the next seven months.

Mr. Sadredin indicated the District hopes EPA will reach a decision before a seven month timeframe. Mr. Sadredin noted that legally EPA has one year from the date of the request to approve or disapprove the District's request for determination.

The Chair thanked Pauline Seiler, Office Assistant, for assisting with the meeting.

The Chair congratulated Rick McVaigh on his appointment as Deputy Air Pollution Control Officer, and noted he looks forward to working with him.

OTHER BUSINESS – No Other Business.

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

12. **CLOSED SESSION** - The Governing Board will hold a Closed Session pursuant to Sections **54957.6, 54956.9 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**
- Conference with Legal Counsel – Existing Litigation; Government Code 54956.9

Names of Cases:

Medical Advocates, et al. v. Johnson
Northern District California, # C-060093-SBA

Latino Issues Forum v. EPA
9th Circuit #06-71907

- Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation pursuant to subdivision (c) of Governing Code Section **54956.9**: one potential case

The Governing Board adjourned to Closed Session at 10:54 a.m.

The Governing Board adjourned from Closed Session at 11:35 a.m.