

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board

Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Thursday, March 15, 2007
9:00 a.m.

Meeting held via teleconferencing (VTC) with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). This meeting was webcast.

1. Call Meeting to Order

The Chair, Supervisor Worthley, called the meeting to order at 9:10 a.m. The Chair introduced the newest members of the Governing Board: Chris Vierra, Councilmember from the City of Ceres; Raji Brar, Councilmember from the City of Arvin; and Henry T. Perea, Councilmember from the City of Fresno.

2. Roll Call was taken and a quorum was present.

Present

Judith G. Case, Supervisor	Fresno County
Jon McQuiston, Supervisor	Kern County
Tony Barba, Supervisor	Kings County
Ronn Dominici, Supervisor	Madera County
Michael G. Nelson, Supervisor	Merced County
Chris Vierra, Councilmember	City of Ceres
Raji Brar, Councilmember	City of Arvin
Henry T. Perea, Councilmember	City of Fresno
Leroy Ornellas, Supervisor, Vice Chair	San Joaquin County
J. Steven Worthley, Supervisor, Chair	Tulare County

Absent

William O'Brien, Supervisor	Stanislaus County
-----------------------------	-------------------

3. Approval of Consent Calendar – Item numbers 15-20. These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.

Item # 15 removed from the Consent Calendar for discussion by Chris Vierra.

Item # 20 removed from the Consent Calendar for amendment by Seyed Sadredin, Executive Director/APCO.

16. *Receive and File List of Scheduled Meetings for 2007*
17. *Receive and File Budget Status Report as of February 28, 2007*
18. *Receive and File Operations Statistics Summary for February 2007*
19. *Receive and File the District's Annual Air Toxics Report for the Year 2006*

Public Comment: NONE

Moved: Dominici
Seconded: Ornellas
Ayes: Case, McQuiston, Barba, Dominici, Vierra,
Brar, Perea, Nelson, Ornellas, Worthley
Nays: None

Motion unanimously carried to approve Items 16-19 as recommended. Items 15 and 20 were removed from the Consent Calendar for discussion.

15. *Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, February 15, 2007*

Councilmember Vierra stated that he pulled this item, as he did not wish to vote on the minutes of a meeting he did not attend.

Public Comment: NONE

Moved: Ornellas
Seconded: Dominici
Ayes: Case, McQuiston, Barba, Dominici,
Brar, Perea, Nelson, Ornellas, Worthley
Nays: None
Abstain: Vierra

Motion carried to approve Item 15 as recommended.

20. Receive and File Proposed 2007 Ozone Plan

This item was removed from the Consent Calendar by the District staff to offer a minor amendment. Mr. Sadredin explained that the amendment is to clarify that the District's Gross Polluting Vehicle Program offering Valley residents up to \$5,000 to crush and replace gross polluting vehicles is complimentary to the pilot program proposed by Senator Cogdill in SB 23. Mr. Sadredin added that consistent with the District's legislative platform, the District is supporting SB 23 and will submit a written statement of support.

Relating to the Proposed 2007 Ozone Plan, Supervisor Case articulated some concerns relating to news reports that implied that the District Governing Board had signed off on a plan that would delay attainment. Supervisor Case wanted to assure the public that the Board understands that one possible scenario might involve the move to the extreme designation, but that no decision has been made and the Board will consider all feasible options. Supervisor Case asked the staff to explain the well-defined legal process for the Plan adoption and the consequences that the Valley might face if a federally approvable Plan is not submitted in a timely fashion.

In response to the questions raised by Supervisor Case, Mr. Sadredin made a presentation to the Board highlighting the following information:

- District's work to date has been based on the old 1-hour ozone standard. Past efforts have reduced ozone precursor emissions by approximately 50% and the frequency of ozone violations have been reduced from more than 80 days per year to less than 20.
- Under the last 1-hour extreme Ozone Plan, the deadline for attainment was set at 2010.
- The District is on target and expects attainment with the 1-hour ozone standard by 2010, this in spite of the fact that EPA has revoked the standard and did not act on the District's 1-hour Extreme Ozone Plan.
- For the new 8-hour ozone standard, the non-attainment designations by EPA and the corresponding timelines for attainment by EPA were solely based on the magnitude of the peak ozone concentrations.
- Since the peak ozone concentrations in the Valley are not very high, the Valley was designated as serious non-attainment with a 2013 attainment deadline.
- Meteorology, topography, frequency of ozone exceedences, and other factors that better gauge a region's difficulty in meeting the standard, were not considered by EPA.
- During the rulemaking process, EPA stated that areas needing more time to attain the standard can request a classification bump-up, if needed.
- 11 of the 15 non-attainment areas in California will be requesting extensions similar to the San Joaquin Valley.

- The 8-hour Ozone Plan is due to EPA on June 15, 2007.
- If adopted by the Board on April 30, 2007, the San Joaquin Valley will become the first air district in the nation to adopt a Plan for the new 8-hour ozone standard.
- For a Plan to be federally approvable, it must satisfy the following:
 - Must show enough reductions to reach attainment (EPA-approved modeling)
 - Reductions must be from available technologies (except for Extreme classification)
 - Incentive-based reductions must be from funding sources that are currently secured
 - Must have legal authority for proposed control measures
 - Reductions must be quantifiable and enforceable
- For the following reasons, District staff has reached a conclusion that seeking an extreme designation is the only legal option available to the District:
 - Current technologies or those on the horizon cannot achieve all of the necessary reductions
 - Measures such as no farming, no construction, no drive days, etc. will not achieve the necessary reductions
 - Necessary funding is not yet secured
 - Cannot demonstrate attainment
 - No one has been able to propose a plan or a set of control strategies to reach attainment sooner
- The Valley will face the following devastating consequences if an approvable plan is not submitted in a timely fashion:
 - Federal sanctions within 18 months
 - 2:1 offset ratios (De facto construction ban for new and expanding businesses wanting to locate in the Valley)
 - Loss of highway funds (\$250 million - \$2 billion per year)
 - Federal Implementation Plan
 - Loss of local control

Mr. Sadredin added that the Board has a history of meeting or beating deadlines. The timeline for attainment of PM10 was 2010, but the Valley came into attainment in 2005 because of the good work that was done by the Board, businesses, and the community. In addition to the legal path that we must follow in our State Implementation Plan, the District is committed to working on technology advancement, securing local, state, and federal funding, and innovative measures that can bring the Valley into attainment ahead of the 2023 deadline.

Supervisor Worthley asked for hard copies of the PowerPoint presentation be made available to both the Board Members and the Public. He added that there is a terrific graphic that shows the progress the District will be making

under the Ozone Plan with Valley residents breathing cleaner air throughout the process.

Public Comment:

Liza Balanos, Central Valley Air Quality Coalition, welcomed the new Board Members. She thanked the Board for the progress they have made on air quality in the Valley and the daunting task of the proposed Ozone Plan. She stated that Central Valley Air Quality Coalition can serve as a resource and partner in this ongoing process.

Phillip Mattingly stated that he was looking for ways to make the Valley a better place, and suggested several energy saving ideas. He stated that the air is everyone's, so everyone should try to do their part.

Moved: Case

Seconded: Ornellas

Ayes: Case, McQuiston, Barba, Dominici, Vierra,
Brar, Perea, Nelson, Ornellas, Worthley

Nays: None

Motion unanimously carried to approve Item 20 as amended.

4. Public Comment

Sarah Sharpe, Coalition for Clean Air, welcomed the new Board Members and stated that she is excited to move forward with the Board. She stated that Coalition for Clean Air is a statewide non-profit that works to bring clean, healthful air to the state, and they would like to offer their resources to the Board.

Dennis Tristao, Chair of the Citizens Advisory Committee and Planning Commissioner of the City of Corcoran, wanted to express his thanks to the District staff for coming to Corcoran and giving a presentation on the Ozone Plan.

Margarita Guzman, Comite' Asma, stated that she would like to reduce pollution near and around Adams Elementary school. She stated that there is currently a cement plant very close to the school, and the dust from their piles of material blow into the school yard, so the children have to breathe in the particles. The asthma rate at the school is the third highest in Fresno Unified School District.

The Chair stated that the Board cannot take action on items not on the agenda, but would direct the issue to the enforcement staff. Mr. Sadredin stated that the District has been taking a closer look at that neighborhood,

and have spoken with community activists and businesses in that area. He encouraged her to call the District to file a complaint at any time she sees a problem.

Arthur Unger, Sierra Club, stated that the Valley should encourage Passive Solar Drying. He feels the District should not allow developments to make restrictions on the use of clotheslines.

Bob Sarvey wanted to express gratitude on his behalf and the behalf of others in the Tracy community for the District's decision to revoke the permit for the Lawrence Livermore Labs increased explosive testing. Mr. Sarvey stated that he would send a copy of the letter of gratitude to the Board.

The Chair noted that there is an urgent item for Closed Session regarding a lawsuit. Phil Jay, District Counsel, asked the Board to add Item 14 to the Agenda regarding Valley Advocates v. the District. The need to act upon this arose after the posting of the Agenda, so he needs a two thirds vote to enable the Closed Session discussion.

Moved: Dominici
Seconded: Barba
Ayes: Case, McQuiston, Barba, Dominici, Vierra,
Brar, Perea, Nelson, Ornellas, Worthley
Nays: None

Motion unanimously carried to add Item 14, Closed Session, to the Agenda.

5. Report From Citizens Advisory Committee (CAC)

Sarah Sharpe presented the report. She stated that the CAC learned that ARB State Implementation Plan workshop will be held in Fresno on April 10, 2007. The CAC encouraged their members to attend. She stated that the CAC received an update on the Ozone Plan, the Clean Green Yard Machine, and the Clean Air Challenge. The CAC was unable to vote on the establishment of the Environmental Justice Advisory Committee due to a lack of quorum in one of the interest groups, but that there was a detailed discussion on how to form the committee. The CAC is working with Mr. Sadredin to build some consensus.

6. **Informational Item: The District S.T.A.R. (Service, Teamwork, Attitude, And Respect) Program**

Mr. Sadredin stated that the STAR Program was implemented one year ago with the purpose of employee empowerment, effective team work, excellent service, positive attitude, and respect for all.

Mr. Sadredin said that the goal of the Program is to make the STAR principles a part of District culture. Mr. Sadredin stated that District staff treats people with respect while continuing to do their job. He added that the District wants staff to take pride in working for the District. Because employees often have the best ideas for improvement, the STAR Program enables employees to come up with solutions and ideas.

The District implements the Program through employee orientation, staff meetings, awards, STAR tracking charts, STAR teams, and STAR themes in team-building events and activities. The STAR principles are used in hiring and promotion decisions.

Mr. Sadredin stated that the results of the Program are increased productivity and efficiency, excellent service, motivated employees, and innovative and creative Programs. In the over 30,000 contacts the staff has with the public each year, there are only a handful of complaints, and people who have also worked with other air districts have complimented our staff.

Mr. Sadredin acknowledged the work of Carolyn Rose, Director of Personnel, and Rick McVaigh, Deputy APCO in advocating the STAR Program. Ms. Rose coordinates the STAR Program and facilitates training and other tools to enhance employee effectiveness. Mr. McVaigh has been instrumental in making sure all department heads implement this Program. Mr. Sadredin stated that the District welcomes suggestions from the Board and the public.

Supervisor Barba stated that he likes that the District is moving away from the "command/control" style of running an organization to encouraging employee ownership.

7. **Approve and Authorize Chair to Sign Agreement with the Enterprise for Education Corporation to Fund the Clean Air Challenge Middle and High School Curriculum Program in the Amount of \$30,000**

Jaime Holt, Public Information Administrator, welcomed the new Board Members, and offered her department's services for any educational materials or speakers they may want. Ms. Holt presented the report and introduced Tamaya Middle School science teacher Tom Sabatino, and some of his seventh and eight grade students: Jay Monde, Sharon Williams, Brent Kasner, and Angie Carter.

Mr. Sabatino stated that this Program puts science concepts in the hands of the students, and relates it to a real life event. It allows students to understand that the haze they see in the sky is also on the ground and in the air they breathe. Ms. Williams stated that she is an asthma sufferer, so air quality has a daily impact on her life. Ms. Carter stated that she feels the Program is a great educational tool. Mr. Kasner stated that students prefer hands on learning, and this Program provides that.

Supervisor Barba asked the students if they have a solution. Ms. Carter stated that the Program has made the students think more about carpooling instead of driving individually to school.

Supervisor Dominici stated that it is impressive that they are working towards cleaning the air. Supervisor Case challenged the students to help change habits and influence people's choices.

Public Comment: NONE

Moved: Dominici
Seconded: Vierra

Ayes: Case, McQuiston, Barba, Dominici, Vierra,
Brar, Perea, Nelson, Ornellas, Worthley

Nays: None

Motion unanimously carried to approve item 7 as recommended.

8. Public Hearing: Adopt Revised Proposed New Rule 4565 (Biosolids, Animal Manure, and Poultry Litter Operations)

George Heinen presented the report. He noted that Sandra Lowe-Leseth was the lead staff person on this project.

Public Comment:

John Dunlap, McCarthy Family Farms, Inc. stated that McCarthy Family Farms, Inc. was established in 1991 to provide beneficial reuse of biosolids and green waste management services. Mr. Dunlap stated that he was formerly the Chairman of ARB, and Chief Deputy Director of the Department of Toxics Substance Control. He commended the District staff for being positive, supportive, and accessible. He stated that the concerns they have are that Section 7.4.3 requires that composting operators who are proposing an energy conversion be in compliance with Class I mitigation within 18 months of Rule adoption. He feels that the substantial financial commitment in implementing Class I mitigation measures is an unnecessary use of financial resources, because overall Volatile Organic Compound (VOC)

emission reductions in the first five years of operations compensates for the deletion of Class I mitigation measures. Mr. Dunlap would like clarification on the research the staff used, and he would like to see some flexibility in the Rule for allowing the use of existing baseline emission factors for facilities which participated in the South Coast Test Program. He also would like to clarify Section 7.4.16, which specifies that an energy conversion project demonstrate a net air quality benefit, and asked that staff provide a detailed assessment as to how this demonstration is to be made.

Mr. Heinen agreed it would not make sense to install costly Class II mitigation measures, but implementing Class I mitigation measures are reasonable. The Chair asked for an example of the Class I mitigation measures. Mr. Heinen stated that one measure is mixing green waste with biosolids to increase oxygenation. Another measure is to cover the biosolids with soil as the microbes in the dirt eat the VOC's as they emerge. The District feels those are reasonable interim measures. Mr. Heinen agreed that there is a dearth of research in this area, though the District is using a 10% reduction as a conservative estimate. The Rule allows some flexibility in baseline testing. The main concern is the correct percent reduction. The District wants to show that the waste-to-energy plant will have a net air quality benefit because they will capture and use the VOC's, but they will produce NOx, which the Valley is trying to reduce. The District believes the plant will be a benefit which is why the District put special provisions in the Rule for this type of operation.

Supervisor Case wanted to go on the record that she also sits as the Chairman of the Selma Kingsburg Fowler Sanitation District, which sends their biosolids to McCarthy Farms. Phil Jay, District Counsel, stated that there is no legal conflict of interest. Supervisor Case stated that she did not believe there was a conflict, but wanted it disclosed to the public.

Bob Gillete, California Association of Sanitation Agencies, stated that they are concerned with the lack of data, but his main concern is the prohibition of the use of biosolids as alternative daily cover. He stated that no biosolids are being used as alternative daily cover in the Valley. Mr. Gillette feels that what the District does impacts other air districts. Since the District Rule will serve as a model for other air districts in California, a ban on the use of biosolids will be copied by the other districts, causing difficulty for sanitation agencies in other regions. He stated that Ventura County is planning to keep all of their biosolids within Ventura County by drying the biosolids and using it as alternative daily cover in their landfill. Fifty percent of biosolids in the Bay Area and 21% of biosolids in California are being used as alternative daily cover.

Supervisor Barba stated that if we remove the alternative daily cover provisions, the Valley may start to see an increase in the use of biosolids in this manner as well.

Mr. Gillette stated that only one landfill is currently permitted to use biosolids as alternative daily cover, and they are not currently exercising that option.

Mr. Sadredin stated that part of the mission of the District is not only to reduce pollution but also to prevent it. The use of biosolids as alternative daily cover is growing in the state, so that part of the Rule is a preventative measure.

The Chair stated that he is sensitive to the issue that rules we make can affect other areas, and stated that if we removed that provision, we could amend it later if the use of biosolids as alternative daily cover becomes an issue.

Mr. Jay stated that prevention is easier than retroactively dealing with a problem.

Supervisor Case asked if there is a level of dryness that can assure the District that there are no emissions to put the pressure back on the sanitation districts.

Mr. Sadredin stated that the District is always willing to look at new science and data and revise rules. Mr. Heinen said he's not aware of any level of dryness that would ensure no VOC's. He added that he is not sure if the microorganisms would be killed during the drying process as they are during the composting process, and would be a difficult standard to maintain during the rainy season. Mr. Heinen stated that the finished compost is considered a clean product.

Supervisor Worthley stated that he was sensitive to the potential problem that our rule may cause for agencies in other jurisdictions. He asked if we could amend the Rule in a way that would not result in adverse impact to the Valley, but allow for flexibility in other regions.

Supervisor Barba asked if the Rule is talking about the mixing process or the finished product. Mr. Heinen stated that the Rule allows the finished product to be sold as compost, but restricts the use of pre-composted biosolids to be used as landfill alternative daily cover. Fully composted biosolids may be used in the landfills.

Supervisor McQuiston asked how the District would know when a landfill would start using the biosolids as alternative daily cover.

Mr. Sadredin suggested that we could remove an outright prohibition and instead require advance notice and permitting for facilities in the Valley that may wish to use biosolids as an alternative daily cover. He added this would require the use of Best Available Control Technology (BACT) and compliance with other applicable provisions of the District's New Source Review Rule.

Councilmember Perea stated that he is hesitant to deviate from staff's recommendation and would like to know how the staff's recommendation differs from these new safeguards.

Mr. Sadredin stated that the District can add a clause that requires a landfill to apply for a permit to use biosolids as alternative daily cover using BACT, and he added that it is unlikely they would meet those high standards; therefore, the end result would be the same.

Councilmember Perea wants to make sure it provides the same result, because if it doesn't, he would not support the change. Supervisor McQuiston and Supervisor Barba agreed that this is a reasonable compromise.

Mr. Jay stated that this revision does not significantly change the nature of the Rule; therefore the hearing does not need to be postponed.

The Clerk noted that Manuel Cunha, Nisei Farmers League, had to leave the meeting but wanted to go on record as supporting the staff recommendation.

Art Chianello, Wastewater Manager of City of Bakersfield, would like a clarification of the term "on site" from page four of the staff recommendation. Mr. Heinen replied that if the area was contiguous with the sewer treatment operation, it is "on site." Mr. Chianello stated that the farm they use to apply their biosolids is ten miles from the sewage treatment plant. Mr. Heinen stated there is also an exemption for a farm that receives a load of biosolids for use as fertilizer. Mr. Chianello said that the City currently produces less than 10,000 wet tons per year, but may not haul the dried sludge for another year or two. In that event, they may haul an amount in excess of that allowed in the Rule. He would like an amendment that states "10,000 wet tons of biosolids created during that year."

Supervisor Nelson stated that normally when items come to the Board, there are fewer questions raised. He suggested the item be tabled until next month. Supervisor Case suggested the Board go to Closed Session, and allow the participants to talk with staff about their questions during that period. Supervisor McQuiston noted that the City of Bakersfield was not listed as a workshop participant.

Mr. Chianello said the City of Bakersfield submitted a letter. Mr. Heinen stated that if the letter was received after the comment period, it might not be included. Another exception would be if the comment was regarding a previous draft.

Karen Morris stated that several members of the audience in Modesto would not be able to participate in the meeting if the discussions are held in the afternoon. The Chair stated that they can join the discussion during VTC with the staff.

Mr. Sadredin stated that this Rule is a commitment in the Ozone Plan, and the goal is to implement in the first quarter of 2007. A delay of thirty days should not cause a problem, but he felt the Board should be aware.

Emily Gonzalez-Demont stated that there are four members of the audience in Bakersfield that would not be able to stay into the afternoon.

Mr. Chianello stated that he is concerned that the Board will not hear his testimony to help their decision to pass the Rule or not.

The Chair stated that if he and the District staff and any other stakeholders cannot resolve their issues, the Board will postpone the item. The Chair asked if there were any non-stakeholders who wished to make a comment before the break.

Daniella Simunovic, Center on Race, Poverty, and the Environment, stated that they had submitted written comments that are not reflected in the Rule. She stated that she cannot stay to hear the item in the afternoon, and that she strongly recommends they postpone the item until next month.

Item 8 discussion was put on hold at 12:15 p.m., and the remaining items were heard. During the break, District staff met with stakeholders via the VTC system, and Staff clarified the Rule for those in attendance. Item 8 resumed at 1:15 p.m. after closed session.

Mr. Sadredin stated that during the break, the technical questions raised by the City of Bakersfield were answered. With regard to the request to remove Class I mitigation requirements for the waste-to-energy plant, staff is not recommending a relaxation. The District will, however, work with McCarthy Family Farms and Kern County staff to help expedite the County CEQA process to allow expeditious installation of the waste-to-energy plant.

Mr. Sadredin stated that staff is adding clarification language to the portion of the Rule regarding waste-to-energy plants which requires any PM and ozone precursor mitigation. The added language would clarify that providing emission reduction credits can be deemed appropriate for mitigation. With

respect to the issue of alternative daily cover, staff is proposing to amend Section 5.1.1.5 requiring that any landfill wishing to bring in biosolids as a cover provide notice to the District 12 months before they wish to change their practice, go through a formal permit process, and have the permit in place before they begin. They must also satisfy BACT and the requirements under the District's New Source Review Rule. This does not constitute a significant change to the Rule.

Sarah Sharpe, Coalition for Clean Air, stated her concerns with the procedure of the item. She stated that she supported staff's original proposal to take a proactive stance and not remove the restriction on alternative daily coverage. She stated that the other agencies do not consider their impact on the Valley in their own rulings, and the District is here to protect the health of the Valley, and if staff can foresee anything happening in the future and can prevent it, staff should do that.

Tom Adams, City of Fresno, stated that this Rule would increase costs \$3-\$5 million annually, and the City has not resolved how to deal with the increased cost. The Chair stated that as far as costs associated with rules go, this one is fairly inexpensive.

John Dunlap had a question about the 10% reduction and wanted to know if that was mandated. Mr. Heinen responded that they chose that figure because they thought it was reasonable. Mr. Sadredin stated that they felt 10% was a conservative number. Mr. Dunlap thanked Scott Nester for the use of test data and appreciated staff's willingness to work with the stakeholders.

Art Chianello, City of Bakersfield, stated that during the break, a lot of his questions were answered. He asked for clarification of the annual limit on wet tons. He stated that on occasion they may be over the limit but that the two year old sludge is fairly inert with little VOC emissions.

The Chair stated that the District has a variance procedure they can follow. Mr. Heinen stated that there is a definition for finished compost, and if the sludge met that definition it would not be considered biosolids.

Ms. Simunovic stated that this Rule is not as stringent as South Coast's rule. She stated that although the compromise seems to set up some safeguards, she would encourage the Board to not go any less stringent.

Heather Ellison, Macintosh and Associates, wanted to know if organic farming was intended to be excluded from the farm exemptions.

Mr. Heinen responded that the Rule has an exemption for less than 10,000 tons per day for land application. He added that for composting, a farm would

typically use less than 100 wet tons per year in biosolids. Therefore, they are not explicitly exempt, but due to the nature of the type of composting they do, they are actually exempt. Ms. Ellison stated that she can see cases where that is not going to apply. Mr. Heinen asked if they would be using more than 100 tons, and stated that this issue was not brought up at the workshops. Ms. Ellison replied that she did not think about it during the workshops. She stated that the farms would use more than 100 tons per year.

The Chair stated that he would be surprised to see organic farms use that much. Mr. Sadredin stated that if they did, it only requires Class I measures.

Councilmember Brar asked how South Coast's rule was more stringent. Mr. Sadredin stated that the South Coast's rule affects only one facility, and their rule was written specifically for that one facility. Mr. Heinen responded that South Coast requires a closed building, which is not practical for the size of operations in the Valley. The District is requiring an aerated static pile, which is still an expensive system and can cost between \$1-\$3 million, but is much less expensive than constructing acres of buildings. Mr. Heinen added that the District considers that just as good as enclosing from the top. In tests, there is a non-detect level for any vapors from the top of the pile using this system. Mr. Heinen also added that our Rule is more stringent in that we add mitigation measures for small facilities, whereas South Coast's Rule is only for a large facility. Mr. Sadredin stated that this is a typical problem when comparing South Coast's farming regulations with the District. Farms and dairies in the South Coast area tend to be smaller operations, while the District has farming on a much larger scale.

Councilmember Perea asked for clarification on the final recommendation. Mr. Sadredin stated that the language added will be to not prohibit the use of biosolids as alternative daily cover, but require a twelve month advance notice to the District in the form of a permit application and will need to satisfy BACT and other requirements of the New Source Review Rule. Additionally, staff is adding clarifications in the staff report, that proven there is no significant impact to air quality when it comes to PM and ozone, waste-to-energy conversion plants can mitigate all of those emissions with an adequate safety ratio, and do not have to go through a special modeling exercise to prove their adherence to the Rule.

Moved: Perea

Seconded: McQuiston

Ayes: Case, McQuiston, Barba, Dominici, Vierra,
Brar, Perea, Nelson, Ornellas, Worthley

Nays: None

Motion unanimously carried to approve item 8 as modified by staff.

9. **Approve and Authorize the Chair to Sign Agreement Between the District and Neuton to Conduct A Lawn Mower Trade-In Program and Approve Budget Resolution Appropriating \$70,000 in Unanticipated Revenue for A Lawn Mower Program**

Jaime Holt presented the report, and stated that Anthony Presto had worked on this report. Ms. Holt stated that since 2001 the Clean Green Yard Machine Program has been successful in educating the public on the pollution generated by gas powered lawn mowers. Ms. Holt added that Neuton pays for shipping the lawn mower directly to the customer, and have an excellent reputation for customer service.

Supervisor Barba asked what the warranty is on the lawn mowers. Ms. Holt stated one year.

Public Comment:

Jerry Frost commented that this Program does not require the lawn mower to be tested to see if it starts, and has a provision to bring in a "dry" lawnmower with fuel and oil drained. Mr. Frost suggested the District provide a service at the recycling center to drain the lawnmowers, so the fluids are disposed of properly, and feels the lawnmowers should be required to start to be eligible to be replaced.

Moved: Dominici

Seconded: Case

Ayes: Case, McQuiston, Barba, Dominici, Vierra
Brar, Perea, Nelson, Ornellas, Worthley

Nays: None

Motion carried to approve Item 9 as recommended

10. **Verbal Report: California Air Resources Board (ARB)**

Jeff Lindberg presented the report. Mr. Lindberg stated that on April 10, 2007, ARB will hold a workshop in the District Fresno Office on ways to reduce ozone emissions in the Valley. It will be held via VTC with Modesto and Bakersfield. He added that the Sacramento Metropolitan area will request a reclassification from serious to severe. The mountain counties are classified as basic non-attainment with an attainment goal of 2009, with the option of a five year extension. Mr. Lindberg stated that they expect these counties to use the additional time. South Coast Air Basin is classified as severe 17, but they will need to reclassify to extreme. Ventura County is expected to request a reclassification from moderate to serious. Coachella Valley is requesting a reclassification from serious to severe 15. Antelope Valley and Mojave are requesting a reclassification from moderate to severe 15. Mr. Lindberg stated only four of the fifteen non-attainment areas are

expected to attain the standard within the time allotted by EPA: San Diego, the Bay Area, Butte County, and Sutter Buttes.

Mr. Lindberg explained that when EPA under-classified areas in relation to the severity of their ozone problems, it reduced the likelihood that EPA would require overly-stringent requirements on most non-attainment areas, which works well in areas with lower ozone levels. Unfortunately, this sets unrealistic deadlines for areas with higher ozone levels. EPA was aware of the under classification, and advised areas to request an extension or reclassification. Mr. Lindberg stated that the reason for most areas in California to request these reclassifications rests on EPA's under classification scheme.

Supervisor Case stated that this is the first day that she had heard that other air basins are struggling to meet their deadlines, and have different deadlines than the District. The media has portrayed the District as postponing its Plan, but South Coast, whose air quality is only marginally worse than the Valley, had a much different deadline to begin with, and are also requesting a reclassification. Supervisor Case would like a list of the other basins and what their classifications and status are.

Mr. Sadredin stated that staff will include that information in the April Board meeting. He stated that most of those air districts have not submitted their Plans yet.

Supervisor Case stated that the District is characterized as not acting timely, yet we have the first Ozone Plan available for public review.

11. Executive Director/APCO Comments

Seyed Sadredin stated that he will send a summary of the legislation that has been introduced that will impact the District. Senator Machado has introduced SB719 regarding the make-up of the Governing Board. Senator Florez has introduced SB240 designed to bring revenue to the Valley by giving the Board authority to impose fees on stationary sources and mobile source fees. Assembly Member Arambula introduced AB575 to bring \$300 million of Prop 1B funding to the San Joaquin Valley and \$300 million to South Coast.

Mr. Sadredin stated that Rule 4565 had two workshops. The process is that interested parties make comments in the first workshop, then staff responds to those comments and makes revisions to the Rule, and then offers a new version at the next workshop. If the stakeholders choose not to comment on the second version, staff assumes that the original response was adequate. In this case there were three events, two workshops plus the final Board proposal. The final packet included comments on the final proposal.

Mr. Sadredin presented a DVD to the Board members of the KVPT production on air quality issues and programs in the Valley followed by panel discussion on the associated topics.

12. Governing Board Member Comments

The Chair stated that a Budget Subcommittee needs to be formed and that both the Chair and Vice-Chair, Supervisor Ornellas, would be on the committee, and that Supervisors Barba and Dominici indicated that they would also join the committee. Supervisor Case stated her willingness to join if she is able to make the meetings.

Supervisor Nelson requested that the District put the KVPT film on the website. The Chair stated that the film portion alone is very educational.

13. Other Business

None

14. Closed Session

Fresno County Superior Court 07 CDCG 00755: Valley Advocates vs. San Joaquin Valley Unified Air Pollution Control District: Cilion, Inc and A.L. Gilvert Co., Real Parties in Interest.

Phil Jay, District Counsel, stated that the Board authorized him to appear and defend on behalf of the District in this matter. The vote was unanimous.

15. ADJOURN

The Chair adjourned the meeting at 1:40 p.m.

The next meeting is scheduled for Monday, April 30, 2007. Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconferencing (VTC), with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC. Governing Board Meetings are webcast.