

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Thursday, May 18, 2000 at 9:00 a.m.
1990 E. Gettysburg Avenue, Fresno, CA.**

Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

1. **CALL MEETING TO ORDER** – The Chair, Supervisor Jerry O’Banion, called the meeting to order at 10:03 a.m.

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

Barbara Patrick, Supervisor	Kern County
Nettie Washington, Councilmember	City of Tulare
William Sanders, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Dennis Lujan, Councilmember	City of Selma
Gail Hanhart McIntyre, Supervisor	Madera County
Kenni Friedman, Councilmember	City of Modesto
Nick W. Blom, Supervisor	Stanislaus County
Robert J. Cabral, Supervisor	San Joaquin County
Judith G. Case, Supervisor, Vice Chair	Fresno County
Jerry O’Banion, Chair	Merced County

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-22)**. (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 Governing Board Meeting of Thursday, April 20, 2000.

12. Approve Action Summary Minutes for the Special Meeting of the Governing Board of Wednesday, May 3, 2000.

13. Receive and file List of Scheduled Meetings for 2000.

14. Receive and file Operations Statistics Summary for April 2000.

15. Receive and file Budget Status Report as of April 30, 2000.

16. Approve and authorize Chair to sign agreement with Kern County for a

five-year lease extension for the Bakersfield Regional Office.

17. Receive and file proposed amendments to Rule 3020 (Permit Fee Schedules). Proposed amendments would adjust fees to fund mandated District programs associated with gasoline dispensing equipment and Title V sources. Set June 15, 2000 for the Public Hearing to consider the proposed amendments.
18. Receive and file Quarterly update to the Best Available Control Technology (BACT) Clearinghouse.
19. Approve and authorize the Chair to execute Amendment 98-629, AM # 1 to the agreement with California Air Resources Board for the loan of an electric vehicle to extend the terms of agreement until June 30, 2000.
20. Approve amendments to REMOVE Program grant award contracts as follows:
 - Approve and authorize the Chair to execute Amendment No. 2 to the REMOVE Program Contract # 97-033 with the County of Merced to extend the term of the contract to December 31, 2000.
 - Approve and authorize the Chair to execute Amendment No. 1 to the REMOVE Program Contract # 97-035 with the City of Livingston to extend the term of the contract to December 31, 2000.
21. Approve resolution increasing the 1999/2000 District Budget in the amount of \$25,000 for air monitoring network enhancements funded by the United States Environmental Protection Agency.
22. Approve MOU Side Letter for General and Supervisory Unit, including changes to the District's cafeteria health contribution and minor policy amendments.

APPROVED AS SUBMITTED – *A motion was made by Board Member Friedman and seconded by Board Member Patrick to approve the Consent Calendar as submitted. The motion carried unanimously with the following Roll Call Vote:*

Ayes: *Barba, Sanders, Washington, Patrick, Cabral, Blom, Friedman, Hanhart McIntyre, Lujan, Case and O'Banion.*

Noes: *None.*

Absent: *None.*

Therefore, the Board approved Consent Calendar items 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as submitted.

4. **PUBLIC COMMENT** – Correspondence to Mr. Jerry O’Banion, Chair, Governing Board, was provided to the Board and staff from Western United Dairymen, Mr. Michael L. H. Marsh, CPA, Chief Executive Officer dated May 17, 2000. The correspondence stated that the Western United Dairymen support the activities planned for the Central California Ozone Study and the California Regional Particulate Matter Study. Mr. Marsh’s correspondence urged that in addition to these projects there should be a study specific to dairy issues

Mr. Jay Goold, Western United Dairymen, attended the meeting via VTC from the Northern Region Office (Modesto). Mr. Goold also asked the Board to establish a Dairy Advisory Committee to work under the Technical Advisory Committee to pinpoint specific research projects that will build the scientific base of information about air quality relative to dairy operations.

A discussion between the Board, Mr. Goold and District staff took place and it was determined that the request should first go to the San Joaquin Valleywide Air Pollution Study Agency Policy Committee.

Staff indicated that after Mr. Goold meets with the Policy Committee if necessary his request could be placed on the Governing Board’s agenda in August.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – The Chair of the Citizens Advisory Committee (CAC), Tom Stearns, City, Primary Member, Fresno County, reported on the CAC Meeting held on Tuesday, May 2, 2000.
6. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4002 (NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS)** – Seyed Sadredin, Director of Permit Services, presented the item to the Board.

No Public Comments.

ADOPTED AS RECOMMENDED – A motion was made by Board Member Lujan and seconded by Board Member Case to adopt Rule 4002 as recommended. The motion carried unanimously with the following **Roll Call Vote:**

Ayes: Sanders, Washington, Patrick, Cabral, Friedman, Hanhart
McIntyre, Lujan, Barba, Case and O’Banion.

Noes: None.

Absent: Blom.

Therefore, the Board took the following action: adopted the proposed amendments to Rule 4002 (National Emission Standards for Hazardous Air

Pollutants) and authorized the Chair to sign the resolution adopting the rule.

7. **VERBAL REPORT: NEW SOURCE REVIEW (NSR) RULE STATUS** – Seyed Sadredin, Director of Permit Services, presented the report to the Board.

Verbal Report Received.

After a lengthy discussion the Board directed staff to prepare a letter from the Chair signed by the full Governing Board to the Director of the Environmental Protection Agency (EPA), Region 9. Emphasizing the importance of having an approved New Source Review Rule and encouraging them to deal with the District in an expeditious and effective way.

The Board asked the Citizens Advisory Group of Industry (CAGI) to also write a letter to the Director of EPA, Region 9 expressing their concerns.

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding ARB Board Meeting.

Tina Suarez-Murias, ARB representative and ARB Liaison for the San Joaquin Valley, reported on the most recent ARB Board Meeting.

Ms. Suarez-Murias reported that on April 26, 2000, Governor Gray Davis announced the appointment of William A. Burke as a member of the California Air Resources Board.

Ms. Suarez-Murias announced that the Air Resources Board and the California Department of Food and Agriculture are jointly sponsoring an Air Quality and Agriculture Forum. The purpose of this forum is to bring together key people from the agricultural industry and government agencies to discuss air quality issues related to agriculture. **Date: Thursday, June 8, 2000, Time: 10:00 a.m. to 5:00 p.m. Location: EDISON AgTAC Facility, 4175 South Laspina Street, Tulare, CA.**

Board Member Patrick thanked District staff for their hard work on behalf of the Study Agency.

Board Member Patrick stated that a kick-off event for the California Regional PM10/PM2.5 Air Quality and the Central California Ozone Studies is something that the full Board will be invited to. **Date: Monday, June 5, 2000, Time: 1:30 p.m., Location: Chandler Downtown Airport, 510 W. Kearney Blvd., Fresno, CA.**

Board Member Patrick stated that she wanted to respond to the February 17, Valley Air District, Governing Board Meeting where the Board and the public

were commenting on the ARB Transit Fleet Rule. Board Member Patrick stated that at that time she was constrained from commenting. She noted that there were a couple points that she wanted to clarify. Board Member Patrick commented that at the January ARB Board Meeting there were several individuals who requested that the San Joaquin Valley have a *carve out* from the transit rule. Board Member Patrick explained that a *carve out* would have given this Board the ability to do some decision making. It would not have mandated that this Board require natural gas vehicles or anything like that.

After listening to a taped portion of the February 17 Governing Board Meeting she thought that at least one person, if not more, thought that if we received *carve out* authority that the District would be mandating to our transit agencies that they could not take one path or another. But, rather what was requested was merely the ability for us to have this discussion in our Valley and listen to our constituents and collectively see if we felt that one path was better than both paths.

Board Member Patrick stated that she made it perfectly clear that the Valley Air District Board had not voted to request a *carve out*. Board Member Patrick stated that she never represented that she was speaking on the behalf of this Board or that this Board had asked for a *carve out*. Board Member Patrick stated that she would never misrepresent what this Board had decided. Board Member Patrick stated that at the February Valley Air District Board Meeting a statement was made that the Board had legal authority to do this already. Board Member Patrick indicated that she asked that question at the ARB Board Meeting about the District's legal authority to do that and the answer was very ambiguous.

Board Member Patrick noted that the engine manufacturers also testified that they may not be able to come up with what they had originally agreed to in terms of the manufacturer of the cleaner diesels. When it came back to the CARB Meeting a month later they had decided yes they would absolutely be able to do it. But, in the January CARB Board Meeting they waffled somewhat from their original understanding and their original agreement with the ARB.

Board Member Patrick stated that she just wanted the Board to know that never ever would she request that there be a mandate that this Board would not agree to. And, that never did Dave Crow or she say that we should just have natural gas but only that the District Board should have the authority to analyze and debate the issue and decide.

Board Member Patrick stated that she just wanted to clarify that her concern comes primarily from the fact that our Board has talked a lot about our inability to regulate mobile sources. We're going to have to go back to the same people that we have been going to for the last eight years as a Board and it is going to be our stationary sources. Board Member Patrick thinks that she will always be an

advocate certainly, as a Kern County Supervisor for local control and local flexibility and that is what she thought was in the best interest of the Valley.

Board Member Patrick stated that there was a big hullabaloo and people got upset and so forth but she wanted each of the Board Members to have a little bit of insight on her thought processes.

Board Member Patrick stated that Mr. Crow and herself did not go in and say this is what our Board wants. What we said was we think our Board might appreciate the flexibility of being able to have some local decision making. Board Member Patrick stated that she did want to clarify because some of the testimony was a little over the top.

The Chair thanked Board Member Patrick for representing the Valley so well as a Board Member on the ARB Board.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, commented that a letter was sent to the Governor regarding the State Subvention signed by the major air districts (including the Chair of the Valley Air District Supervisor Jerry O'Banion) in California as part of the continuing effort to see if we can successfully secure the subvention.
10. **GOVERNING BOARD MEMBER COMMENTS** –Board Member Blom noted that he met with the Secretary of Agriculture last week and they discussed air quality issues related to the dairy industry. Board Member Blom indicated that the Secretary of Agriculture is very concerned about this issue.

OTHER BUSINESS – No Other Business.

NO CLOSED SESSION

The Chair adjourned the meeting at 11:08 a.m.