

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

**Thursday, August 15, 2002
9:00 a.m.**

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

1. **CALL TO ORDER** – The Chair, Councilmember Sam Armentrout, called the meeting to order at 9:02 a.m.
2. **ROLL CALL was taken and a quorum was present.**

Barbara Patrick, Supervisor (absent)	Kern County
Mike Maggard, Councilmember (*) (***)	City of Bakersfield
William Sanders, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Jerry O'Banion, Supervisor (**)	Merced County
Nick W. Blom, Supervisor (****)	Stanislaus County
Tom Applegate, Councilmember	City of Newman
Jack A. Sieglock, Supervisor (absent)	San Joaquin County
Ronn Dominici, Supervisor, Vice Chair	Madera County
Sam Armentrout, Councilmember, Chair	City of Madera

(*) Arrived after Item # 2

(**) Arrived during Item # 3

(***) Attended meeting in Southern Region Office (Bakersfield)

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(12-20)**. (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).
12. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, June 20, 2002.

13. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Special Governing Board Meeting of Monday, July 22, 2002.
14. Receive and file List of Scheduled Meetings for 2002 and 2003.
15. Receive and file Operations Statistics Summary for June and July 2002.
16. Receive and file Budget Status Report as of July 31, 2002.
17. Receive and file proposed amendments to Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks) and set September 19, 2002 for the public hearing to consider the proposed amendments.
18. Receive and file listing of refunds for the fiscal year 2001/2002.
19. Approve contract with R&W Software for programming support for the Permit Administration System for an amount not to exceed \$118,560.
20. Approve changes to the District's Position Control List.

Supervisor Dominici requested that Consent Calendar Item # 18 be removed for discussion.

APPROVED AS RECOMMENDED – Board Member Case made the motion to approve the Consent Calendar minus Item # 18. Seconded by Board Member Applegate and carried unanimously with the following Roll Call

Vote:

Ayes: Maggard, Blom, Barba, Applegate, Sanders, Case, Dominici and Armentrout.

Absent: O'Banion, Patrick and Sieglock.

Action: Approved Consent Calendar items 12, 13, 14, 15, 16, 17, 19 and 20 as submitted.

Consent Calendar Item # 18, Supervisor Ronn Dominici asked staff why on Item #18 there were so many incorrect payments.

Roger McCoy, Director of Administrative Services, explained that applicants for permits will send in money based on the number of pieces of equipment they think need to be permitted. After a review of a project staff may determine that the applicant did not need some of the permits they applied for and will then refund some of that money back to the applicant.

Supervisor Dominici commended the District for having such a good system of checks and balances.

APPROVED AS RECOMMENDED – Board Member Dominici made the motion to approve Consent Calendar Item # 18. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:
Ayes: Blom, Applegate, Barba, Sanders, O'Banion, Maggard, Case, Dominici and Armentrout.
Absent: Patrick and Sieglock.

Action: Approved Consent Calendar Item # 18 as submitted.

4. **PUBLIC COMMENT** – No Public Comment.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Lee Smith, Chair, Environmental, Primary Member, Madera County, made the CAC Report to the Board. The Chair stated that during the August 6 CAC Meeting the CAC as a group voted to make a strong recommendation to the Board that (1) Agricultural should be recognized for the benefits that crop production affords in the absorption of ozone (2) All Carl Moyer industries should be recognized for their contribution to emission reductions and (3) Voluntary incentive programs have had a positive effect on reducing air emission that have been beneficial to the District and should be encouraged. The Chair stated that the CAC would prepare the resolution and present it formally to the Board.

Manuel Cunha, Nisei Farmers League, provided the Board with a letter from the Citizens Advisory Group of Industries (CAGI), supporting the CAC recommendation to the Governing Board, signed by Les Clark, Chairman, dated: August 14, 2002.

6. **PUBLIC HEARING: ADOPT PROPOSED SMOKE MANAGEMENT PROGRAM**
Presentation made by David L. Crow, Executive Director/APCO, Philip M. Jay, District Counsel, Dave Jones, Planning Manager, Ted Strauss, Supervising Air Quality Inspector and Ken Pretzer, Information Services Manager.

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

Richard Bagley, Highway 168 Fire Safe Council, thanked District staff for working with his organization regarding the Smoke Management Program. Mr. Bagley stated that in general Highway 168 Fire Safe Council supports the adoption of the proposed Smoke Management Program.

Gary Gilbert, Supervisor, District 5, Eastern Madera County, gave the Board background information on the lengthy planning process that goes along with a proposed prescribed burn.

Manuel Cunha, Nisei Farmers League, acknowledged District staff for their efforts on this project that has gone on for several years. Mr. Cunha spoke in support of the proposed Smoke Management Program.

APPROVED AS RECOMMENDED – Board Member Blom made the motion to adopt the recommended Smoke Management Program. Seconded by Board Member Case and carried unanimously with the following Roll Call Vote:

Ayes: Applegate, Barba, Maggard, Sanders, O'Banion, Blom, Case, Dominici and Armentrout.

Absent: Patrick and Sieglock.

Action:

- 1. Adopted the Smoke Management Program.***
- 2. Authorized the Chair to sign the resolution.***
- 3. Directed staff to forward the adopted Smoke Management Program and resolution to the California Air Resources Board (ARB).***

7. **DISCUSSION OF RULE 3160 (PRESCRIBED BURNING FEE)** – Supervisor Ronn Dominici, provided the following handouts to the Board and staff: a letter to Senator Barbara Boxer and Senator Dianne Feinstein from Frank Bigelow, Chairman of the Board of Supervisors, County of Madera, dated August 12, 2002 and a copy of: (Draft) Prescribed Fire Discussion Paper written by the Board of Supervisors, County of Madera.

Supervisor Dominici read the following statement into the record: “.... Eighteen months ago, February 15, 2001 to be exact this Board voted to approve a Prescribed Burning Fee. The fee after forty acres is set at \$5/per acre. I voted to approve that fee. Today after carefully observing and inspecting the dangerous fire conditions in Eastern Madera County I am asking that we revisit the fee structure and look at the possibility at reducing the fee to those that are involved in prescribed burning. I feel that we should listen and hear what members of the public have to say regarding the fee structure we have imposed. I know we cannot vote on the fee today. But, we can vote to forward this request for a revote for our next agenda. I have toured, inspected and walked in many of the heavily overgrown underbrush areas in Eastern Madera County. In the past two weeks I observed many areas that in the past were cleared today they are standing overgrown. Since the imposition of the burning fee many property

owners have done very little brush clearing if any. Madera County is in a extremely dangerous position and situation. If a fire were to start it would enlarge quickly because of the extreme overgrowth. Last year in August a small fire started in Eastern Madera County. The fire escalated to over four thousand acres at a cost of over \$6 million. This fire escalated due to the overgrowth of brush. The fire threatened everything in its path and public safety was extremely comprised.

In 1961 the devastating Harlow Fire occurred in Eastern Madera County. The fire burned over 40,000 acres and as of today it is still one of the fastest moving wildfires on record. The speed of that fire was overwhelming. It covered five to seven miles in two hours. I observed that fire and when you see something that bad you will not forget it. Please trust me on that last remark. I feel with today's overgrowth conditions the Harlow Fire would be little compared to what can happen today. I am not an expert in diagnosing fire conditions. But, I have lived in Madera County all my life and I have seen many wildfires and it doesn't take a genius to know we have a great danger in Eastern Madera County.

I am sure that many Board Members have similar conditions in their counties. When this Board voted to increase the fees I feel we stopped many property owners from clearing brush. Many property owners feel that they are not being treated fairly.

I want to thank the members of the Board for listening to my short request. I would now like you to hear from members of the public”

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

Tom Wheeler, Property Owner, North Fork, CA., President of the Coarsegold Resource Conservation District and Chairman of the Farm Services Agency Board of Madera County, provided (3) pamphlets to the Board (1) Tips to Protect and improve your property and water quality (2) A Property Owner's Guide to Reducing the Wildfire Threat and (3) Madera County 1997 Voluntary Water Quality, Grazing Land, Oak Woodland Conservation Management Guidelines.

Mr. Wheeler spoke in opposition to the District's Prescribed Burning Fee. Mr. Wheeler stated that they were willing to pay the same fees that agriculture pays.

Gary Gilbert, Supervisor, District 5, Eastern Madera County, spoke in opposition to the District's Prescribed Burning Fee and requested the Board review the adopted fee schedule.

Supervisor Gilbert read into the record the letter to The Honorable Barbara Boxer, United States Senate, dated: August 12, 2002. (A copy of this letter will be located in: Files: Governing Board Meeting, August 15, 2002).

Supervisor Gilbert stated that he is pushing for a California wide comprehensive wildland Fuels Management Program.

Craig Tolmie, California Department of Forestry (CDF) – stated that CDF had projects that were approved and planned for last fall but were suspended because there were no funds available to pay prescribed burn fees. Mr. Tolmie stated that the Department of Forestry is not funded by the legislature to cover smoke management fees.

Richard Bagley, Highway 168 Fire Safe Council – stated that when he conducts a burn for the Southern California Edison Company the cost is typically between (before Prescribed Burn Fees) ten to fifteen dollars an acre. Mr. Bagley noted that the Prescribed Burn fee of five dollars/per acre additional charge is a significant increase to their costs.

Manuel Cunha, Nisei Farmers League, stated that two years ago he offered to the private industry that he would be willing to meet with them to see if there was any grant money available for financial assistance to help augment the cost of the prescribed burn fee. Mr. Cunha noted that he never heard from anyone.

Mr. Cunha stated that he is offering again to meet with the private industry to see if there was any grant money available for financial assistance to help augment the cost of the prescribed burn fee.

Jerry Nola, Land Owner – stated that he is totally opposed to the five dollar/acre fee.

<p><u>The Chair</u> directed staff to bring this item back to the Board in 60 days for discussion and possible action.</p>

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Sylvia Morrow, ARB representative made the ARB Board Meeting Report. Ms. Morrow briefed the CAC on a report that the ARB received at their July 25, 2002 meeting. The report presented by ARB staff was a Health Update on repetitive ozone exposure. Ms. Morrow noted that the report is based on a recent study performed by investigators with Johns Hopkins University and the National Heart, Lung and Blood Institute.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS – David L. Crow, Executive Director/APCO**, reported on the District's recent issuance of health advisories over a four day period.

Mr. Crow stated that last week legislation that the Board has been instrumental in sponsoring requiring an enhanced Smog Check II program in the Bay Area moved through the Senate Transportation Committee and was being heard today in the Senate Appropriations Committee.

Mr. Crow announced that the District will be having a series of compliance assistance workshops regarding Regulation VIII the dust measures that the Board previously adopted.

Supervisor O'Banion, noted that San Joaquin County was instrumental in doing an air study. Supervisor O'Banion stated that the San Joaquin County, Council of Governments (COG) will have a briefing on that study and he was wondering if the Air District would be involved in that.

Mr. Crow responded that the District just received a copy of a report that was funded by the San Joaquin COG regarding the options they have in the Northern portion of the San Joaquin Valley to address air pollution issues on their own apart from the San Joaquin Valley Air Pollution Control District. Mr. Crow noted that the District would not be in a position to actively participate in that until such time as the San Joaquin COG appears before the District's Governing Board to express their interest and concerns and potential remedies that are available to them. Mr. Crow noted that he has consistently encouraged the San Joaquin County COG over the last nine months that they approach the District's Governing Board in a formal way and seek the Board's assistance, guidance, opinions of their proposal.

The Chair stated that he would encourage Mr. Crow to continue to establish some sort of a dialogue. So at least we know where they might be regarding this issue.

10. **GOVERNING BOARD MEMBER COMMENTS – Board Member Tom Applegate**, thanked the City of Modesto for taking seriously the pollution problems we have in the Central Valley. Board Member Applegate noted that the City of Modesto recently completed a project of traffic signal retiming coordination project for one hundred and twenty-one signalized intersections along 20 corridors. Board Member Applegate stated that the City of Modesto states that the Emissions Reductions will be: - 26.9 Tons of CO per year. – 5.2 Tons of NOx per year and – 6.2 Tons of VOC per year. Board Member Applegate provided the Board and staff with a report of the final results of that project.

Board Member Case, announced that yesterday the Air District was generous to lend its conference room to a group called the San Joaquin Valley Water Coalition of which many members from the counties that are represented on the District's Governing Board are mirrored in the water coalition membership. Board Member Case noted that another meeting has been planned for September 19, 2002 in the San Joaquin Room after the District's Governing Board Meeting. Board Member Case invited the Board to attend if they are interested in hearing about water issues. Board Member Case noted that this meeting will be open to the public and will start at 1:00 p.m. Board Member Case noted that the Water Coalition will be meeting with Wayne Nastri, Regional Administrator, US EPA, Region IX.

Board Member Blom – noted that the following question was asked in the Modesto Office audience about a permitted burn day. If a person has one hundred acres with a field of almonds and burns some broken limbs or some trees that have fallen over how is that going to be recorded? Usually staff will say that it's a two hundred acre or three hundred acre maximum on a permitted burn day. Board Member Blom suggested that the District do an outreach including that type of information either through the media or some of the farm organizations.

OTHER BUSINESS – No Other Business.

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

11. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Sections **54956.9 and 54957.6** of the Government Code (Ralph M. Brown Act) as follows:
 - ❖ Conference with Legal Counsel – Existing Litigation – Government Code **54956.9**. Name of Case: District v. California Air Resources Board (CARB), Sacramento Superior Court # 02CS00362
 - ❖ Conference with District representative (David L. Crow) regarding compensation for management.

Mr. Jay noted that he did not believe there would be any announcements. Therefore, the Board will adjourn the meeting from Closed Session.

The Board adjourned to Closed Session at 11:30 a.m.

The Board adjourned from Closed Session at 11:55 a.m.