

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

**Thursday, December 19, 2002
9:00 a.m.**

<p>Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.</p>

1. **CALL TO ORDER** – The Chair, Councilmember Sam Armentrout, called the meeting to order at 9:17 a.m.
2. **ROLL CALL was taken and a quorum was present.**

Barbara Patrick, Supervisor	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 (*)	San Joaquin County
Ronn Dominici, Supervisor, Vice Chair	Madera County
Sam Armentrout, Councilmember, Chair	City of Madera

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

3. **APPROVAL OF CONSENT CALENDAR** – (Item Numbers **(17-27)**). (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).
 17. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting, Thursday, November 14, 2002.
 18. Receive and file list of scheduled meetings for 2002 and 2003.
 19. Receive and file Operations Statistics Summaries for November 2002.

20. Receive and file Budget Status Report as of November 30, 2002.
21. Accept funds from the California Technology, Trade and Commerce Agency (CTTCA) Agricultural Biomass-to-Energy Incentive Grant Program October 2001 and March 2002 in the amount of \$2,242,101.
22. Authorize staffing increase to implement new federal mandates under Title V Permitting Program.
23. Approve Amendment No. 2 to Agreement with Sierra Research, Inc. to increase compensation in the amount of \$25,040.
24. Receive and file General Purpose Financial Statements and Single Audit Reports for the fiscal year ended June 30, 2002.
25. Approve agreement with Adrianus Resources, Inc. to provide consulting services for the San Joaquin Valley Unified Air Pollution Control District Heavy-Duty Public Fleet Survey.
26. Amend Conflict of Interest Code.
27. Approve an agreement with U.S. Bank National Association ND for the implementation of a District procurement card program.

Board Member Case, requested that Consent Calendar Item # 25 be pulled for discussion.

Board Member Sieglock, requested that Consent Calendar Items # 21 & # 22 be pulled for discussion

Kevin Hall, member Sierra Club, requested that Consent Calendar Item # 17 be pulled for correction.

Consent Calendar Item # 21 – Board Member Sieglock, noted that the Governor has been raiding a lot of funds in the state and taking money from different funds. How assured are we that these funds are going to remain there? Have you heard anything about the Governor taking these funds?

David L. Crow, Executive Director/APCO, noted that at this juncture the Governor has released some of these funds. We are not aware of any change in this particular program.

Consent Calendar Item # 22 – Board Member Sieglock, stated that this item talks about adding more staff because of processing Title V permits because of expanding and new businesses. How are we going to track out to know if we

really need these positions in the future given the state budget deficient? How are you tracking that versus what we have for staff today?

David L. Crow, Executive Director/APCO, noted that Supervisor Sieglock has a very good point given the state's fiscal situation. Mr. Crow explained that this particular measure is required by virtue of our bump-up in classification status and the need to issue Title V permits within some statutory timeframes. Mr. Crow noted that with respect to the financing of this it is accomplished through the system fees that the Board has already had in place for some long period of time.

Board Member Patrick, stated that this item should not be on the consent agenda. Secondly, we should have a budget subcommittee in place every year that this kind of thing could be taken to say a month in advance. So at least some of the board members are familiar with and if they feel they need public input they can sit down with industry and find out the need for it.

David L. Crow, Executive Director/APCO, stated that he heard Supervisor Patrick loud and clear on that point. Mr. Crow noted that it was his judgment to put this item on the consent agenda looking at the totality of your other agenda items.

Consent Calendar Item # 25 – Board Member Case, noted that she had a question in respect to Item # 25. Board Member Case's question is: Once we get the fleet information what is our plan for getting this information decimated to those public agencies. And, how do we get recommendations back to the public fleets to start them working in the right direction and to change the way they do business based on this new information.

David L. Crow, Executive Director/APCO, explained this work is preliminary for getting a better understanding of what the fleets are in the Valley and what the opportunities are for emission reductions from those fleets.

Chair, Sam Armentrout, asked why the District was only doing heavy-duty at this time and not light-duty. The Chair noted that heavy-duty is the hardest to convert.

Jeff Findley, Supervising Air Quality Planner, explained that our greatest emission reductions that we can achieve immediately are through the heavy-duty vehicle fleets.

Consent Calendar Item # 17 - Kevin Hall, Member Sierra Club, stated that he wanted to correct the minutes. Mr. Hall stated that on the minutes regarding his comments from the November 14, 2002 meeting he was trying to correct the Staff Report for Agenda Item # 6 that was discussing the September presentation

by the Mayor of Fresno and Supervisor Waterston of Fresno County regarding the Clean Air Summit and Action Plan. Mr. Hall noted that it is a small correction that he did not see reflected in the minutes "the Sierra Club was not one of the groups coming forth in November asking for the that \$25,000 allocation". Mr. Hall explained that it is a technical and important distinction for us to make clear that our name the club name was being slightly misused in that report or at least it's in error. Mr. Hall stated that in other words the report to you is correct that he is taking it to the club and working it through their process but in terms of the report made to your Board last month we were not here in November asking for that allocation. Mr. Hall noted that we like the idea of a Clean Air Summit and we are very interested in working toward that goal.

The Chair directed the Clerk to make that correction.

Sean Edgar, California Refuse and Removal Council (CRRC), stated that he appreciates and supports for a very timely conversation about the heavy-duty diesel engines. Mr. Edgar stated that he thinks that the District should focus on fuel neutrality as a method of Alternative fuel usage.

APPROVED WITH CORRECTION TO ITEM # 17 – Board Member Sanders made the motion to approve the Consent Calendar with a correction to Item # 17. Seconded by Board Member Patrick and carried unanimously with the following Roll Call Vote:

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

Absent: None.

Action: Approved the following Consent Calendar Items as submitted 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 and the Board approved Consent Calendar Item 17 with corrections.

4. **ELECTION OF OFFICERS** – Recommend electing the Chair and Vice Chair of the Valley Air District Governing Board for 2003.

ELECTED – Board Member Case made the motion to elect Supervisor Ronn Dominici for Chair and Supervisor Barbara Patrick for Vice Chair. Seconded by Board Member Blom and carried unanimously with the following **Roll Call Vote:**

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

Absent: None.

Action: Elected Supervisor Ronn Dominici, Madera County as 2003 Chair and Supervisor Barbara Patrick, Kern County as 2003 Vice Chair.

5. **PUBLIC COMMENT:**

Kevin Hall, member Sierra Club, asked if the Clean Air Action Ad Hoc Subcommittee would be giving a report at some point during today's meeting. Mr. Hall stated that he also noticed that there was a handout and he didn't pickup a copy because they were all gone. But, he thinks that he read that the Air District had circulated 8,000 copies of the Fresno Bee's Special Section titled Last Gasp to schools and he was wondering if he read that right and if that was going to be addressed at some point.

David L. Crow, Executive Director/APCO, stated that Josette Merced Bello, Public Education Administrator, was not present today and he was not aware of the District circulating 8,000 copies of the Fresno Bee's Special Section titled Last Gasp to the schools.

Mr. Crow explained that the Board during the November 14, 2002 meeting appointed an ad hoc subcommittee to coordinate and liaison with Mayor Autry's at this point. Mr. Crow noted that he believes that Mayor Autry has talked about creating a steering committee of the effort at large. They are aware that our Board has a ad hoc subcommittee and that the Board's ad hoc subcommittee would be consulted with respect to any kind of steering committee that is formulated. Mr. Crow explained that, that is being handled through contact with Carolyn Ratto that's associated with the Great Valley Center that's providing the staffing effort to the Mayor's effort.

Board Member Case, noted that she is part of that ad hoc subcommittee along with Board Member Applegate and Board Member Maggard. Board Member Case pointed out that there has not been a meeting as of yet.

Kevin Hall, member Sierra Club, noted he wanted to bring to the Board's attention a Fresno Bee article interviewing the Director of the Building Industry Association. The article was talking about designating clean air subdivisions and coming up with the criteria for such designations which the industry would bestow upon itself. Mr. Hall stated that he was just bringing that to the Board's attention now and asking the Board to watch this very closely.

Manuel Cunha, Nisei Farmers League, announced that he was passing out to the Board a booklet titled Air Quality Conservation Management Practices of San Joaquin Valley Farms. Mr. Cunha noted that 10,000 copies were circulated to growers and organizations. Mr. Cunha pointed out that this was an effort involving the Valley Air District, EPA and CARB.

Mr. Cunha also provided the Board with a copy of a document titled Sustainable Incentives. Mr. Cunha noted that this is a new topic that has come under the

President's Clean Skies Program in which allowing sustainable incentives for businesses rather than developing regulations.

Mr. Cunha stated that he wanted to give the Board recognition. Mr. Cunha stated that the Board has done a great job in ten years as a full Board or twelve years since 1992. And you were not really given the recognition that you have done a lot to clean up the air in this Valley and dealing with population growth that occurs and you have no control over vehicles.

Suzanne Noble, Western States Petroleum Association, back in June this Board expressed it's intent to move the Valley Air District into a classification of extreme. At that time as well the Board directed staff to begin the process of developing a extreme ozone plan. Ms. Noble indicated that they would be specifically interested in learning if there is a tentative date of when the first public workshop would be scheduled for public participation in the development.

Dave Jones, Planning Manager, stated that we have put together a tentative schedule and we sent the schedule up to ARB for their review we will share a briefing report with the Board when we do get that timeline and with the other interested stakeholders.

Steven Bonaker, Spreckels Sugar, stated that regarding to the Fresno Bee's article Last Gasp it seems that it had limited input. Mr. Bonaker noted that it seemed to be very one sided.

Tom Wheeler, Madera Mountains, President of the Coarsegold Resource Conservation District and the Chairman of the Farm Services Agency Board in Madera County, announced that at their meeting yesterday we've had ninety farmers sign up for the Environmental Quality Incentives Program (EQIP) and about ten ranchers this year.

6. **VERBAL REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Lee Smith, Environmental Primary, Madera County and Chair of the CAC, made the CAC Report to the Board. Mr. Smith reported that the CAC held a meeting on December 3, 2002 and discussed a number of different issues.

Mr. Smith reported that the CAC discussed many of the rules that are before the Board today. A concern was raised on that pursuant to the underlying purpose of the CAC that they should be providing comments to assist the Board in their review of these rules. Mr. Smith reported that the CAC however, received the draft NSR rules essentially on the day they were received and filed by the District. Mr. Smith stated that they were also told by staff that due to the sanction clock CAC comments would not be useful. Mr. Smith noted that a concern was raised by members that there have been a series of important decisions made by

the Board that have been made at the last minute due to this different sanction clock making public comment impossible.

Mr. Smith stated that the CAC discussed the potential bump up and the PM10 Plan on context. We are concerned that both of these get done before we run into the same problem with the last minute decision making. Mr. Smith noted that the CAC urges the Board to make sure that sufficient time is left to allow the public to properly review these issues and to allow the CAC to provide you with comments on regulations as they come up.

Mr. Smith stated that the CAC also discussed the Mayor's Clean Air Plan. Mr. Smith stated that the CAC wanted the Board to be aware that as a group the CAC is a representative group of different entities throughout the Valley and we believe we can play a role in that Plan.

Mr. Smith stated that the CAC also reviewed the Sustainable Incentives that Mr. Cunha has discussed and the CAC is strongly in favor of that idea and has setup a subcommittee to try and propose some of those Sustainable Incentives to the Board over the next few months.

The Chair asked Mr. Smith to elaborate on his concerns and the Citizens Advisory Committee concerns of last minute rule making and how that affects all those in the industry.

Mr. Smith stated that it seems over the last few months the more important rules haven't come into their final form until right as they are presented to the Board. And for that reason the CAC which has historically taken the draft rules and reviewed them with the industry members has been unable to do that. In the past we have to a limited extent provided what we thought was helpful input to the Board in making those decisions. But, when we receive these rules at the last minute and are told specifically by staff that our comments because, of the sanction clock are not helpful our hands are tied as are yours to a certain extent.

The Chair stated that he doesn't disagree with what Mr. Smith is saying and he asked staff to respond.

David L. Crow, Executive Director/APCO, as far as Mr. Smith's characterization of the meeting he would concur with him that in particular the NSR Rule has of necessity moved fast towards the end given the sanction clock and the degree of interaction that was necessary with EPA officials, District staff and stakeholders. Mr. Crow noted that he reported at the last Board meeting that we had wished that the six months of intensive discussions had culminated earlier to afford everybody maximum opportunity. That just simply wasn't the nature of how that particular rule came together.

Mr. Crow explained that in the past we have briefed the CAC at every meeting of every rule that is under development and rule under development is a specific agenda item. Mr. Crow pointed out that we've made every effort to follow the Rule Development Procedure as it relates to the CAC and we devote a good deal of time at each meeting to highlighting each rule that is in the development process advising them of workshops that are taking place. Mr. Crow noted that as Mr. Smith pointed out when they have a subcommittee we endeavor to get the subcommittee that information as soon as possible. Mr. Crow stated that he thinks the concern is frankly mutually shared with regard to some rules where we have other parties that are directly and intimately involved and have a say in the approvability of those rules. Mr. Crow explained that we don't dictate the pace of which others move and when they move we apprise as candidly as we can the Citizens Advisory Committee, as we did at the last meeting, as to what had transpired in the development of that rule.

7. **PUBLIC HEARING: (CONTINUED FROM NOVEMBER 14, 2002); ADOPT PROPOSED AMENDMENTS TO RULE 2020 (EXEMPTIONS) AND RULE 2201 (NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE)** – Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Philip M. Jay, District Counsel, and Seyed Sadredin, Director of Permit Services.

Board Member Sieglock, requested that the EPA representative in attendance at today's meeting to comment specifically to the agricultural exemption.

Kerry Drake, Associate Director with Air Division, U.S. Environmental Protection Agency (EPA), Region IX, stated that to be consistent with federal law the EPA cannot approve the NSR program if it contains an agricultural exemption and that's because we cannot approve anything that goes against the law that EPA operates under. Mr. Drake stated that federal law does require that federal permitting programs apply to all major sources however those are defined with non-exempted.

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

Manuel Cunha, Nisei Farmers League, spoke in support of staff's recommendation.

Suzanne Nobel, Western States Petroleum Association (WSPA), provided the Board with a correspondence that contained revised language that WSPA would like to see incorporated into the proposed amendments to Rule 2201.

Les Clark, Independent Oil Producers Agency (IOPA), stated that IOPA supports WSPA's request.

Roger Christy, Chevron Texaco, stated that he has concerns with the equivalency tracking system as proposed.

Rock Zierman, California Independent Petroleum Association (CIPA), stated that he echoes comments the Board received from WSPA and IOPA. Mr. Zierman stated that the Board also received a letter from CIPA regarding Rule 2201.

Jan Ennenga, Executive Manager, Manufacturers Council of the Central Valley (MCCV), stated that the MCCV supports WSPA comments. Ms. Ennenga stated that she thinks the question needs to be asked directly to EPA. Ms. Ennenga asked if the minor verbiage change requested by WSPA would effect the approvability.

Kerry Drake, Associate Director with Air Division, U.S. Environmental Protection Agency (EPA), Region IX, stated that the suggested WSPA language was not approvable.

Sean Edgar, California Refuse and Removal Council (CRRC), asked for clarification in respect to biomass facility in respect to Rule 2201.

Syed Sadredin, Director of Permit Services, responded that the District committed to working further with the biomass facilities after the sanction issue is resolved.

Correspondence received:

From: Western States Petroleum Association
To: Honorable Mayor Sam Armentrout, Chairman
RE: December 19, 2002 Governing Board Meeting Agenda Item Number
Seven Proposed Amendments to Rule 2201 (New and Modified Stationary
Source Review)
Date: December 17, 2002

From: California Independent Petroleum Association
To: The Honorable Sam Armentrout
RE: Proposed Amendments to Rule 2201 (New and Modified Stationary
Source Review)
Date: December 18, 2002

ADOPTED OPTION B - Board Member Blom made the motion to adoption Option B. Seconded by Board Member Sanders and carried unanimously with the following Roll Call Vote

Ayes: *Case, Sieglock, Maggard, Patrick, Sanders, O'Banion, Blom, Applegate, Barba, Dominici and Armentrout.*
Absent: *None.*

Action: *Adopted proposed amendments to Rule 2020 (Exemptions) and Rule 2201 (New and Modified Stationary Source Review Rule). As for Rule 2020, section 4.5 relating to permit exemption for agricultural sources, staff recommended Option B. The effective date was amended to: December 19, 2002. The Board authorized the Chair to sign the resolution.*

LUNCH BREAK AT 12:00 p.m.

RETURNED FROM LUNCH BREAK AT 1:00 p.m.

The Chair moved the following agenda item up on the agenda.

16. **GOVERNING BOARD MEMBER COMMENTS – The Chair** stated that some of the Board Members would be leaving the District's Board.

The Chair presented plaques to:

Councilmember Tom Applegate with deep gratitude for his dedication to air quality during two years of service on the Governing Board of the San Joaquin Valley Unified Air Pollution Control District, 2001 - 2002 from the Governing Board of the San Joaquin Valley Unified Air Pollution Control District

Supervisor William Sanders with deep gratitude for his dedication to air quality as Governing Board Member 1998 – 2002 from the Governing Board of the San Joaquin Valley Unified Air Pollution Control District and

Supervisor Nick W. Blom, with deep gratitude for his dedication to air quality as a Governing Board Member 1991-2002 Chair: 1995 from the Governing Board of the San Joaquin Valley Unified Air Pollution Control District.

Supervisor Blom noted that he was on the Study Agency Board before the Joint Powers Agency was formed which was several years ago. Supervisor Blom stated that the Valley Air District which at times has been applauded and sometimes not applauded. Supervisor Blom stated that he thinks that the Board has really shown some leadership. Supervisor Blom stated that he knows that the members have changed over the years but the core of the organization and the representation from each Board Member and City Counsel has really done well for the Valley. Supervisor Blom pointed out that for him it has been a special pleasure to be associated with all of the Board and to work with an agency that works together. Supervisor Blom explained that the majority of the District staff that we picked eleven years ago and see that almost everyone is still here after eleven years shows something of the people we picked at the time. And, also of the trust that we've had in our staff to do the things that they are trained to do

and they do it well. Supervisor Blom stated that he wanted to thank each one of the staff and all of the Board Members for the opportunity given to him in the fine State of California.

8. **PUBLIC HEARING: ADOPT PROPOSED RULE 4408 (GLYCOL DEHYDRATION SYSTEMS)** – Staff presentation made by Scott Nester, Supervising Air Quality Engineer.

No public comments received on this item.

ADOPTED AS RECOMMENDED – Board Member Patrick made the motion to adopt as proposed. Seconded by Board Member O'Banion and carried unanimously with the following Roll Call Vote:

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

Absent: Sieglock.

Action: The Board adopted proposed Rule 4408 (Glycol Dehydration Systems) and authorized the Chair to sign the resolution.

9. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4610 (GLASS COATING OPERATIONS)** – Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Scott Nester, Supervising Air Quality Engineer.

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

Phil Newell, Guardian Industries, requested an extension to the deadline for proposed testing requirements for Rule 4610 from January 1, 2004 to January 1, 2006.

Gary Werner, General Manager, Guardian Industries, asked the Board for an extension.

ADOPTED AS RECOMMENDED – Board Member Dominici made the motion to adopt the proposed amendments to Rule 4610. Seconded by Board Member Sanders and carried with the following Roll Call Vote:

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

Noes: Patrick, Applegate and Case.

Absent: Sieglock.

Action: The Board adopted the proposed amendments to Rule 4610 (Glass Coating Operations). The Board requested the affected source operator to report to the Governing Board in January 2003 as to the prospects for innovative process alternatives.

Correspondence received:

From: Joseph P. Rhodes, Mayor, City of Reedley
To: Unified Air Pollution Control District
RE: Support for extension of implementation of Rule 4610 (Glass Coating Operations)
Date: December 17, 2002

From: Gary Werner, General Manager, Guardian Industries Corp.
To: Scott Nester, SJVUAPCD
RE: Formal request for consideration by the SJVUAPCD to extend the implementation date of Rule 4610 from January 1, 2004 to January 1, 2006.
Date: December 9, 2002

Report received from: Guardian Glass Coating – Proposed Compliance Timeline

10. **PUBLIC HEARING: ADOPT PROPOSED “WESTSIDE” AMENDMENTS TO RULE 4305 (BOILERS, STEAM GENERATORS AND PROCESS HEATERS) AND RULE 4701 (INTERNAL COMBUSTION ENGINES)** – Staff presentation made by Scott Nester, Supervising Air Quality Engineer.

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

Roger Christy, Chevron Texaco, explained that the only changes in this rule is the changes of some compliance dates.

ADOPTED AS RECOMMENDED – Board Member O’Banion made the motion to adopt the Rule 4305 and Rule 4701 as recommended. Seconded by Board Member Blom and carried unanimously with the following **Roll Call Vote:**

Ayes: Case, Sanders, Barba, Applegate, O’Banion, Blom and Dominici.

Absent: Maggard, Sieglock, Patrick and Dominici.

Action: The Board adopted the proposed “Westside” amendments to Rule 4305 (Boilers, Steam Generators and Process Heaters) and Rule 4701 (Internal Combustion Engines). The Board authorized the Chair to sign the resolution.

11. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 3160 (PRESCRIBED BURNING FEE)** – Staff presentation made by David L. Crow, Executive Director/APCO and Tom Jordan, Senior Air Quality Planner.

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

Richard Bagley, Highway 168 Fire Safe Council, stated that he would to thank the Board for asking staff to meet with stakeholders to discuss amendments to Rule 3160 and staff for their efforts. Mr. Bagley stated that he would recommend the Board adopt the proposed amendments to Rule 3160.

Manuel Cunha, Nisei Farmers League, stated that we’ve always made the offer to help the prescribed burners obtain funds of prescribed burning.

Mr. Cunha stated that he is making that offer again but noted that this will be the last time he offers to assist them in obtaining money for prescribed burning. Mr. Cunha noted that there is a program call the Environmental Quality Incentives Program (EQIP) available to assist with burning fees.

ADOPTED AS RECOMMENDED – Board Member Blom made the motion to adopt Rule 3160 as recommended. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**

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

Absent: Sieglock, Maggard and Patrick.

Action: The Board adopted the proposed amendments to Rule 3160 (Prescribed Burning Fee) and authorized the Chair to sign the resolution.

Correspondence received:

From: Tom Wheeler, President, Coarsegold Resource Conservation District
To: SJVAPCD
RE: Rule 3160
Date: December 17, 2002

12. **PUBLIC HEARING: ADOPT PROPOSED AMENDED 2002 AND 2005 RATE OF PROGRESS PLAN (ROP) FOR SAN JOAQUIN VALLEY OZONE** – Staff presentation made by David L. Crow, Executive Director/APCO, Dave Jones, Planning Manager and Don Hunsaker, Supervising Air Quality Planner.

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

James O. Bartholomew, JOB Associates, Inc., made comments in respect to the use of extruded polystyrene foam 152a. Mr. Bartholomew stated that he was not in attendance to ask the Board to amend or not to approve staff's recommendation. Mr. Bartholomew stated that he was in attendance to request that the Board continue to encourage staff to investigate this opportunity through the establishment of priorities within the staff and the District and adequate manning so that we can rapidly define the inventory. Mr. Bartholomew noted that once that inventory is defined subsequently pursue rule making amendments when the inventory justifies moving the product up to a Tier I type status.

Dave Jones, Planning Manager, announced that the District will issuing Requests for Proposals (RFP) with requests for inventory improvements early in January. Mr. Jones noted that the RFP will be for a series of areas that we are looking at and one of the areas is for foam blowing. Mr. Jones indicated that we will probably be back with that RFP to get Board authorization to proceed will be in the February timeframe. Mr. Jones noted that as soon as we get that inventory work completed we will be beginning work on that rule.

ADOPTED AS RECOMMENDED – *Board Member Sanders made the motion to adopt the ROP as recommended. Seconded by Board Member Dominici and carried unanimously with the following Roll Call Vote:*

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

Absent: ***Sieglock, Patrick and Maggard.***

Action: The Board (1.) adopted the amended ROP Plan, (2.) authorized the Chair to sign the resolution and (3.) Directed staff to forward the adopted amended ROP Plan and resolution to the California Air Resources Board (CARB).

13. **APPROVE DISTRICT'S 2003-2004 LEGISLATIVE PLATFORM, VERBAL REPORT FROM DISTRICT LEGISLATIVE ADVOCATE, DALE WAGERMAN, WAGERMAN ASSOCIATES, INC.**

Supervisor O'Banion stated his concerns with Item # 22 in respect to the District's oversight of the CMAQ funds. Supervisor O'Banion stated the District

has staff that is already involved in the CMAQ funds. Supervisor O'Banion stated that he did not believe there needs to be additional oversight by the District therefore having another level of government that the CMAQ funds have to go through.

Supervisor Case had similar concerns in respect to Item # 22. Supervisor Case stated that she would like to add the following to the Platform:

- 1.) Correct the chair and vice chair on the cover page
- 2.) Add language pertaining to providing leadership in conjunction with community partners in public education regarding citizens participation in reducing air pollution.
- 3.) Add language pertaining to the needs to continue to advocate for funding for incentive programs which encourages the deployment of new low emission technologies.
- 4.) Add a bullet point pertaining to actively engaging the building industry to advocate for emission reduction strategies in development.

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

Kevin Hall, member Sierra Club, made comments in respect to Item #22. Mr. Hall suggested the Board just consider deleting the second half of Item #22 clause which reads: provide for greater air district oversight in the expenditures of those funds. Mr. Hall explained that the first half of that sentence is a very important issue. That is that CMAQ funding under TEA III is very necessary for the Air District and all the counties of the Valley and all the cities in the Valley. Mr. Hall noted that, that funding is on the table and it is under attack or least negotiations.

David L. Crow, Executive Director/APCO, suggested that Item # 22 is really geared towards supporting federal legislation that in the new transportation act would address CMAQ funding. Mr. Crow pointed out that it makes sense to support legislation to provide for greater CMAQ funding under TEA 21 and TEA III and then truncating at that point because what you are speaking to is specifically is a local oversight issue vies a vie our interaction with the COGs. Mr. Crow explained that he thinks that putting more money in the pot would benefit the COGS as well as the Air District.

APPROVED WITH AMENDMENTS – Board Member O’Banion made the motion to approve 2003-2004 Legislative Platform with amendments. Seconded by Board Member Applegate and carried unanimously with the following **Roll Call Vote**:

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

Absent: Sieglock, Maggard and Patrick.

Action: The Board approved the 2003-2004 Legislative Platform with the following amendments:

- (1.) # 22 amended to read: **Support legislation that would provide greater Congestion Mitigation and Air Quality (CMAQ) Improvement Program funding under the REA III reauthorization. and provide for greater air district oversight in the expenditures of those funds.**
- (2.) **Correct the chair and vice chair on the cover page.**
- (3.) **Add language pertaining to providing leadership in conjunction with community partners in public education regarding citizens participation in reducing air pollution.**
- (4.) **Add language pertaining to the needs to continue to advocate for funding for incentive programs which encourages the deployment of new low emission technologies.**
- (5.) **Add a bullet point pertaining to actively engaging the building industry to advocate for emission reduction strategies in development.**

14. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative, and District Liaison will make the ARB Board Meeting Report. Mr. Ramalingam indicated that at the ARB’s December Board Meeting, staff went over a study recently published in the medical journal “Circulation.” Mr. Ramalingam noted that in the study, subjects with coronary heart disease were monitored with an EKG or electrocardiogram test. The test results were compared with airborne concentrations of ultrafine (particulate matter smaller than 0.1 microns) and fine particulate matter (otherwise known as PM2.5), and other pollutants.
15. **EXECUTIVE DIRECTOR/APCO COMMENT** announced that a reception will be held in the San Joaquin Room immediately following the Board meeting. Mr. Crow stated that refreshments will be served in honor of those members of the

Board and particularly those members of the Board that are drifting on to other pursuits.

16. **GOVERNING BOARD MEMBER COMMENTS – Board Member Applegate** stated that it has been a real pleasure for him to work with the Board for the past two years. Board Member Applegate noted that he has learned quite a bit about air pollution since he came onboard. Board Member Applegate stated that he hopes that in small way he was able to help with the air quality problems within the District. Board Member Applegate stated that *“you are a great bunch of people and thanks”....*

Board Member Case indicated that she received and she expected the fireplace rule to be on the agenda today and she was kind of surprised that it wasn't there. Board Member Case noted that she had a couple of people contact her that when the District held their fireplace workshops that the public feels that they are not allowed to have a voice. Board Member Case asked for a report regarding the fireplace workshops because some folks are saying that five individuals were allowed to speak and there was no further opportunity and there is some frustration out there.

Mark Boese, Deputy Air Pollution Control Officer stated that staff prepared a Board Briefing Report titled RESIDENTIAL WOOD COMBUSTION UPDATE. Mr. Boese noted that the report to the Board talks about the status of the burning rule and about the workshops and what went on. Mr. Boese noted that all three hearings were two and one half to three hours long and the majority of that time was for public comments. Mr. Boese noted that we had over one hundred fifty people with approximately eighty people commenting. Mr. Boese stated that the meeting went as long as anybody wanted to give comments.

David L. Crow, Executive Director/APCO, noted that the only thing that we can conclude is that because we video teleconferenced the workshops we had over two hundred people at each facility. And, in order to be reasonable about it we said that five from the Central Region, five from the Northern Region and five from the Southern Region could comment. And, then we rotated back to the Central, Northern and Southern regions giving everyone that wanted to comment the opportunity to comment. And, the very last thing at workshop was that if no one had anything else to say then we would adjourn the workshop so that everybody that wished to speak could.

Mark Boese, Deputy Air Pollution Control Officer stated that Board Member Maggard asked him to make the following announcement: the Gas Company and the Building Industry Association (BIA) of Kern County are putting on a gas fireplace showcase, Tuesday, January 21, 2003. They want to show the advantages of the new gas fireplaces and so forth. Mr. Boese stated that Board Member Maggard also wanted to see if the District could advertise the event.

Manuel Cunha, Nisei Farmers League, asked the Board to take a moment of silence for one of our industry member's secretary Bonnie Simpson with Les Clark's office.

A MOMENT OF SILENCE WAS OBSERVED

Board Member Sanders comments that his four years as a member of the District's Governing Board has been mostly enjoyable. Board Member Sanders stated that he has learned a lot and met a lot of nice people and he will be the alternate for Supervisor Steve Worthley.

OTHER BUSINESS – No Other Business.

NO CLOSED SESSION

The Board adjourned at 3:12 p.m.