

**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, June 20, 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 9:12 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 (absent)	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Jerry O'Banion, Supervisor	Merced County
Tom Mayfield, Supervisor (Alternate)	Stanislaus County
Tom Applegate, Councilmember	City of Newman
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Ronn Dominici, Supervisor, Vice Chair (absent)	Madera County
Sam Armentrout, Councilmember, Chair	City of Madera

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

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-26)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board the public will be given the opportunity to comment on any consent item).
 13. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Special Public Hearing to Review the District's Recommended 2002-2003 Budget Thursday, May 16, 2002
 14. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, May 16, 2002.

15. Receive and file List of Scheduled Meetings for 2002 and 2003.
16. Receive and file Operations Statistics Summary for May 2002.
17. Receive and file Budget Status Report as of May 31, 2002.
18. Approve agreement with Wagerman Associates, Inc. and Strategic Local Government Services, LLC for legislative advocate services in the amount of \$2,165 per month effective July 1, 2002.
19. Approve early return of Lower-Emission School Bus Retrofit Program funds to the California Air Resources Board in the amount of \$370,000.
20. Approve and authorize the Chair to execute an agreement with Glass-McClure to implement an outreach campaign to promote train travel.
21. Approve request for proposal and authorize Chair to execute agreement for Best Available Control Measure Technical and Economic Feasibility Analysis for an amount not to exceed \$100,000.
22. Approve Amendment No. 2 to Agreement with the Council of Fresno County Governments to extend the period of agreement to June 30, 2003 for the Transportation and Community and System Preservation (TCSP) project.
23. 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 \$1,363,504.
24. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of non-methane organic compounds for \$117,000.
25. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of carbonyl samples for \$39,000.
26. Receive and file proposed Smoke Management Program and set August 15, 2002 for the Public Hearing to consider the proposed action.

Supervisor Patrick stated she had a question regarding Consent Calendar Item # 20. Supervisor Patrick asked if a report would be made to Board on the effectiveness of this partnership at the end of this summer.

Robert Dowell, Director of Planning, stated that a full report to the Board will be made on the increased ridership either in September or October

2002.

Supervisor Case stated that she would like to pull Consent Calendar Item # 19 for discussion. Supervisor Case stated that she was concerned that the District was unable to utilize the \$370,000 for the School Bus Retrofit Program.

David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services and Jeff Findley, Senior Air Quality Planner, responded to Supervisor Case's concerns.

Mr. Findley indicated that District staff had limited success in awarding Lower-Emission School Bus Retrofit Program funds to qualified school districts. Mr. McCoy explained that under the terms of the grant agreement, grant funds not obligated by June 30, 2002 would need to be returned to ARB for reallocation.

Supervisor Case requested that a status report on this issue be provided to the Board.

APPROVED AS RECOMMENDED – Board Member Patrick made the motion to approve the Consent Calendar. Seconded by Board Member Barba and carried unanimously with the following **Roll Call Vote**:

Ayes: O'Banion, Maggard, Mayfield, Barba, Applegate, Case, Patrick, Sieglock and Armentrout.

Absent: Sanders and Dominici.

Therefore, the Board approved Consent Calendar items 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 as submitted.

4. **PUBLIC COMMENT** – **Kevin Hall, Sierra Club**, stated that he wished today's Governing Board Meeting would have been held at a time when the general public could attend. Mr. Hall stated that he thinks that this is the most important meeting perhaps in the history of this Air District.

Mr. Hall stated that at last month's meeting (May 16, 2002) the Board was working on Rule 3170 (Federally Mandated Ozone Attainment Fee). Mr. Hall noted that in the Staff Report it mentioned negotiations with Federal EPA about the exemptions and the definitions of baseline years. Mr. Hall stated that he was wondering if that would be covered and an update be given during the APCO's Comments later in the meeting and if not perhaps we could get an update now in terms of those EPA negotiations regarding the definitions and exemptions.

Dave Jones, Planning Manager, stated that the District has not received any information to date from the EPA on Rule 3170. Mr. Jones stated that it would be several months before we will receive any information from EPA on this issue.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – No report.
6. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2002-2003 RECOMMENDED BUDGET** – Approve and authorize the Chair to sign resolution establishing the District's 2002-2003 Budget. Presentation made by David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services and Seyed Sadredin, Director of Permit Services.

Mr. McCoy announced the following amendment to the 2002-2003 Recommended Budget: Kern County Retirement adopted a new annual actuarial rate which increases the District's Retirement Account in the amount of \$500,000.

No Public Comments received on this item.

ADOPTED AS RECOMMENDED – Board Member Barba made the motion to adopt the recommended 2002-2003 Budget. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**:

Ayes: Case, Patrick, Sieglock, Barba, O'Banion, Maggard, Mayfield, Applegate and Armentrout.

Absent: Sanders and Dominici.

Therefore, the Board approved and authorized Chair to sign resolution establishing the District's 2002-2003 Budget.

7. **PUBLIC HEARING: ADOPT PROPOSED RULE 4311 (FLARES)** – Presentation made by Scott Nester, Supervising Air Quality Engineer.

No Public Comments received on this item.

ADOPTED AS RECOMMENDED – Board Member O'Banion made the motion to adopt Rule 4311. Seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**

Ayes: Applegate, Barba, Maggard, Patrick, Sieglock, O'Banion, Case, Mayfield and Armentrout.

Absent: Sanders and Dominici.

Therefore, the Board took the following action:

1. ***Adopted Proposed Rule 4311 (Flares)***
2. ***Authorized the Chair to sign the resolution.***

8. **EXTREME DESIGNATION FOR THE FEDERAL 1-HOUR OZONE STANDARD**
Presentation made by David L. Crow, Executive Director/APCO and Dave Jones, Planning Manager.

The following persons provided comments during the public comment portion of this item from the Southern Region Office, (Bakersfield):

Rick Garcia, California Independent Petroleum Association (CIPA), urged the Board to adopt option 3b.

Chris Frank, Greater Bakersfield Chamber of Commerce, spoke in support of recommendation 3b.

Dave Lefler, Independent Oil Producers Agency (IOPA), stated that he was speaking on behalf of Les Clark. Mr. Lefler stated that the IOPA members asked that the Board adopt option 3b as discussed in the Staff Report.

James Thomas, Pool Well Services, spoke in support of option 3b as listed in the Staff Report.

The following persons provided comments during the public comment portion of this item from the Northern Region Office, (Modesto):

Chris Savage, Manufacturers Council of the Central Valley (MCCV), spoke in support of 3b.

Sally Rodeman, Caltrans, had questions regarding the 8-Hour Ozone Standard.

John Honnette, Sierra Club, spoke in support of retaining the District's current designation of severe.

Charlie Peters, Clean Air Performance Professionals (CAPP), spoke about concerns he has with the extreme designation and Smog Check II issues.

Mr. Peters provided staff with the following: *two packets containing news articles, correspondence and memorandums pertaining to the issues of extreme, various types of vehicle fuel and the smog check program.*

The following persons provided comments during the public comment portion of this item from the Central Region Office, (Fresno):

Dr. David Pepper, family practitioner and medical director of the Asthma Education and Management Program at Community Medical Center, spoke in support of the District retaining it's current designation of severe.

Kevin Hall, Sierra Club, spoke in opposition to staff's recommendations.

Sean Edgar, California Refuse Removal Council (CRRC), stated that CRRC supports option 3b with the provision to delay this current action to a future Board Meeting.

Reese Martin, Sempra Energy Utilities and the Southern California Gas Company, stated that his organization recommends the Board approve 1., 2., and 3b.

David Farabee, San Joaquin Valley Air Quality Coalition, stated the coalition supports 1., 2., and 3b.

Linda Urata, Building Industry Association (BIA), stated that BIA supports 1., 2., and 3b.

Charles Sant'Agata, Executive Director, America Lung Association of the Central Valley, urged the Board to stay at the severe designation.

Suzanne Noble, Western States Petroleum Association (WSPA), spoke in support of 3b.

Karla Kay Fullerton, Fresno County Farm Bureau, stated that her organization remains neutral. Ms. Fullerton stated that her organization is comfortable with option 3b.

Roger Christy, Chevron Texaco, stated that Chevron Texaco supports 3b.

Steve Bonaker, Spreckels Sugar, stated that we do not need more federal or lawyer involvement.

Anne Harper, Earthjustice, Legal Defense Fund, stated that her organization cannot support reclassification to extreme nonattainment.

Carolina Simunovic, Fresno Metro Ministry, reiterated the comments made by Dr. David Pepper.

Brent Newell, Center of Race, Poverty and the Environment (CRPE), demanded the District prepare an analysis of the different outcomes under severe or extreme as far as which path would achieve improved air quality at the earliest date. Mr. Newell stated that his two client groups have not decided which option they will support because they want the one that is going to clean the air fastest.

Mr. Newell submitted the following into the record: *American Lung Association "State of the Air: 2002", report from Karen Magliano, California Air Resources Board (CARB), California Regional Air Quality Particulate Matter Study "CRAQPS" with disk containing the following: (1) Ms. Magliano's power point presentation and (2) a report from the Environmental Working Group (EWG), which uses CARB data to show the number of people who are dying and the economic cost of all the health problems the particulate matter is causing, correspondence from Center on Race, Poverty & the Environment California Rural Legal Assistance Foundation, RE: Voluntary Reclassification to Extreme Nonattainment (Ozone), dated: June 11, 2002, from Brent Newell, Staff Attorney and incorporated by reference a report that was released on June 19, 2002 by the EWG that particulate matter has a greater impact on persons of low income and those who have a disproportionate lack of access to health care*

Supervisor Barba submitted the following into the record: *June 6, 2002, newspaper article from Associated Press, by John Heilprin: Computer Glitch may have inflated pollution-risk estimate.*

Supervisor Barba stated he received a report from the EPA titled: *"Indoor Air Quality (IAQ) for Schools, Managing Asthma in the School Environment"*. Supervisor Barba noted that the report indicates that asthma episodes is triggered by not only ozone but animal dander, cockroaches, mold, etc. Supervisor Barba submitted the report into the record.

Dr. David Pepper stated that indoor air pollution is certainly a concern but that's not the issue at hand.

<p>The Governing Board received the following items of correspondence pertaining to Item # 8</p>

Latino Issues Forum, RE: Voluntary Reclassification of Ozone Pollution to "Extreme", June 13, 2002, 4 pages
Center on Race, Poverty & the Environment California Rural Legal Assistance Foundation, RE: Voluntary Reclassification to Extreme Nonattainment (Ozone), June 11, 2002, 4 pages
Earthjustice, RE: Severe versus Extreme Ozone Non-Attainment Status, June 13, 2002, 5 pages
Email: Mona Twocats, SUBJECT: don't downgrade air designation, May 28, 2002, 1 page
Email: Kenneth R. Bork, SUBJECT: A Citizen's Opinion on "Severe to Extreme", May 28, 2002, 1 page
Email: Karen L. Whisnant, SUBJECT: response to article, May 28, 2002, 1 page
Email: Alan Althouse, Public Comment, May 27, 2002, 2 pages
Sandra Coaprez, student of Los Banos High School, June 3, 2002, 1 page
April Richardson, June 6, 2002, 1 page

Edythe E. Corum, June 6, 2002, 1 page
Harold DeArmond, June 13, 2002, 1 page
Email: Makayla Montero, a Los Banos High School Student. June 2, 2002, 1 page
Email: Arthur D. Unger, June 6, 2002, 10:22 PM, 1 page
Email: Arthur D. Unger, June 6, 2002, 10:26 PM, 1 page
California Refuse Removal Council, RE: Comments Regarding Proposed Extreme Nonattainment Designation, June 13, 2002, 3 pages
David B. Atwater, RE: Severe to Extreme Non-Attainment Designation, June 12, 2002, 2 pages
The Thermo Company, RE: Severe Versus Extreme Non-Attainment Designation for Federal 1-Hour Ozone Standard, May 22, 2002, 2 pages
Corn Products International, RE: Comments on the Proposed Bump Up to Extreme Non-Attainment for Ozone, June 12, 2002, 4 pages
Greater Stockton Chamber of Commerce, June 13, 2002, 4 pages
Tulare County Association of Government, SUBJECT: Comments on the Severe Area versus Extreme Area Nonattainment Designations, June 12, 2002, 3 pages
Council of Fresno County Governments, SUBJECT: Comment on the Severe Area versus Extreme Area Nonattainment Designation, June 13, 2002, 1 page
County of Kern, Planning Department, RE: Severe Versus Extreme Area Nonattainment Classification, June 11, 2002, 1 page
San Joaquin Council of Government, SUBJECT: The San Joaquin Council of Governments' Comments on the Severe Area versus Extreme Area Nonattainment Designations, June 11, 2002, 2 pages
San Joaquin Valley Air Quality Coalition, April 17, 2002, 3 pages
Workshop Comments held on May 29, and 30, 2002, 4 pages
Henry Perea, Council President, Fresno City Council, SUBJECT: City of Fresno resolution opposing proposed reclassification to "extreme" status, June 19, 2002, 3 pages

APPROVED AS RECOMMENDED – Board Member Case made the motion to approve staff recommendations 1., 2., and 3b. Seconded by Board Member Applegate. The motion carried with the following Roll Call Vote:

Ayes: Mayfield, Case, Barba, Applegate, Patrick, Maggard, O'Banion and Armentrout.

Noes: Sieglock.

Absent: Sanders and Dominici.

Therefore, the Board took the following action:

- 1. Directed staff to develop an expeditious rule development schedule for all feasible control measures for sources under the District's control. This schedule should include those measures identified in Tier 1 and Tier II in the 2002-2005 Rate of Progress Plan (ROP) and any other feasible measure that may be within the District's purview.***

2. ***Directed staff to begin development of a plan that demonstrates attainment of the federal 1-hour Ozone Standard by 2010, and to bring that 2010 Attainment Plan to the Governing Board for consideration for adoption no later than December 2003.***
- 3b. ***Authorized staff to prepare a resolution requesting reclassification for the San Joaquin Valley Ozone Nonattainment Area to Extreme designation and to bring the resolution to the Governing Board at a future meeting, but no later than September 18, 2003.***
9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, covered an item that was heard today by the ARB Board. Mr. Ramalingam stated that the Board would consider a proposal by staff to revise the State's annual ambient air quality standard for PM-10, and to set a new annual standard for PM 2.5.
10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reported that the Governing Board would not meet during the month of July 2002.
11. **GOVERNING BOARD MEMBER COMMENTS – Board Member O'Banion** stated that he would like to apologize to Mr. Charlie Peters who was attempting to address the Board from the Northern Region. Board Member O'Banion stated that the issue that Mr. Peters was attempting to raise regarding the Smog Check II Program with the District's Governing Board was an issue that needs to be addressed with the California Air Resources Board (CARB).

Board Member Case stated if that if we don't have an effective Smog Check II Program then maybe we do need to pursue that issue with CARB.

Board Member Maggard requested that with regards to Mr. Peters comments on the Smog Check II he would like to request that staff have a conversation with Mr. Peters regarding the Smog Check II Program and prepare a briefing report for the Board.

Board Member Maggard asked staff to also contact Mr. John Honnette regarding his comments about area wide sources as a way to increase our ability to reduce emissions and prepare a briefing report for the Board.

David L. Crow, Executive Director/APCO, noted that staff would be happy to do that on both scores. Mr. Crow noted that regarding Mr. Honnette's comments on area wide sources. Mr. Crow noted that one of the forms that we previously talked with Mr. Honnette about is included in the Board's adopted Rate of Progress Plan and that is the indirect source review rule.

OTHER BUSINESS – No Other Business.

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

12. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54957.6** of the Government Code (Ralph M. Brown Act) as follows:

- ❖ Conference with labor negotiator – Carolyn Rose; Employee Organization: SEIU, Local 700.

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 12:35 p.m.

The Board adjourned from Closed Session at 1:30 p.m.