

**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, March 21, 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 9:03 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
Bob Waterston, Supervisor (Alternate) (**)	Fresno County
Jerry O'Banion, Supervisor	Merced County
Nick W. Blom, Supervisor (absent)	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

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

(**) Arrived during Item # 8

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 from the Governing Board Meeting of Thursday, February 21, 2002.
 13. Receive and file List of Scheduled Meetings for 2002.
 14. Receive and file Operations Statistics Summary for February 2002.
 15. Receive and file Budget Status Report as of February 28, 2002.

16. Receive and file the District's Annual Air Toxics Report for the year 2001.
17. Receive and file proposed amendments to Rule 4703 (Stationary Gas Turbines) and set April 25, 2002 for the Public Hearing.
18. Approve and authorize the Chair to execute Amendment No. 1 to the REMOVE Program Contract # 98-048 with the County of Kern to extend the term of the contract to December 17, 2002.
19. Approve the agreement for the implementation of the District's Socioeconomic Analysis Program in the amount of \$148,150.
20. Receive and file proposed amendments to Rule 2201 (New and Modified Stationary Source Review) and Rule 2530 (Federally Enforceable Potential to Emit) and set April 25, 2002 for the Public Hearing.

Staff requested that Agenda Item #20 be removed from the Consent Calendar for modification.

APPROVED AS RECOMMENDED – Board Member Sanders made the motion to approve the Consent Calendar as recommended minus Item # 20. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

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

Absent: Blom, Waterston, Patrick and Sieglock.

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

20. Receive and file proposed amendments to Rule 2201 (New and Modified Stationary Source Review) and Rule 2530 (Federally Enforceable Potential to Emit) and set April 25, 2002 for the Public Hearing.

Staff noted additional amendments to Rule 2530 (Federally Enforceable Potential to Emit) Sections 5.5.2 and 5.5.3

RECEIVED AND FILED WITH ADDITIONAL AMENDMENTS – Board Member Barba made the motion to receive and file with amendments to Sections 5.5.2 and 5.5.3. Seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

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

Absent: Waterston, Sieglock, Patrick and Blom.

Therefore the Board received and filed proposed amendments to Rule 2201 (New and Modified Stationary Source Review) and Rule 2530 (Federally Enforceable Potential to Emit) with additional amendments to Rule 2530 Sections 5.5.2 and 5.5.3. The Board set April 25, 2002 for the Public Hearing to consider the proposed amendments.

4. **PUBLIC COMMENTS** – No Public Comments.
5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – The Chair of the CAC, Lee Smith, Environmental, Primary Member, Madera County, reported on the March 5, 2002 CAC meeting activities. Mr. Smith noted that the CAC discussed and tabled the agenda item in respect to CAC Alternate Members participation in CAC meetings. Mr. Smith stated that this item will be on the April 2, 2002 CAC agenda for additional discussion. Mr. Smith reported that the CAC discussed the rule development process and noted that the CAC will be making an effort to become more involved in that process.
6. **PUBLIC HEARING: ADOPT PROPOSED RULE 4692 (COMMERCIAL CHARBROILING) AND PROPOSED AMENDMENTS TO RULE 2020 (EXEMPTIONS)** – Staff presentation made by Scott Nester, Supervising Air Quality Engineer and David L. Crow, Executive Director/APCO.

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

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

Brent Newell, Center on Race, Poverty and the Environment (CRPE), representing the Association of Irrigated Residents (AIR), spoke in opposition of the proposed amendments to Rule 2020.

ADOPTED AS RECOMMENDED – Board Member Sanders made the motion to adopt Rules 4692 and 2020 as recommended. Seconded by Board Member Barba and carried unanimously with the following **Roll Call Vote**:
Ayes: Applegate, Barba, Maggard, O'Banion, Sanders, Dominici and Armentrout.
Absent: Patrick, Sieglock, Waterston and Blom.

The Board adopted as recommended proposed Rule 4692 (Commercial Charbroiling) and proposed amendments to Rule 2020 (Exemptions) and authorized the Chair to sign the resolution.

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 7050 (ASBESTOS-CONTAINING MATERIAL FOR SURFACING APPLICATIONS)**
Staff presentation made by Scott Nester, Supervising Air Quality Engineer.

No Public Comments received.

ADOPTED AS RECOMMENDED – Board Member O’Banion made the motion to adopt Rule 7050 as recommended. Seconded by Board Member Dominici and carried unanimously with the following **Roll Call Vote**:

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

Absent: Sieglock, Waterston, Patrick and Blom.

The Board adopted as recommended proposed amendments to Rule 7050 (Asbestos-Containing Material for Surfacing Applications) and authorized the Chair to sign the resolution.

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, made the ARB Board Meeting Report. Mr. Ramalingam reported on recent findings of the southern California Children’s Health Study, Health Effects of Airborne Particulate Matter and Increased PM and Myocardial Infarction or “heart attacks”.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reported on Regulation VIII which was adopted by the Board some months ago and submitted to US EPA for approval. Mr. Crow noted that this morning the District received word from EPA officials that they are offering approval to Regulation VIII in such a fashion that it will stop the sanctions on highway funds that were scheduled to begin on April 7th. Mr. Crow stated that EPA is also advising the District that there needs to be additional work done on Regulation VIII that demonstrates the efficacy of what was previously adopted. And, also the necessity of bringing that measure to Best Available Control Measure (BACM) status over a timeframe.

Mr. Crow reported that the State of California has released a Clean Air Plan (CAP). Mr. Crow noted that the CAP is a comprehensive document that addresses emissions sources for the total spectrum of known emission sources in California.

Mr. Crow highlighted recent introduction of AB 2637 by Dennis Cardoza, Assembly Member, and virtually every other Valley California member of the legislature. Mr. Crow stated that this bill calls for the implementation of a Smog Check II program in the Bay Area.

The Chair welcomed Supervisor Bob Waterston, Alternate, Fresno County, in attendance for Supervisor Case. The Chair noted that Supervisor Waterston is the Chair of the Fresno County Board of Supervisors.

10. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Maggard requested clarification of the implications of EPA's tentative agreement to lift the sanctions.

Mr. Crow responded that the District will incorporate the necessity of improving the Regulation VIII to the point where it satisfies Best Available Control Criteria as we move forward in our PM 10 Plan. Mr. Crow noted we will begin the process in the May timeframe of this year and will very much involve stakeholders participation.

Board Member Maggard stated that the second issue he wanted to discuss was the voluntary extreme designation. Board Member Maggard wanted to know when the deadline by when the Board needs to make that decision.

Mr. Crow stated that's one of the paramount questions in discussions that CARB, EPA, District and Stakeholders are addressing. Mr. Crow noted that it is his intention to bring the matter before the Board at the April 25th meeting for informational purposes.

Board Member Maggard commented on some issues in Bakersfield between the City Fire Department of Bakersfield and the District. Board Member Maggard asked that the District formally respond and that we establish some process to resolve all of these issues right away.

The Chair asked the following Board Members to participate in an Ad Hoc Budget Subcommittee to review the District 2002-03 Recommended Budget.

The following Board Members will serve on the Ad Hoc Subcommittee: Supervisor Ronn Dominici, Supervisor Judith G. Case, Supervisor Jerry O'Banion and the Chair (Councilmember Sam Armentrout) stated that he would also participate.

OTHER BUSINESS – No Other Business.

The Board adjourned to the San Joaquin Valleywide Air Pollution Study Agency Governing Board Meeting at 10:00 a.m.

The Board Reconvened to Open Session at 10:02 a.m.

11. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section 54956.9 of the Government Code (Ralph M. Brown Act) as follows:
 - ❖ Conference with Legal Counsel – Existing Litigation: Government Code Section 54956.9 (9), Name of Case: SJVUAPCD v. California Air Resources Board, Sacramento Superior # 02C500270.

The Board adjourned to Closed Session at 10:03 a.m.