



# San Joaquin Valley Air Pollution Control District

## 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, September 19, 2002  
9:00 a.m.**

### GOVERNING BOARD

Sam Armentrout, Chair  
Councilmember, City of Madera

Ronn Dominici, Vice Chair  
Supervisor, Madera County

Mike Maggard  
Councilmember, City of Bakersfield

Judith G. Case  
Supervisor, Fresno County

Barbara Patrick  
Supervisor, Kern County

Tony Barba  
Supervisor, Kings County

Jerry O'Banion  
Supervisor, Merced County

Tom Applegate  
Councilmember, City of Newman

Jack A. Sieglock  
Supervisor, San Joaquin County

Nick W. Blom  
Supervisor, Stanislaus County

William Sanders  
Supervisor, Tulare County

David L. Crow  
Executive Director/  
Air Pollution Control Officer

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FAX (209) 557-6475

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Southern Region Office  
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Bakersfield, CA 93301-2370  
(661) 326-6900  
FAX (661) 326-6985

[www.valleyair.org](http://www.valleyair.org)

**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 TO ORDER** – The Chair, Councilmember Sam Armentrout, called the meeting to order at 9:09 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 ( <b>absent</b> )	City of Newman
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Ronn Dominici, Supervisor, <b>Vice Chair</b>	Madera County
Sam Armentrout, Councilmember, <b>Chair</b>	City of Madera

(\*) Attended meeting in Southern Region Office (Bakersfield)  
(\*\*) Attended meeting in Northern Region Office (Modesto)
3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(11-18)**. 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 San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, August 15, 2002.
  12. Receive and file List of Scheduled Meetings for 2002 and 2003.
  13. Receive and file Operations Statistics Summary for August 2002.

14. Receive and file Budget Status Report as of August 31, 2002.
15. Approve changes to the District's Compensation Plan and Cafeteria contribution for Management and Administrative Employees.
16. Receive and file proposed amendments to Rule 2020 (Exemptions) and Rule 2201 (New and Modified Stationary Source Review Rule) and set November 14, 2002 for the Public Hearing to consider the proposed amendments.
17. Approve Air Quality Mitigation Settlement Agreement between the District and East Altamont Energy Center, LLC (EAEC) providing for the District to receive \$1,002,480 from EAEC for the purpose of mitigating localized air quality impact within the District.
18. Approve Amendment No. 1 to Agreement with Sierra Research, Inc. to increase compensation in the amount of \$20,243.

**Board Member Case requested that Consent Calendar Item # 17 be removed for discussion.**

***APPROVED AS RECOMMENDED – Board Member Blom made the motion to approve the remainder of the Consent Calendar as submitted minus Item # 17. Seconded by Board Member Sieglock.***

***Board Member Sieglock noted that he abstained on Consent Calendar Item # 11. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, August 15, 2002.***

**Action: Consent Calendar Item #11 was approved as submitted**

***The remainder of the items were approved unanimously with the following Roll Call Vote:***

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

***Absent: Applegate.***

**Action: Approved Consent Calendar Items 12, 13, 14, 15, 16 and 18 as submitted.**

**Consent Calendar Item # 17 – Board Member Case – stated that a member of**

the Citizens Advisory Committee (CAC) from the Northern Region contacted her regarding his concerns with the settlement amount pertaining to the East Altamont Energy Center, LLC agreement.

**David L. Crow, Executive Director/APCO and Seyed Sadredin, Director of Permit Services** – provided comments on this item.

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

**Bob Sarvey, Citizens Advisory Committee Member from San Joaquin County**, complimented staff for their work on this issue. Mr. Sarvey spoke in opposition to the settlement amount pertaining to the East Altamont Energy Center, LLC agreement and requested that the Board reject the agreement. Mr. Sarvey provided the Board with a handout regarding this issue.

**Steve De Young, Calpine**, stated that he appreciated all of the work on this issue by Mr. Sadredin and his staff. Mr. De Young stated that Calpine believes that the settlement agreement is equitable.

**Kevin Hall, Sierra Club**, requested the Board delay their approval of the agreement until after the California Energy Commission meets again.

**APPROVED AS RECOMMENDED** – Board Member Blom made the motion to approve Item # 17 as submitted. Seconded by Board Member Sieglock and carried unanimously with the following **Roll Call Vote**:

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

**Absent:** Applegate.

**Action: Approved Consent Calendar Item # 17 as submitted.**

*The Chair stated that he would like to welcome the following individuals to the District's Governing Board Meeting: Alan Autry, Mayor, City of Fresno and Bob Waterston, Chairman, Board of Supervisors, County of Fresno.*

4. **PUBLIC COMMENTS**

**Alan Autry, Mayor, City of Fresno**, thanked the Board for allowing him to appear today. Mayor Autry congratulated the Board for the legacy of particularly the last ten years of how the Board has managed to take state and federal mandates on clean air and make significant inroads in cleaning our air.

Mayor Autry noted that the District has no control over transportation issues or land use issues. Mayor Autry commended the Board for the District's land use symposiums and for developing the District's Air Quality Guidelines for General Plans. Mayor Autry stated that the Board stepped out even though the District couldn't regulate general plans but realizing that we are all truly in this thing together "... we all breathe the same air in this Valley...."

Mayor Autry explained that on a recent trip to Washington, D. C. he met with Senator Dianne Feinstein and Jeff Holmstead with the Environmental Protection Agency. Mayor Autry stated that he laid out the Valley's air quality plight to them. He asked them if we brought a clean air action plan to them that shows them clearly that from Bakersfield to Stockton that we are going to commit to mass transportation would they come on board.

Mayor Autry stated that his message to Senator Feinstein and Mr. Holmstead was that we have to try and find a way in the Valley to have the business community and clean air co-exist. Mayor Autry stated that he suggested to them that they treat the Valley's air the same way they would a "superfund" cleanup site

Mayor Autry explained that he is talking about getting all the mayors, all the supervisors, businesses and farming interests coming together with this comprehensive plan and part of a component of that plan would be a health plan. This is a totally non-partisan issue which you have to consider when you do this sort of thing.

Mayor Autry stated that what he is proposing to the Board is a partnership. He noted that the Valley Air Board has got us where we are now but the Board can't do it alone. We as citizens, businesses and municipalities in this Valley have to do our part to help the Board to fulfill their mission for cleaner air for the Valley.

Mayor Autry stated that its time for us to bring all the clout that we have from those diverse sectors to bear on a comprehensive plan that we will take to Washington, D.C. Mayor Autry noted that we should be able to count on the backing of the State of California.

Mayor Autry requested that the Board commit some District staff to the preparation of this clean air action plan. Mayor Autry noted that he will provide from his office a staff member that will be focused solely on this issue. Mayor Autry stated that he will be asking every mayor in a future conference of the major cities in the Valley to commit a staff person to this issue. Mayor Autry pointed out that he and Supervisor Bob Waterston are working side by side on this issue. This has been a passion for them for a long, long time as far as working together on something that they know is going to be a long hard journey but they are 100% partners on this issue.

**Supervisor Bob Waterston, Chair, Board of Supervisors, County of Fresno** stated that he wanted to make a proposal to the Board and noted that it is along the same lines as what Mayor Autry just proposed.

Supervisor Waterston asked that all of us get involved with the help of what Mayor Autry has asked for with the help of District staff. Supervisor Waterston stated that he was asking for one transportation system all across all eight counties.

Supervisor Waterston stated that this is a very good opportunity for one of these eight counties here to come up with a business to manufacturer buses for the whole United States.

Supervisor Waterston stated that we need a fuel dispensing system whatever it is across the eight counties so that anyone that uses alternative fuel can fuel up. We need to encourage law enforcement and others to drive vehicles that use alternative fuels.

**Russ Wood, Air Quality Task Force of the Fresno Business Council**, stated that the Business Council is a voluntary association of business leaders mostly larger businesses in the Fresno area. Mr. Wood explained that this summer the council formed a Air Quality Task Force to address many of the kinds of issues that are of concern to this Board and that we have been discussing this morning. Mr. Wood noted that he came because the Task Force felt that it was valuable for them to make two points with the Board this morning.

The first point is to let the Board know that they are attempting to engage business in these questions. The Task Force thinks that it is important that this be a good business climate as well as a healthy environment for their families so they are very concerned. Mr. Wood explained that their intent is to contact other counties and cities, chambers of commerce, economic development councils and so on to encourage them to form similar groups to address air quality issues. Mr. Wood noted that they are hoping to have a network of business groups working on air quality issues up and down the Valley in all eight counties.

The second point they wanted to make is that they very heartily support the efforts that this Board has made in terms of improving our local air quality. And, the specific issues that Mayor Autry and Supervisor Waterston brought to the Board's attention today in their efforts to deal with the portions of the problem that perhaps this Board does not have the ability to deal directly with. Mr. Wood stated that the Task Force heartily supports the efforts that are being made. So, they are very supportive and frankly they are encouraged to see elected leaders stepping up and dealing with what by any stretch is a bit of a thorny issue. Mr. Wood stated that the Task Force wants the Board to know that the business community is very much behind what the Board is doing and what Mayor Autry

and Supervisor Waterston are attempting to do. They look forward to many useful discussions and they expect that there may be a useful role for the business community for not only input but also perhaps in contacting our congressional delegates and in helping with the education of the public. Which is no doubt going to be a big part of what has to be done in the next couple of years here.

**Pheakdey Preciado, Citizens Advisory Committee Member from the Northern Region and Merced/Mariposa County Asthma Coalition**, thanked Supervisor Jerry O'Banion, Merced County, Board of Supervisors, for recently appointing her to the District's Citizens Advisory Committee.

Ms. Preciado stated that if this is going to happen that the Merced/Mariposa County Asthma Coalition would like to be on board.

**Christine Foster, Tulare County Asthma Coalition**, stated that she would also like to support this issue.

**Manuel Cunha, Nisei Farmers League**, stated that he would like to support this issue with everyone working together.

**Kevin Hall, Sierra Club**, stated that he is all for everything that has been said here today. Mr. Hall stated that he pledged to Mayor Autry and Supervisor Waterston to work with them in any way that he possible can.

**The Board expressed their thanks to Mayor Autry and Supervisor Waterston for attending today's meeting and for their comments. The Board agreed that they would do whatever they could do to assist in this effort to work together to clean the air in the San Joaquin Valley.**

**The Board directed staff to include a agenda item for the next Governing Board meeting so the Board can discuss their involvement and the parameters that the Board might want to set in respect to the Mayor Autry's and Supervisor's Waterston's request. The Board expressed a desire to devote staff and resources to make this effort a reality.**

**Board Member Case suggested the Governing Board form a subcommittee in regards to this effort. Board Member Case requested that when a agenda item is brought back to the Board that the Board establish a subcommittee component.**

**David L. Crow, Executive Director/APCO**, noted that staff will follow up today's Board meeting and sit down with the folks that spoke today and get some ideas as to what kind of effort will be necessary to support an ambitious agenda like this. Mr. Crow stated that there are a lot of other

resources around the valley that also should be consulted to see to what degree they may be able to participate in an effort of this nature. Mr. Crow stated that he thought by the November meeting staff would be able to accomplish a lot of that. And, perhaps also ascertain the interest of other organizations that would be able to be helpful on a regional scale to accomplish this.

5. **VERBAL REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** - Lee Smith, Chair, Environmental, Primary Member, Madera County, made the CAC Report to the Board. Mr. Smith stated that the CAC is made up of individuals across the District and is also a cross section of different industries and groups and hopes that the Board consider that when they put together their subcommittee to address these new issues.

Mr. Smith reported that during the September 3, 2002 meeting the CAC had some discussion regarding Boilers concerning the EPA's insistence of additional discounting of Emission Reduction Credits (ERCs) at the time of their use. The CAC asked that the District's Governing Board be informed of their concern regarding that issue.

6. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4622 (GASOLINE TRANSFER INTO MOTOR VEHICLE FUEL TANKS)** – staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Scott Nester, Supervising Air Quality Engineer and John Schroeder, Supervising Air Quality Inspector.

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

**Nathan Crum, Valley Pacific Petroleum**, stated that his constituents have some concerns regarding the self test.

Staff indicated that those concerns have already been addressed.

***ADOPTED AS RECOMMENDED-*** Board Member O'Banion made the motion to approve Rule 4622 as recommended. Seconded by Board Member Blom and carried unanimously with the following ***Roll Call Vote:***

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

***Absent:*** Applegate.

***Action:*** (1.) Adopted the proposed amendments to Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks).  
(2.) Authorized the Chair to sign the resolution.

**Agenda Item # 5 from the San Joaquin Valleywide Air Pollution Study Agency was moved to the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting**

5. **VERBAL PRESENTATION STATUS REPORT ON THE CALIFORNIA REGIONAL PM10/PM2.5 AIR QUALITY STUDY (CRPAQS) AND THE CENTRAL CALIFORNIA OZONE STUDY (CCOS)** – California Regional PM10/PM2.5 Air Quality Study (CRPAQS) Status Report made by Karen Magliano, Planning and Technical Support Division, California Air Resources Board and the Central California Ozone Study (CCOS) Status Report made by James W. Sweet, Air Quality Project Planner for the San Joaquin Valley Unified Air Pollution Control District.

**Board Member Case** – complimented Ms. Magliano and Mr. Sweet on their presentations. Supervisor Case asked Ms. Magliano and Mr. Sweet to provide the Board a status report of their impressions to date regarding the CRPAQS and the CCOS studies.

**Board Member Patrick** – thanked Ms. Magliano and Mr. Sweet for their reports.

7. **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 that Assembly Member Dennis Cardoza's Bill AB 2637, Smog Check II for the Bay Area was passed by the Legislature, and is now awaiting the Governor's consideration.
8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated that staff has information that Governor Davis intends to sign AB 2637, Smog Check II on September 27, 2002.

Mr. Crow announced that during the month of November the District will host a series of workshops on Regulation VIII implementation. Mr. Crow noted that the dates for those workshops have not been set at this time and advised anyone who is interested to stay tuned to the District's website. Mr. Crow stated that staff will focus specifically on agricultural and construction implications of Regulation VIII and how compliance might best be achieved.

9. **GOVERNING BOARD MEMBER COMMENTS – Board Member O'Banion**, welcomed Pheakdey Preciado to the Citizens Advisory Committee (CAC). Ms. Preciado will serve as the Environmental, Primary Member, representing the County of Merced. Board Member O'Banion noted that, that position has been vacant for five years and he commended Ms. Preciado for volunteering to serve on the CAC.



**OTHER BUSINESS** – No Other Business.

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

10. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Sections **54957 and 54956.9** of the Government Code (Ralph M. Brown Act) as follows:

- ❖ Performance Evaluation: District Counsel
- ❖ Performance Evaluation: Executive Director/APCO
- ❖ Conference with Legal Counsel – Existing Litigation: (Government Code 54956.9). Name of Case: Our Children’s Earth v. SJVUAPCD; Kern Superior Court # 247977
- ❖ Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b) One potential case

***Mr. Jay noted that after Closed Session an announcement will be made in the Governing Board Room.***

**The Board adjourned to Closed Session at 11:56 a.m., to the Fresno VTC Room.**

***Mr. Jay returned to the Governing Board Room at 12:25 p.m. and made the following announcement: the Board voted unanimously (9-0) to authorize District Counsel to appear and defend in the Our Children’s Earth v. SJVUAPCD; Kern Superior Court # 247977***

***Mr. Jay noted that the Board would adjourn the Governing Board meeting after Closed Session.***

***The Board adjourned the meeting from Closed Session at 1:25 p.m.***