

**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, June 19, 2003
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** – Supervisor Tony Barba, Acting Chair, called the meeting to order at 9:06 a.m.
2. **ROLL CALL was taken and a quorum was present.**

Raymond A. Watson, Supervisor (Alternate)	Kern County
Mike Maggard, Councilmember (*)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Judith G. Case, Supervisor	Fresno County
John V. Silva, Supervisor (Alternate)	Madera County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor	Merced County
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Tony Barba, Supervisor, Acting Chair	Kings County

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

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(15-22)**. (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).
 15. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Special Public Hearing to Review the District's Recommended 2003-04 Budget Thursday, May 15, 2003.
 16. Approve Action Summary Minutes for the Governing Board Meeting of Thursday, May 15, 2003.
 17. Receive and file List of Scheduled Meetings for 2003.

18. Receive and file Operations Statistics Summary for May 2003.
19. Receive and file Budget Status Report as of May 31, 2003.
20. Receive and file proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and set July 17, 2003 for the Public Hearing.
21. Receive and file proposed amendments to Rules 3010 (Permit Fee), 3070 (Other Charges), 3080 (Atmospheric Acidity Protection Program Fee), 3090 (California Clean Air Act Fees), 3110 (Air Toxics Fees), 3150 (Fees for Portable Equipment Registration), and 3170 (Federally Mandated Ozone Nonattainment Fee) and set July 17, 2003 for the Public Hearing.
22. Approve changes to the District's Compensation Plan and cafeteria contribution for management and administrative employees.

Kevin Hall, member of the Sierra Club – requested clarification on Item #21 regarding Rule 3170 (Federally Mandated Ozone Nonattainment Fee) Mr. Hall noted that last May 2002 the Board approved some amendments to Rule 3170 which were not specific to today's item. Mr. Hall asked the District if they ever heard back from the Environmental Protection Agency (EPA) regarding new definitions determining the authority of the APCO.

Mr. Crow responded he was not clear on Mr. Hall's question and suggested he would confer with Mr. Hall subsequent to the meeting. Mr. Crow noted there would be EPA officials present today to respond to Mr. Hall's question regarding amendments made to Rule 3170 in May 2002.

Mr. Hall stated that for the record the Sierra Club challenges the way Rule 3170 is written and presented to the Board today but not on the specific changes the Board will be voting on today.

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

Ayes: ***Maggard, Sieglock, Nelson, Mayfield, Worthley, Armentrout, Case, Watson, Silva and Barba.***

Absent: ***None.***

Action: Approved Consent Calendar items 15, 16, 17, 18, 19, 20, 21 and 22 as submitted.

4. **PUBLIC COMMENT – Don Van Ness, Science Teacher, Clovis Unified School District**, stated he was speaking today on behalf of his family and his pupils. Mr. Van Ness noted it appeared odd that today beginning summer was a burn day. Mr. Van Ness noted it seemed very contrary to the health of our children that we would allow however many tons of pollutants to go into the atmosphere. Mr. Van Ness encouraged the Board to keep in mind the health interest of the children and to expeditiously take steps to make our community safer for our children.

Suzanne Noble, Western States Petroleum Association (WSPA) reported that Senate Bill 999 was defeated yesterday at the State Assembly Committee on the Governmental Organization although it was granted a reconsideration possibility.

Ms. Noble requested the Board's consideration in joining it's stakeholders across the Valley by writing a letter on behalf of the Board in opposition to Senate Bill 999.

Joan Lipton, member of the Public, commented on the District's slogan "Spare the Air Day". Ms. Lipton noted it has served very well for quite awhile but she thinks it is to cute and to optional sounding. Ms. Lipton commented that for the seriousness of our situation now we need a more compelling slogan that gets across to the public how grave our situation is, how much needs to be done and how much we need to sacrifice.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kelly Deming, Environmental, Primary Member, Kings County, reported the CAC had two meetings held on June 3, 2003 one was their regular meeting and one was an orientation meeting.
6. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2003-04 RECOMMENDED BUDGET** – Approve and authorize Chair to sign resolution establishing the District 2003-04 Budget.

Presentation made by David L. Crow, Executive Director/APCO and Roger W. McCoy, Director of Administrative Services.

Mr. McCoy pointed out two items for the Board's attention. Mr. McCoy noted we were notified by the State of California that the District would receive an additional \$160,200 of Carl Moyer Heavy Duty Incentive Funds. Mr. McCoy explained these funds became available because several small air districts in California opted not to participate in the program. Mr. McCoy pointed out these funds require a fifty percent match of District funds. However, the District already has sufficient DMV surcharge fee revenue appropriated to more than cover this match.

Mr. McCoy also pointed out a typographical error on page 17 Summary of Positions and noted the correction will be made in the final adopted budget.

APPROVED AS RECOMMENDED WITH CORRECTIONS – Board Member Case made the motion to approve the budget as recommended with corrections. Seconded by Board Member Armentrout and carried unanimously with the following Roll Call Vote:

Ayes: Silva, Sieglock, Case, Worthley, Nelson, Armentrout, Mayfield, Watson, Maggard and Barba.

Absent: None.

Action: Approved and authorized Chair to sign resolution establishing the District's 2003-04 Budget.

7. **PUBLIC HEARING TO APPROVE THE PROPOSED 2003 PM10 PLAN**
Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer, Dave Jones, Director of Planning and Dave Mitchell, Planning Manager.

Staff provided the Board and the Public with a handout titled: Proposed Additions and Changes to the Draft Resolution for the 2003 PM10 Plan, pertaining to Page 3, line 13 and Page 6, line 12.

Break at 11:04 a.m.

Reconvened from Break at 11:16 a.m.

Kerry Drake, U.S. Environmental Protection Agency (EPA) – indicated that EPA has been working with staff on this plan. Mr. Drake noted that we are way ahead of schedule in the process. Mr. Drake asked that after the plan is submitted to EPA the District will continue to work with EPA to resolve whatever issues we have so that this plan is ultimately approvable. Mr. Drake thanked the Board and noted the Board should be proud of District staff because EPA is.

Lynn Terry, California Air Resources Board, stated she was pleased to be in attendance to support District staff and it's proposal before the Board to adopt the PM10 Plan. Ms. Terry explained that next week the ARB Board will consider approving the Plan and contingent upon approval of the Plan submitting it to EPA. And, as part of that action we will commit the ARB Board to a number of rule making and emission reductions that will help meet the federal obligation in terms of the PM standard. Ms. Terry noted as a policy matter ARB believes it is important to move ahead with available information and in our view it is important for the Board to adopt the Plan and implement the control measures based on

what we know today and that's the path to clean air and public health improvement in the Valley.

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

John Mataka, Grayson Neighborhood Council, stated he feels the Plan fails to provide for the annual five percent reduction in PM or PM10 precursor emissions required by the Clean Air Act.

Bill Cox, Farmer, Westley, CA, stated he concludes that the prime source of PM10 is contributed by internal combustion engines – traffic. Mr. Cox respectfully requested striking rules about unpaved road and equipment yards, unless there is a sensitive, populated area adjacent to fields.

Loron Hodge, Executive Director, Kern County Farm Bureau (KCFB), stated KCFB has some concerns regarding the best practices methods but we believe the plan is crafted in a manner that will allow for continued farming operations without an undue economic hardship for our members and other agricultural producers. Mr. Hodge stated KCFB supports the adoption of the PM10 Plan and requested the Board to approve it.

Mr. Hodge stated he would like to commend District staff who conducted the workshops for the PM10 Plan. They have done so in a very professional and open manner and you are to be congratulated for having the quality of people that you have on staff.

Teresa DeAnda, California for Pesticide Reform, Earlimart, stated the District needs to put controls for dust on agriculture and dairies.

Joe Miranda, member of the Public, stated in Earlimart the air is so bad he can't go out to play because the air is so bad. Mr. Miranda stated sometimes he gets sick and when he breathes his chest hurts.

Kevin Hamilton, Director Asthma Program at Community Medical Center and founding member of the Medical Advocates for Healthy Air, indicated he would take direct exception to the revised resolution language specifically paragraph # 9 until he sees models and examples of how that might work out. Mr. Hamilton stated he sees paragraph # 9 as a potential loop hole for developers.

Gloria Torres, member of the Public, spoke in opposition of fumes from cars and buses.

Ed Palle, Farmer, Kern County, stated he concurs with Mr. Bill Cox's comments.

Tom Frantz, member of the Public, stated he concurs with Mr. Palle's comments.

Caroline Farrell, Center on Race, Poverty, & the Environment, stated she was making comments on behalf of the Association of Irrigated Residents. Ms. Farrell stated that her comments pertained to errors in Tables 7-2, 7-4 and 4-16. Ms. Farrell noted the tables and the estimates are flawed from the outset and is further evidence that we are not going to see the reductions necessary under this Plan. Ms. Farrell urged the Board to not approve the Plan today.

Travis Jackson, member of the Public, stated some kids at his school are dropping down on their hands and knees not being able to breathe because of asthma. Travis stated that is the result of dust, PM10, whatever it is all a result of that and everything contributes to it and it is just a major, major problem.

Sandra Meraz, member of the Public, Ms. Meraz read a letter into the record from Mr. Richard Sroka. Mr. Sroka indicated that he and his wife moved to Alpaugh in 2001 and he has never lived anywhere that the air so polluted as it is in the San Joaquin Valley. Letter dated: June 18, 2003

Ms. Meraz spoke on her behalf and noted the PM10 Plan has to have stringent requirements and regulations that can curtail the asthma epidemic. Ms. Meraz stated we need to clean this air up.

Charles Sant'Agata, President of the American Lung Association of Central California, stated it is the Board's responsibility to assure that this Air District Basin is in full compliance with Title V of the Clean Air Act. Mr. Sant'Agata urged the Board to please adopt a PM10 Plan that finally not only meets but exceeds the minimum requirements of the Clean Air Act whose mandate this district has failed to meet in the past twelve years despite three attempts. Mr. Sant'Agata stated we don't think this current Plan will do it as written, send it back.

Lee Smith, Attorney with Stoel Rives representing the San Joaquin Valley Building Industry Association Coalition (BIA Coalition) stated the BIA Coalition was concerned with specific portions of the proposed Regulation VIII and most significantly we were concerned with the inclusion of the Indirect Source Mitigation Fee rule which the BIA continues to believe has serious legal problems. However, over the last few weeks we've had discussions with staff and we believe they've made a good faith effort to try to address the BIA's concerns. In particular now there is a section on Sustainable Alternatives and the resolution includes the proposal to review the data more intently before

proposing the regulations and most importantly for us providing language relative to the fair issuance to mitigation of fees for indirect sources.

Mr. Smith stated that BIA does not oppose the Plan.

Lunch Break at 12:29 p.m.

Reconvened from Lunch at 1:21 p.m.

Roll Call was taken and a quorum was present.

Sam Armentrout, Councilmember (absent)	City of Madera
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Mike Maggard, Councilmember (*)	City of Bakersfield
Judith G. Case, Supervisor	Fresno County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Michael G. Nelson, Supervisor	Merced County
J. Steven Worthley, Supervisor	Tulare County
Raymond A. Watson, Supervisor (Alternate)	Kern County
John V. Silva, Supervisor (Alternate)	Madera County
Tony Barba, Supervisor, Acting Chair	Kings County

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

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

Staff provided the Board and the Public with the following revisions to:
page ES-18, Executive Summary, Table ES-6 and Table ES-7
page CH 7-2, Chapter 7, Reasonable Further Progress, Table 7-1
page CH 7-3, Chapter 7, Reasonable Further Progress, Table 7-2
page 4-28, Chapter 4, Control Strategy, Table 4-10 and **IMPLEMENTATION SCHEDULE:**
page 4-67, Chapter 4, Control Strategy, Table 4-16~~26~~, Table 4-17,
Table 4-18~~27~~
page H-11 section h. **Implementation schedule:**

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

George Birds, member of the Public – stated he has some ideas regarding baghouse dust. Mr. Birds stated he would like to see a portion of the District's Budget be utilized to promote an innovation and learning center.

The Chair suggested Mr. Birds make an appointment to meet with District staff to discuss his suggestion.

Debbie Jacobsen, President, Fresno County Farm Bureau, spoke to the Board about the implementation of the PM10 Plan specifically the agriculture conservation management practices (CMP). Ms. Jacobsen noted that they recognize that there is plenty of work to be done as the rules are developed and established. Ms. Jacobsen explained that we need to have the ability to be somewhat flexible in choosing categories in the CMP.

Mary Reynolds, President of the Western Gas Propane Association, spoke in opposition to one of the state measures referred to in the Plan as the LSI 3 Proposal which essentially proposes to electrify the forklift fleet that has a 8000 pounds capacity or less.

Traci Mason, Association of Irrigated Residents (AIR), discussed the interpretation of Section 189 (d). of the Clean Air Act, the adding of percentages that the District is doing in order to meet the annual five percent reduction, the use of running averages in carrying forward percentages in order to show a five percent reduction and the failure to include Best Available Control and Technology Measures for ammonia. Ms. Mason provided the Board with a table in order to clarify her point on the five percent reduction.

Peter Weiner, representing the Western Propane Gas Association, provided the Board with a handout packet of information re: LSI 3 – San Joaquin 2003 PM10 Plan and spoke to the concerns of incorporating LSI-3 in the Plan. Mr. Weiner stated they would urge in whatever way possible that this Board indicate to the ARB that, that should not be part of the planned reductions because we think they are phantom reductions.

Susan Britton, Earthjustice, stated the Plan lacks in many cases final adopted rules to implement the control measures the Plan describes. Ms. Britton noted the Plan provides only commitments either to adopt rules or to revise current rules.

Colby Morrow, Southern California Gas Company, stated Southern California Gas Company supports adoption of the Plan including the amended resolution and we support cost effective control measures and we understand that there is a lot of work ahead of us all.

Annie Esperenza, Air Quality Specialist, National Park Service, the National Park Service echoes the concerns on the adverse effects of air pollution on human health. Ms. Esperenza stated as stewards to three premier parks located adjacent to the San Joaquin Valley they wanted to remind everyone of the importance of protecting these areas which are considered national treasures.

Maria Abuelas, Organic Farmer and Fresno Coalition Against the Misuse of Pesticides, stated she is really offended that the Air Control District has been

telling people to not burn in their fireplaces. But, she does not hear anything about telling people to not drive as much, she does not hear anything about controls being put on the way the tires and are manufactured.

Joan Past, member of the Public, stated she totally disagrees with the Plan because it does not address the PM satisfactorily.

Roger Isom, California Cotton Ginners and Growers Association, stated they are not opposed to the Plan. Mr. Isom noted we have issues and concerns with some of the specifics in the rules but we have been assured by the Air District that we will be able to work on those concerns when the rule development process begins. Mr. Isom stated the agriculture CMP program that's in Valley's PM10 Plan right now is the most comprehensive agriculture Plan in the nation.

Jean Haze, Fresno Coalition Against the Misuse of Pesticides, noted in all of the presentations today you've tried to de-humanize the causes and effect of your killing air situation that we all experience here. Ms. Haze noted that when you dance the ozone shuffle twisting and weaving to the tune of business, be it agribusiness, new home developers, big oil that you simply place more value on money than you do on lives. Ms. Haze requested the Board just do the right thing and do not approve this dragging of our feet until 2010.

Kirsten Tobey, Earthjustice stated there is nothing in this Plan that shows any reduction in PM10.

Karla Kay Fullerton, Fresno Farm Bureau, noted they need the Board's commitment to allow them to have that flexibility as that science comes forward in the next eighteen months.

Suzanne Noble, Western States Petroleum Association (WSPA), stated WSPA requests the Board to support the staff in their efforts to incorporate the good science within the Plan's resolution and for the District to continue to work with stakeholders in an open public process in order to do so.

Manuel Cunha, Nisei Farmers League, stated this Plan must go forward.

Rose Rowe, Fresno Coalition Against the Misuse of Pesticides, spoke about leaf blowers and their practices around schools.

Caroline Simunovic, Fresno Metro Ministry, commented they are concerned that the Plan at its current state is not the best that it can be and essentially not what we need to get us to cleaner healthier air or to attainment.

Brent Newell, Center on Race, Poverty, & the Environment stated the Board should refrain from adopting this woefully inadequate plan and take immediate steps to produce a legal PM10 attainment plan.

Official Record: Correspondence dated: June 18, 2003 to Dave Crow, APCO, from Center on Race, Poverty, & the Environment

Diane Bailey, Natural Resources Defense Council (NRDC) – stated NRDC has some serious concerns with the Plan.

Official Record: Comments of the Natural Resources Defense Council, and Coalition for Clean Air, Concerning the Proposed 2003 State Implementation Plan for Particulate Matter in the San Joaquin Valley, dated: June 18, 2003

Les Clark, Independent Oil Producers Agency, stated he echoes the comments made earlier by industry to adopt the Plan.

Kevin Hall, member of the Sierra Club, stated they consider the Plan to be seriously flawed. Mr. Hall suggested the Board table their decision.

Shirley Batchman, California Citrus Mutual (CCM), stated CCM looks forward to working with the Board and the District as the rules are developed for the Plan.

Arthur Unger, member of the Sierra Club, spoke to the correlation of jobs and bad air quality in the Valley. Mr. Unger stated that good science is not available at the present time and the Board should err on the side of safety and revise the plan before adopting it.

Staff provided the Board and the Public with the following revisions:

page ES-18, Executive Summary, Table ES-6 and Table ES-7

page CH 7-2, Chapter 7, Reasonable Further Progress, Table 7-1

page CH 7-3, Chapter 7, Reasonable Further Progress, Table 7-2

page 4-28, Chapter 4, Control Strategy, Table 4-10 and *IMPLEMENTATION SCHEDULE:*

**page 4-67, Chapter 4, Control Strategy, Table 4-1626, Table 4-17,
Table 4-1827**

page H-11 section h. Implementation schedule

APPROVED PROPOSED 2003 PM10 PLAN WITH AMENDMENTS – Board Member Silva made the motion to approve proposed 2003 PM10 Plan with amendments. Seconded by Board Member Nelson and carried unanimously with the following Roll Call Vote:

Ayes: Watson, Silva, Maggard, Nelson, Worthley, Case, Mayfield, Sieglock and Barba.

Absent: Armentrout.

Action:

- 1.) **Approved and adopted the Negative Declaration.**
- 2.) **Approved the Proposed 2003 PM10 Plan with amendments.**
- 3.) **Authorized the Chair to sign the resolution with amendments.**
- 4.) **Directed staff to forward the adopted 2003 PM10 Plan with amendments and resolution with amendments to the California Air Resources Board (ARB).**

8. **APPROVE RECOMMENDATION OF THE PHASE VIII – REMOVE PROGRAM EVALUATION COMMITTEE FOR MOTOR VEHICLE EMISSION REDUCTIONS TO FUND THIRTEEN (13) PROJECTS FOR \$1,210,648** – Presentation made by Todd DeYoung, Senior Air Quality and Herbert Wingfield, member of the Evaluation Committee.

APPROVED AS RECOMMENDED – Board Member Worthley made the motion to approve as recommended. Seconded by Board Member Case and carried with the following Roll Call Vote:

Ayes: Sieglock, Worthley, Silva, Maggard, Watson, Nelson, Case and Barba.

Noes: Mayfield.

Absent: Armentrout.

Action:

- 1A.) **Approved the recommendation of the REMOVE (REduce MOtor Vehicle Emissions) Program Evaluation Committee, which selects thirteen (13) projects for funding in the amount of \$1,210,648 with conditions specified by the committee in their report.**

9. **APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS AND CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF CARBONYL SAMPLES FOR \$46,000**

APPROVED AS RECOMMENDED – Board Member Nelson made the motion to approve as recommended. Seconded by Board Member Silva and carried unanimously with the following **Roll Call Vote**:

Ayes: Watson, Silva, Mayfield, Maggard, Case, Worthley, Nelson and Barba.

Absent: Armentrout and Sieglock.

Action: Authorized the Chair to execute a contract with Atmospheric Analysis and Consulting, Inc. (AAC) to provide laboratory analysis of carbonyl samples as prescribed in the PAMS monitoring protocols.

10. **APPROVE CONTRACT WITH ATMOSPHERIC ANALYSIS AND CONSULTING, INC. TO PROVIDE LABORATORY ANALYSIS OF NON-METHANE ORGANIC COMPOUNDS FOR \$136,500**

APPROVED AS RECOMMENDED – Board Member Watson made the motion to approve as recommended. Seconded by Board Member Silva and carried unanimously with the following **Roll Call Vote**:

Ayes: Maggard, Silva, Worthley, Mayfield, Watson, Nelson, Case and Barba.

Absent: Sieglock and Armentrout.

Action: Authorized the Chair to execute a contract with Atmospheric Analysis and Consulting, Inc. (AAC) to provide laboratory analysis of non-methane organic compounds (NMOC) as prescribed in the PAMS monitoring protocols.

11. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District.

Mr. Ramalingam stated he would defer his report to next month.

12. **EXECUTIVE DIRECTOR/APCO COMMENTS** – No Executive Director/APCO comments.

13. **GOVERNING BOARD MEMBER COMMENTS** – No Governing Board Member Comments.

OTHER BUSINESS – No Other Business.

14. **NO CLOSED SESSION**

ADJOURN - The Chair adjourned the meeting at 3:40 p.m.