

**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 25, 2004  
9:00 a.m.**

**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.**

1. **CALL TO ORDER** – The Chair, Supervisor Barbara Patrick, called the meeting to order at 9:07 a.m.

2. **ROLL CALL** was taken and a quorum was present.

Mike Maggard, Councilmember ( <b>absent</b> )	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor (*)	Merced County
Jack A. Sieglock, Supervisor ( <b>absent</b> )	San Joaquin County
Dan Prince, Councilmember ( <b>absent</b> )	City of Ripon
Thomas W. Mayfield, Supervisor, <b>Vice Chair</b> (*)	Stanislaus County
Barbara Patrick, Supervisor, <b>Chair</b>	Kern County

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

The Chair (Supervisor Barbara Patrick) presented a plaque on behalf of the District's Governing Board to Mark Boese, Deputy Air Pollution Control Officer. Mr. Boese commenced working for the Valley Air District on January 16, 1992 and will be retiring March 26, 2004. Mr. Boese received many accolades from members of the Governing Board and the public during the course of the presentation.

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers (15-23). (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 from the Governing Board Meeting of Thursday, January 15, 2003, Special Governing Board Meeting of

Wednesday, January 28, 2004 and the Governing Board Retreat Meeting of Thursday, January 29, 2004 and Friday, January 30, 2004.

16. Receive and file List of Scheduled Meetings for 2004.
17. Receive and file Operations Statistics Summaries for January and February 2004.
18. Receive and file Budget Status Report as of February 29, 2004.
19. Receive and file the District's Annual Air Toxics Report for the year 2003.
20. Approve contract for Executive Director/APCO.
21. Receive and File proposed amendments to Rule 4002 (National Emission Standards for Hazardous Air Pollutants) and set April 15, 2004 for the Public Hearing.
22. Approve Amendment No. 1 to agreement with Local Government Commission to extend the term of agreement to June 30, 2004 for the Environmental Protection Agency Fiscal Year 2002 Mobile Source Outreach Grant Project.
23. Approve and authorize the Chair to execute an agreement with E. H. Pechan and Associates, Inc. for Emission Inventory Improvements and Control Measure Assessments for selected source categories for an amount not to exceed \$79,682.60.

**Board Member Armentrout** – requested Item # 22 be removed for discussion.

**APPROVED AS RECOMMENDED** – Board Member Dominici made the motion to approve the Consent Calendar minus Item # 22. Seconded by Board Member Case and approved unanimously with the following Roll Call Vote:

**Ayes:** Nelson, Dominici, Worthley, Armentrout, Case, Barba, Mayfield and Patrick.

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

**Action: Approved Consent Calendar Items 15, 16, 17, 18, 19, 20, 21 and 23 as submitted. Item #22 removed for discussion.**

**Board Member Armentrout** – requested information pertaining to the composition of the Local Government Commission (LGC).

**David L. Crow, Executive Director/APCO** – responded to Board Member Armentrout’s question by explaining that the LGC has been around for a significant number of years and is made up of city, county and mayors. Mr. Crow explained that the LGC forte over the years has been focusing primarily on planning and land use issues.

**APPROVED AS RECOMMENDED** – ***Board Member Armentrout made the motion to approve the amendment to agreement with LGC. Seconded by Board Member Worthley and carried unanimously with the following Roll Call Vote:***

**Ayes:** Case, Dominici, Barba, Nelson, Armentrout, Worthley, Mayfield and Patrick.

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

***Action: The Board approved as recommended Amendment No. 1 to agreement with Local Government Commission to extend the term of agreement to June 30, 2004 for the Environmental Protection Agency Fiscal Year 2002 Mobile Source Outreach Grant Project.***

4. **PUBLIC COMMENT – Mary-Michael Erwin-Loschke, Merced/Mariposa County Asthma Coalition** stated she attended the ARB Summit in January on the State Implementation Plan (SIP). Ms. Erwin-Loschke stated the summit was very informative but she was concerned with the lack of participation from the Valley Air District. Ms. Erwin-Loschke stated she would encourage the Board when the summit comes about again next year to encourage District staff to attend, to be vocal and to have a presence.

**Bee Lee, Fresno Metro Ministry** stated she was speaking on behalf of the Fresno Metro Ministry and Carolina Simunovic. Ms. Lee stated that the Fresno Metro Ministry along with other community organizations have been meeting on a monthly basis with District staff. Ms. Lee indicated the meetings have been very informative and are open to the public. Ms. Lee noted that Ms. Simunovic wanted to make sure the Board was aware of District staff participation in the monthly meetings and to publicly commend District staff for their hard work and the help they have provided on air quality issues. Ms. Lee made reference to a meeting on March 31 pertaining to the Indirect Source Mitigation Program.

**Tom Jordan , Planning Manager** – stated the District will hold a Indirect Source Review (ISR) workshop March 31, 2004 at 6:30 p.m., Central Region Office, via video teleconferencing. Mr. Jordan indicated the workshop on the March 31 will be a broad overview of the concept of the ISR program.

**Kevin Hamilton** – commented that well over a year and a half year ago Dave Crow approached Kevin Hall and myself asking if we would be willing to meet

with other community activist regarding air quality on a monthly basis. Mr. Hamilton indicated these monthly meetings have been a very productive process for all of us involved.

Mr. Hamilton spoke regarding the District's rule development process and noted he believes there is a component missing in the development of District rules. Mr. Hamilton stated when rules are developed various rules are reviewed for economic impact but the health impact is not reviewed as a part of that process. Mr. Hamilton suggested to the Board that the health impact of rules under development could be looked at by health experts such as the Valley County Health Officers Group.

Mr. Hamilton stated the Fresno/Madera Medical Society formed a subcommittee regarding air quality and has released a wonderful handout for their physicians to put in their offices. Mr. Hamilton stated the handout is titled: *What Your Physician Wants You To Know About Air Pollution*.

**The Chair** directed staff to obtain a copy of the handout Mr. Hamilton referred to and provide a copy to each Board Member.

**The Chair** directed staff to evaluate the use of health experts in the District's Rule Development process pertaining to associated health impacts.

**Mr. Crow** pointed out we have a District symposium being planned for September and part of that program could revolve around the review of the local health implications of air regulations.

**Board Member Case** stated that the Fresno County Health Officer or a local cardiologist that has been doing evaluations on air pollution and cardiovascular disease could attend a future meeting to address the Board.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kevin Hamilton, Environmental Primary Member, Fresno County, made the March 2, 2004 CAC Meeting report to the Board.
6. **APPROVE CONTRACT WITH ALPHACORP FOR IMPLEMENTATION OF AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$935,100** - Presentation made by David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services and Ken Pretzer, Information Systems Manager.

**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.

**Roger Christy, Chevron/Texaco** - spoke in support of staff's recommendation.

**APPROVED AS RECOMMENDED** – Board Member Dominici made the motion to approve the contract with AlphaCorp. Seconded by Board Member Worthley and carried unanimously with the following Roll Call Vote:

**Ayes:** Worthley, Nelson, Case, Dominici, Armentrout, Barba, Mayfield and Patrick.

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

**Action:** Approved and authorized the Chair to execute a contract with AlphaCorp for implementation of an electronic document management system for an amount not to exceed \$935,100.

7. **APPROVE AGREEMENT WITH DAVIS MORENO CONSTRUCTION, INC. IN THE AMOUNT OF \$259,000 FOR CONVERSION OF WAREHOUSE TO OFFICE SPACE IN THE CENTRAL REGION OFFICE** – Presentation made by David L. Crow, Executive Director/APCO and Roger McCoy, Director of Administrative Services.

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

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

**APPROVED AS RECOMMENDED** – Board Member Armentrout made the motion to approve the agreement and the resolution. Seconded by Board Member Dominici and carried unanimously with the following Roll Call

**Vote:**

**Ayes:** Worthley, Dominici, Barba, Case, Armentrout, Nelson, Mayfield and Patrick.

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

**Action:** 1.) Approved and authorized the Chair to sign an agreement with Davis Moreno Construction, Inc. in the amount of \$259,000 for the conversion of a portion of the warehouse into office space in the Central Region Office. The agreement has a provision allowing the executive Director/APCO to increase compensation by approximately 10%, to a maximum of \$285,000, to allow for contingencies encountered during the course of the project.

**2.) Adopted resolution increasing the 2003-04 District Budget from \$250,000 to \$285,000 to provide sufficient appropriations for the warehouse to office space conversion project.**

8. **SUMMARY OF THE FIRST SEASON OF IMPLEMENTATION OF RULE 4901 (WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS)**

Summary presented by David L. Crow, Executive Director/APCO, Dave Jones, Director of Planning and Tom Jordan, Planning Manager.

**The Chair** directed staff to provide the Board with a report on how many wood burning fireplaces were changed out by January 2005.

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

**Josette Merced Bello, American Lung Association of Central California** commended the Board and congratulated them for the success of Rule 4901.

9. **VERBAL REPORT: UPDATE ON EXTREME OZONE PLAN SCHEDULE**

Presentation made David L. Crow, Executive Director/APCO. Mr. Crow stated staff will be releasing a draft of the Extreme Ozone Attainment Plan on April 14 with the first round of workshops occurring on April 29.

10. **APPOINT AD HOC BUDGET SUBCOMMITTEE** – The following Board Members volunteered:

Supervisor Barbara Patrick, Kern County  
Supervisor Ronn Dominici, Madera County  
Supervisor Judith G. Case, Fresno County  
Supervisor Tony Barba, Kings County  
Supervisor Thomas W. Mayfield, Stanislaus County

**The Chair** stated the subcommittee meeting would be held on April 8, 2004 with the time to be determined.

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 addressed implementation of the federal 8-hour ozone standard. Mr. Ramalingam noted that last July, States were required to submit to U.S. EPA a list of those areas they proposed to be designated nonattainment for the eight-hour standard. Mr. Ramalingam noted ARB staff sent a letter to the federal government last month asking U.S. EPA to change some proposed area designations and boundaries consistent with the most recent air quality data, and to clarify some area descriptions.

Mr. Ramalingam stated U.S. EPA concurred with the majority of ARB's recommendations. Mr. Ramalingam stated that ARB is recommending that the San Francisco Bay Area be added to the list of nonattainment areas because the region recorded violations of the standard in 2003.

Mr. Ramalingam stated the remaining issues involve U.S. EPA's proposal to consolidate a number of air districts into single nonattainment areas. Mr. Ramalingam stated that U.S. EPA is proposing to consolidate the Amador, Calaveras, Tuolumne and Mariposa air districts with the San Joaquin Valley. Mr. Ramalingam noted that ARB is opposed to the proposed consolidation.

**Board Member Armentrout** – requested Mr. Ramalingam report back to the Board in the near future regarding the proposed fleet rule the ARB will be hearing in September.

**Mr. Ramalingam** indicated he will report on the proposed fleet rule next month.

12. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, introduced Dave Warner and announced that Mr. Warner has been appointed Director of Permit Services, to replace Seyed Sadredin.

13. **GOVERNING BOARD MEMBER COMMENTS - Board Member Case** requested information on the Fresno monitoring station that is located on the top of the Medical Society Building. Board Member Case asked if the District factored in close proximity of a very highly traveled freeway. Board Member Case asked if this site created more exceedences in the Fresno area.

Board Member Case announced that recently a contingency of Fresno County individuals went to Washington, D.C. on a number of issues and one of the things that came out of that meeting was the reauthorization of the Clean Air Act. Board Member Case noted the contingency requested a hearing be held in Fresno. And, as a result of that request Congressman Radanovich is going to request that one of the congressional hearings on the reauthorization on the Clean Air Act occur in Fresno.

**Dave Jones, Director of Planning** indicated the close proximity of the freeway does have an influence on the readings at that particular monitoring station (Fresno/First) and that was the intent of locating the station at that site because it is a core area with a lot of population. Mr. Jones indicated that site is one of the most heavily instrumented sites in the San Joaquin Valley. ARB and EPA test their instruments at that site because there is such a wide variety of pollutants in that area. Mr. Jones noted that it does drive some of the PM2.5 exceedences in this area but it is not one of our high PM10 or ozone sites.

**Board Member Case** stated she sits on a body called the San Joaquin Valley Citizens for a Healthy Environment which is an environmental group funded by mitigation money. Board Member Case stated the San Joaquin Valley Citizens for a Healthy Environment has a car crushing program and they are having a problem obtaining vehicles to crush. Board Member Case noted they would appreciate help in obtaining cars to crush.

**David L. Crow** stated the District will get that information and put it on the District's web site.

**Board Member Dominici** thanked District staff for their efforts regarding a recent complaint from a factory in the Madera area.

**Board Member Nelson** stated that Operation Clean Air (OCA) held their March meeting in Merced County a couple weeks ago at Castle Airport. Board Member Nelson stated it was a very well attended meeting. Board Member Nelson stated a group of people came in from Fresno in the Clean Air Trolley a CNG Fresno Transit bus as well as quite a few folks from the Northern Valley showed up.

**Board Member Nelson** stated he read an article recently that stated some trucks from Mexico pose threats to the air quality and that the Attorney General from California and eight other states have filed briefs with the Supreme Court concerning Mexico trucks coming into the U.S. under NAFTA. Board Member Nelson asked staff what are we doing legislatively for this or are we weighing in on this at all?

**David L. Crow** stated that we do have an Ad Hoc Subcommittee that will be looking at legislation today. Mr. Crow stated we have in the past talked about the implications of NAFTA and the trucks leaving that immediate border area. Mr. Crow indicated that is something we will speak to the Board subcommittee about.

**The Chair** stated she was glad that Board Member Nelson brought this issue up because it is also a concern of Board Member Maggard's.

**The Chair** stated since we had our last meeting we held a Governing Board Retreat and even though we did not have as many Board Members as we would have liked to be there, it was an extraordinary event. The Chair thanked Mr. Crow and his staff and stated that for those of us that did attend, and it was a great exchange of information.

**The Chair** stated that the symposium Mr. Crow mentioned earlier would be held in Bakersfield on September 29 and 30. The Chair stated she hoped that all of the Governing Board Members and stakeholders put that date on their calendars. The Chair stated we are hoping there will be a great attendance from throughout the Valley and noted everyone is welcome.



**The Chair** stated that at the last ARB Board Meeting they talked about the statewide portable equipment program. There was some discussion that it is estimated that about 50% of these portable engines are unregistered statewide. The Chair asked if we had any idea in the Valley how many portable equipment units are unregistered.

**Seyed Sadredin** stated statewide estimates for portable engines are less than reliable and that in the Valley unregistered units are thought to be a much smaller number.

**OTHER BUSINESS** – No Other Business.

**The Chair** announced the Board would adjourn to Closed Session.

14. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54956.8 and 54956.9** of the Government Code (Ralph M. Brown Act) as follows:

- ❖ Governing Code Section **54956.8** – Conference with Real Property Negotiator: Property – APN #135-44-41. Negotiating Parties: Roger W. McCoy, Phil Mastagni. Under Negotiation: Price and terms of payment.
- ❖ Conference with Legal Counsel – Existing Litigation – Government Code Section **54956.9** Name of Case: Association of Irrigated Residents v. District, Kern Superior Court, # S-1500-CV-252128 KCT

**The Board adjourned to Closed Session at 11:37 a.m.**

**Philip M. Jay, District Counsel** returned to the Governing Board Room and made the following announcement: the Governing Board voted unanimously to authorize District Counsel to appear and defend in the Court of Appeal on the AIR v. District case.

**Mr. Jay announced the Board adjourned the meeting at 1:11 p.m.**