

**Action Summary Minutes**  
San Joaquin Valley Unified Air Pollution Control District  
**Governing Board**

Central Region Office, Governing Board Room  
1990 E. Gettysburg Avenue, Fresno, CA

**Thursday, September 20, 2007**  
**9:00 a.m.**

**Meeting held via teleconferencing (VTC) with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). This meeting was webcast.**

**1. CALL MEETING TO ORDER**

The Chair, Supervisor Worthley, called the meeting to order at 9:11 a.m.

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

*Present*

Tony Barba, Supervisor	Kings County
Raji Brar, Councilmember	City of Arvin
Judith Case, Supervisor	Fresno County
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor *	Stanislaus County
Henry T. Perea, Councilmember	City of Fresno
Michael J. Rubio, Supervisor	Kern County
Chris Vierra, Councilmember *	City of Ceres
Tom Wheeler, Supervisor (alternate)	Madera County
Leroy Ornellas, Supervisor, <b>Vice Chair</b>	San Joaquin County
J. Steven Worthley, Supervisor, <b>Chair</b>	Tulare County

\* Attended meeting in Northern Region Office (Modesto)

**3. APPROVAL OF CONSENT CALENDAR – Item numbers 18-24. These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.**

**18. *Approve Action Summary Minutes for the Governing Board Meeting of Thursday, August 16, 2007***

**19. *Receive and File List of Scheduled Meetings for 2007-08***

20. *Receive and File Operations Statistics Summaries for August 2007*
21. *Receive and File Budget Status Report as of August 31, 2007*
22. *Approve \$85,000 Contract with CalStart to Provide Technical Assistance in Analyzing the Cost-Effectiveness and Viability of Various Incentive Based Emission Reduction Measures*
23. *Approve Contract with Merced County Association of Governments for Second-Year, One-to-One Matching Funds, for the San Joaquin Valley Regional Blueprint Project up to A Total of \$250,000*
24. *Approve Changes to the District's Compensation Package for Management Employees*

Public Comment: None

Moved: McQuiston

Seconded: Nelson

Ayes: McQuiston, Case, O'Brien, Nelson, Vierra, Wheeler  
Barba, Perea, Brar, Ornellas, Worthley

Nays: None

***Motion unanimously carried to approve Items 18-24 as recommended.***

4. **PUBLIC COMMENT**

There was no public comment.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)**

Mary-Michal Rawling presented the report. She stated the CAC received updates on the lease for the Bakersfield office, and the Task Force meetings held by the District and those held by ARB. She also noted that the CAC was pleased the Environmental Justice Strategy was approved by the Governing Board.

8. **VERBAL REPORT FROM THE CALIFORNIA AIR RESOURCES BOARD ON THE RESULTS OF THE RECENT AUDITS OF THE DISTRICT'S CARL MOYER PROGRAM, LOWER-EMISSION SCHOOL BUS PROGRAM AND AB 923 FUNDS.**

This item was taken out of order. Jack Kitowski attended via video teleconferencing with the ARB offices in Sacramento. Mr. Kitowski presented the results of the ARB audit of the District. He noted the District has a good understanding of the purpose of the incentive program, and stated, overall, several of the District's practices are "Best Practices," including how invoices are processed, pre and post inspections, and staff sufficiency. Mr. Kitowski

stated he was impressed with the District's STAR program and noted several staff members were very helpful. Mr. Kitowksi added that ARB is developing a star rating system for the top air districts in California and noted the District would be a "Gold Star District."

6. **PUBLIC HEARING: ADOPT PROPOSED AND REVISED PROPOSED AMENDMENTS TO THE SOLVENT CLEANING PORTION OF ELEVEN DISTRICT RULES**

George Heinen, Supervising Air Quality Engineer, presented the report. He noted these amendments to the solvent cleaning portion of eleven District Rules are one of the control measures in the District's Ozone Plan. He added the estimated emission reductions are 1,200 tons of VOC per year. The compliance deadline is September 21, 2008. He introduced an addendum to the agenda packet with changes to section 5.9.2.

The Chair stated that since this Rule affects a lot of businesses, the District needs to have a plan in place to communicate these changes. Mr. Heinen noted the Compliance program has an extensive outreach to businesses. Supervisor Case asked if there was any controversy related to Tertiary Butyl Acetate (TBAC) because there is no documentation of direct impacts to health. Rick McVaigh stated the District met with Lyondell, the company that manufactures TBAC, and it has great potential to reduce VOC's. He noted there are potential concerns that carcinogens may be released when the TBAC breaks down, so the District wants to investigate further before exempting TBAC or determining it should not be exempted. District staff will continue to work with the manufacturer and OEHHA to resolve this issue.

Public Comment—

*The following individual provided testimony on the amendments to the solvent cleaning portion of eleven District rules:*

- Jeff Wells, Westland Technologies

Moved: Case  
Seconded: Barba

Ayes: O'Brien, Dominici, Perea, Nelson, Case  
Vierra, Barba, Rubio, Brar, Ornellas, Worthley  
Nays: None

***Motion carried unanimously to approve staff's recommendation including changes to section 5.9.2 as submitted in the addendum.***

7. **PUBLIC HEARING: ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4703 (STATIONARY GAS TURBINES).**

Supervisor Case recused herself from this public hearing due to a potential conflict of interest. George Heinen, Supervising Air Quality Engineer, presented the report. He submitted an addendum to proposed Rule 4703 modifying sections 5.1.3.3 and 6.2.9. He stated this Rule, which is targeted to small and limited-use turbines, is one of the District's commitments in the Ozone Plan. The estimated reductions are 800 tons of NOx per year.

Public Comment—

*The following individuals provided testimony on Rule 4703:*

- Stephan Hogg, City of Fresno
- Randy Turley, International Power Technology
- Randy Baysinger, Turlock Irrigation District
- Leslie Witherspoon, Solar Turbines
- Carol Burke, PG&E
- Arthur Unger

The Chair noted the four year timeline before the Rule goes into effect gives businesses time to give their best efforts to comply, and if compliance is technologically unfeasible, the Rule can be revised. Supervisor O'Brien stated that additional time to further discuss the Rule provisions with the affected facilities may be warranted.

Moved: Barba

Seconded: Perea

Ayes: McQuiston, Vierra, Wheeler, Nelson, Barba,  
Brar, Perea, Ornellas, Worthley

Nays: O'Brien

Recused: Case

***Motion carried with a vote of 9-1 to approve staff's recommendations including revised language to sections 5.1.3.3 and 6.2.9 as submitted in the addendum.***

The Chair called a ten minute break at 10:37 a.m. The meeting reconvened at 10:47 a.m.

9. **PUBLIC HEARING: ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4682 (POLYSTYRENE FOAM, POLYETHYLENE, AND POLYPROPYLENE MANUFACTURING)**

George Heinen, Supervising Air Quality Engineer, presented the report. He submitted an addendum to Proposed Rule 4682 modifying sections 5.3.1 and 5.3.3. He stated this Rule is a control measure commitment in the 2007 Ozone Plan. The estimated emission reductions are 137 tons of VOC per year.

Public Comment—

*The following individuals provided testimony on Rule 4682:*

- Frank Rodriguez, DART Container,
- Harry Grant, attorney representing APCO LLC
- Jim Wakeman, Pactiv Corporation
- Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition

Mr. Wakeman suggested changing the reporting periods to monthly, rather than 30-day periods. Mr. Sadredin noted that EPA generally does not accept monthly reporting in a Rule, but if the Board chooses, the District can challenge EPA on this issue. The Chair stated he would like the District to pursue that challenge.

Supervisor McQuiston asked what would be the appropriate cost trigger to bring the Rule back. Mr. Sadredin stated once the District has found that people have made a good faith effort to comply, the District looks at the technology and costs associated. If the technology is not available or economically viable, the Rule can be amended. The determination would be made based on a comprehensive socioeconomic impact rather than a specific cost trigger level.

Moved: Barba

Seconded: McQuiston

Ayes: McQuiston, Brar, Case, Nelson, Perea, Wheeler  
Barba, O'Brien, Vierra, Ornellas, Worthley

Nays: None

***Motion unanimously carried to approve staff's recommendation with amendments to include reporting based on calendar months instead of 30-day periods, to request a follow up report to the Board in one year, and with revised language to 5.3.1 and 5.3.3 as submitted in the addendum.***

**10. PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4651 (VOLATILE ORGANIC COMPOUND EMISSIONS FROM DECONTAMINATION OF SOIL)**

George Heinen, Supervising Air Quality Engineer, presented the report. He stated this Rule, which works to control VOC emissions from the excavation, transportation, and treatment of contaminated soil, is a control measure commitment in the 2007 Ozone Plan, and has estimated emission reductions of 10.6 tons per year of VOC.

Public Comment—

*The following individuals provided testimony on Rule 4651:*

- Jerry Frost, Kern Oil and Refining Company
- Les Clark, IOPA
- Mike Poliniak, MKP Environmental

Moved: Case

Seconded: Wheeler

Ayes: O'Brien, Wheeler, Perea, Nelson, Case, Vierra  
Barba, McQuiston, Brar, Ornellas, Worthley

Nays: None

***Motion carried unanimously to approve staff's recommendation.***

The Chair called for a one-hour recess at 11:45 a.m. The Board adjourned to Closed Session.

17. **CLOSED SESSION**— Held out of order. The Governing Board held a Closed Session pursuant to Section 54957 and 54957.6 of the Government Code (Ralph M. Brown Act) to discuss the following:

- Performance Evaluation: District Counsel
- Performance Evaluation: Executive Director/APCO
- Conference with labor negotiator—Agency negotiator: Carolyn Rose; Employee Organization: SEIU, Local 700; pursuant to Government Code Section 54957.6

Supervisor Nelson exited the meeting after Closed Session. The Board reconvened at 12:45 p.m.

11. **POLLUTION TRANSPORT FROM OTHER AIR BASINS: BETTER QUANTIFY THE MAGNITUDE AND THE IMPACT OF POLLUTION TRANSPORT FROM THE NEIGHBORING AIR BASINS AND PURSUE ACTIONS TO MINIMIZE SUCH IMPACTS**

Seyed Sadredin, Executive Director/APCO, stated that, although most of the Valley's pollution originates within the Valley, having additional knowledge of pollution transport from neighboring air basins could help the District work with other air districts to reduce the amount of pollution that enters the Valley. He also noted that recent wildfires point to pollution transport from other areas previously not considered.

David Nunes, Senior Air Quality Specialist, and James Sweet, Air Quality Project Planner, presented the report. They noted that the current ARB air transport routes do not show the same routes the plumes of smoke from fires

in 2002, 2006 and 2007 took, so the District would like to know if there are pollution transport issues that have not been explored. The District would like to further study how much impact other regions have on Valley air quality, and to see if other districts can help the Valley meet the federal 8-hour ozone standard faster through stricter controls. They stated the District needs to identify resources for evaluating air pollutant transport, analyze existing data for 8-hour events, and review upwind District BARCT measures.

Staff recommended the Board authorize staff to develop an action plan to be submitted in the first quarter of 2008.

Public Comment—

*The following individuals provided testimony on the pollution transport action plan:*

- Sarah Sharpe, Coalition for Clean Air
- Carolina Simunovic, Fresno Metro Ministry
- Arthur Unger

Moved: Case

Seconded: Perea

Ayes: Brar, McQuiston, Barba, Wheeler, Case, Vierra  
O'Brien, Perea, Ornellas, Worthley

Nays: None

Absent: Nelson

***Motion unanimously carries to direct staff to develop an action plan to study pollution transport.***

**12. ADOPT THE PROPOSED 2007 PM10 MAINTENANCE PLAN AND REQUEST FOR REDESIGNATION**

Scott Nester, Director of Planning, noted the District, which reached attainment for PM10 in 2006, is one of the few districts in California that can say they attained a standard through planning and implementing control measures. The Maintenance Plan is designed to ensure the Valley stays in attainment.

Supervisor Case asked for clarification on how the Plan affects the Valley Councils of Governments. Mr. Sadredin stated this is a component that is necessary for federal government approval of the transportation emission budgets submitted by the Councils of Governments.

Supervisor O'Brien left the meeting at 2:10 p.m.

Councilmember Perea asked why certain days of exceedences don't count as violations of the air quality standards. Mr. Nester explained that the exceedences recorded in 2006 were due to natural events, in that case high winds, and therefore out of the District's control. Under federal regulations and the District's Natural event Action Plan Policy, measurements taken during these events do not count as violations of the standards. Mr. Sadredin added that the measures in the Ozone Plan and the upcoming PM2.5 Plan will reduce PM10 further. Councilmember Perea stated he is concerned that the public may perceive the PM10 Maintenance Plan is being rushed through. Supervisor Wheeler left the meeting at 2:20 p.m.

Public Comment—

*The following individuals provided testimony on the PM10 Maintenance Plan:*

- Sarah Jackson, Earth Justice
- Sarah Sharpe, Coalition for Clean Air
- Manuel Cunha, Nisei Farmer's League
- Carolina Simunovic, Fresno Metro Ministry
- Dennis Tristao, Kings County Farm Bureau
- Roger Isom, California Cotton Ginners Association
- Gabrielle Kirkland, California Grape and Tree Fruit League

Moved: Ornellas

Seconded: Barba

Ayes: Case, McQuiston, Barba, Vierra, Ornellas, Worthley

Nays: Perea, Brar

Absent: Nelson, O'Brien, Wheeler

***Motion carries 6-2 to approve the PM10 Maintenance Plan as recommended by staff.***

The Chair called for a five minute recess at 2:42 p.m. The Board reconvened at 2:47 p.m.

**13. APPROVE LEASE AND OPTION AGREEMENTS WITH P & N PROPERTIES FOR A TEN-YEAR LEASE FOR A NEW LOCATION FOR THE SOUTHERN REGION OFFICE AND APPROVE AN AMENDMENT TO EXTEND THE CURRENT LEASE AGREEMENT WITH KERN COUNTY**

Roger McCoy, Director of Administrative Services, presented the report. He noted the Southern Region office is currently located in the County of Kern Public Services building, but the lease expires in 2008. After investigating all options in Bakersfield, a location was chosen in North Bakersfield. The District also is pursuing a "green building" certification, known as Leadership in Energy and Environmental Design (LEED), and will be including a solar energy system. Mr. McCoy noted that the parcel has been moved to Parcel 22 from Parcel 24.

Moved: Case  
Second: Barba  
Ayes: Barba, McQuiston, Vierra, Case, Ornellas, Worthley  
Nays: None  
Absent: Brar, Wheeler, O'Brien, Nelson, Perea

***Motion carried unanimously to approve staff's recommendations.***

14. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)**—  
There was no report from ARB
15. **EXECUTIVE DIRECTOR/APCO COMMENTS**—None
16. **GOVERNING BOARD MEMBER COMMENTS**—None

**ADJOURN**

The meeting adjourned at 2:56 p.m.

***Next scheduled meeting of the Governing Board: Thursday, October 25, 2007.***  
*Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.*