

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

Thursday, December 21, 2023

Meeting was held via video teleconference (VTC): Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, the Southern Region Office, VTC Room, 34946 Flyover Court, Bakersfield, and teleconference in the Northern Region Office, VTC Room, and 4800 Enterprise Way, Modesto. Members of the public were allowed to participate in-person at any of the referenced locations or remotely via Zoom webinar. The meeting was also webcast.

- 1. CALL MEETING TO ORDER – The Chair, Supervisor Vito Chiesa, called the meeting to order at 9:03 a.m.
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL – was taken and a quorum was present.

Present:

Vito Chiesa, Supervisor, Chair	Stanislaus County
Deborah Lewis, Councilmember, Vice Chair	City of Los Banos
Drew Bessinger, Councilmember	City of Clovis
David Couch, Supervisor	Kern County
Rosa Escutia-Braaton	City of Modesto
Robert Macaulay, Supervisor	Madera County
Buddy Mendes, Supervisor	Fresno County
Lloyd Pareira, Supervisor ¹	Merced County
Alvaro Preciado, Mayor	City of Avenal
Gilberto Reyna, Councilmember ²	City of Wasco
Robert Rickman, Supervisor	San Joaquin County
Rusty Robinson, Supervisor	Kings County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County

Absent:

Dr. Pacheco-Werner

- 4. END OF THE YEAR ADDRESS BY CHAIR CHIESA – Chairman Chiesa delivered his end of year address, which highlighted the District’s ongoing progress in improving air quality and the quality of life for San Joaquin Valley residents

¹ Arrived at 9:25 a.m., left meeting at 11:01 a.m.

² Arrived at 9:08 a.m.

during this past year.

5. ELECTION OF OFFICERS FOR 2024 – Samir Sheikh, Executive Director/APCO, reported that in accordance with the Governing Board Officer Selection Policy, the Ad Hoc Governing Board Officer Nomination Subcommittee was formed to evaluate candidates and put forth nominations for the Board to consider for the 2024 officers. The subcommittee met on December 7, 2023 and nominated:
- Supervisor Vito Chiesa to serve as Chair for 2024
 - Councilmember Deborah Lewis to serve as Vice Chair for 2024

Public Comment: None

Moved: Sherriffs

Seconded: Shuklian

Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to elect Supervisor Vito Chiesa as Chair and Councilmember Deborah Lewis as Vice Chair for 2024

6. RECOGNITION OF THE 2024 KIDS CALENDAR WINNERS –Jaime Holt, Chief Communication Officer, presented the District’s 2024 Kids Calendar to the Board. Ms. Holt welcomed the winners who were present in all three regional offices and thanked all of the students and parents for attending. Ms. Holt thanked everyone for their participation in submitting art for these calendars.
7. S.T.A.R. EMPLOYEE OF THE YEAR AWARDS – Chenecua Dixon, Personnel Director, formally acknowledged the following individuals who were recognized this past year as STAR Employees of the Year for their outstanding performance and achievement:
- Michelle Bartlett, Office Assistant
 - Stephanie Ng, Program Manager
 - Isabella Villa, Accounting Technician
 - Seng Lee Programmer Analyst
 - Tim Van Dyne, Senior Network Analyst
 - Brad Schwegel, Supervising Programmer Analyst
 - Nzong Xiong, Air Quality Education Representative
 - Tammy Howe, Executive Assistant
 - Tevin Hayes, Senior Office Assistant
 - Robert Gilles, Program Manager
 - Ross Badertscher, Senior Air Quality Specialist
 - Xai Vang, Senior Air Quality Specialist

- Vishal Patel, Air Quality Inspector
- James Sanders, Senior Air Quality Inspector
- Eric Esposito, Air Quality Inspector
- Jennifer Ledergerber, Air Quality Compliance Manager
- Shamara Elkins, Air Quality Specialist
- Kevin Ng, Senior Air Quality Specialist
- Jeannine Tackett, Supervising Air Quality Specialist
- Mark Montelongo, Program Manager
- Jesse Garcia, Senior Air Quality Engineer
- Matthew Robinson, Air Quality Engineer
- Michael Scott, Air Quality Specialist

Chair Chiesa congratulated the employees for their great work.

8. APPROVAL OF CONSENT CALENDAR – ITEM NUMBERS (20-25)

20. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, OCTOBER 19, 2023
21. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2024
22. RECEIVE AND FILE SUMMARY OF RULES AND PLANS
23. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR THE MONTHS OF OCTOBER AND NOVEMBER 2023
24. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF NOVEMBER 30, 2023
25. RECEIVE AND FILE DISTRICT'S 2022-2023 ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

Public Comment: None

Moved: Bessinger

Seconded: Robinson

Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to approve Consent Calendar (Items 20-25).

9. PUBLIC COMMENT – The following individuals commented on under this item:
- Janet Dietzkamei, Resident
 - Connie Young, Citizens Climate Lobby (CCL)
 - John Sanders, Resident
10. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Mr. Sheikh referred Board Members to the written report in the absence of a CAC representative.
11. ADOPT RECEIVE THE GOVERNMENT FINANCE OFFICERS' ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – Ryan Buchanan, Director of Administrative Services, and announced that the District has been awarded the Government Finance Officers' Association of the United States (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the District's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023 for the tenth year straight. Mr. Buchanan thanked the Board for their leadership and making fiscal transparency a priority for the agency. Samir thanked the Finance team for all of the hard work they have demonstrated.

Public Comment: None

12. ACCEPT AND APPROPRIATE \$59,400,000 IN STATE FUNDING AGRICULTURAL MEASURES FOR EMISSION REDUCTION (FARMER) PROGRAM FUNDING FOR THE REPLACEMENT OF AGRICULTURAL EQUIPMENT – Todd DeYoung, Director of Grants and Incentives, presented the proposal seeking Board approval to accept and appropriate \$59.4 million in state funding for the replacement of agricultural equipment.

Supervisor Mendes congratulated the District on efforts to assist the many applicants who are utilizing these grants.

Supervisor Macaulay thanked the District for all of the work on programs like these, and asked about the average time frame for the application process. Mr. DeYoung responded that it can currently take up to a year to complete the process due to the significant level of participation in the program.

Councilmember Bessinger shared his appreciation of the advocacy efforts that were done in order to get the FARMER program funds incorporated into the state budget and to bring these funds to the Valley.

Public Comment: *The following individuals commented on this item:*

- Roger Isom, California Cotton Ginners and Growers Association (CCGA) & Western Agricultural Processors Association (WAPA)
- Chris McGlothlin, CCGA & WAPA

- Kevin Abernathy, Milk Producers Council & Dairy Cares
- Janet Dietzkamej, Resident

Moved: Mendes

Seconded: Shuklian

Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to (1) accept and appropriate \$59,400,000 in state FARMER Program funds from the California Air Resources Board to fund the replacement of agricultural equipment in the San Joaquin Valley and authorize the District to administer this funding in accordance with current and future FARMER Program guidelines; (2) approve the attached Budget Resolution to amend the 2023-24 District Budget to appropriate \$59,400,000 in additional revenue; and (3) authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful program implementation.

13. UPDATE ON AB 617 IMPLEMENTATION AND APPROVE NEW INCENTIVE PROGRAMS BENEFITTING VALLEY COMMUNITIES – Jessica Olsen, Director of Community Strategies and Resources, shared AB 617 updates and new opportunities for the use of Community Air Protection funds.

Supervisor Macaulay asked for clarification on the AB 617 community selection process and if there is any indication of which new communities may be selected in the future. Mr. Sheikh explained that the communities are chosen by CARB under statute. Additionally, he shared that there has not been any increase in the resources for the program and CARB is beginning to transition the model of the program from a limited number of selected communities to using various funding streams to work more broadly with low income and disadvantaged communities across the state.

Supervisor Macaulay discussed the impact of the school bus replacement program on mountain communities since they usually procure used buses from larger, urban school districts and hopes there can be a way to prevent higher-quality buses from being destroyed and potentially making them available through a trade up program for use in rural mountain communities.

Dr. Sherriffs inquired about the current queue of projects, the preference to get the oldest buses out of use first, and if bio methane is being considered as near zero fuel. Mr. DeYoung responded that there are a few dozen applications in the queue with one of the provisions in place to focus on replacing the oldest buses first. Mr. DeYoung also explained that the program design incorporates natural gas fueling infrastructure for low NOx natural gas, which the state recognizes as near-zero emission technology.

Supervisor Rickman asked about the prohibition of using public funds for sectarian or denominational schools. Annette Ballatore, District Counsel, responded that under the California Constitution, school funding specifically for school buses, transporting students to religious schools for religious training, does not qualify.

Councilmember Bessinger inquired about the program's eligibility, and how would it affect smaller, low-income schools within districts that are primarily affluent. Mr. Sheikh explained that there is a state-established tool named CalEnviroScreen that has established definitions in response to AB 1550, SB 535, and other mandates.

Mayor Preciado said that electric buses would not likely be able to be utilized in areas like in his community of Avenal because of the distances required to be traveled and the hills in the area. Mayor Preciado stated there is a need to bring these programs to communities like Avenal that are affected by mobile traffic from highways and freeways, but are not currently a selected AB 617 community. Mr. Sheikh responded that through Board and community engagement efforts, these programs will be grown to include and benefit low-income and disadvantaged communities throughout the Valley.

Public Comment: *The following individual commented on this item:*

- *Kevin Hamilton, Central California Asthma Collaborative*
- *Janet Dietzkamei, Resident*

Moved: Sherriffs

Seconded: Preciado

Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to (1) receive progress report on implementation of Community Emissions Reduction Programs (CERPs) for South Central Fresno, Shafter, Stockton, and Arvin/Lamont AB 617 communities; (2) accept and appropriate \$64,316,475 in new state Community Air Protection funding from the California Air Resources Board to fund voluntary emission and exposure reduction projects benefitting AB 617 and low-income/disadvantaged communities Valley-wide; and (3) approve the attached Budget Resolution to amend the 2023-24 District Budget to appropriate \$64,316,474 in new state funding, including \$60,296,695.32 in project funds and up to \$4,019,779.68 in administrative funds.

14. ADOPT PROPOSED AMENDMENTS TO DISTRICT RULE 4402 (CRUDE OIL PRODUCTION SUMPS) – Sheraz Gill, Deputy APCO, presented this item and recommended the Board adopt the proposed amendments to Rule 4402 (Crude Oil Production Sumps) to satisfy state Best Available Retrofit Control Technology requirements and federal ozone state implementation plan commitments.

Supervisor Mendes asked how many open pits are in the area, since he sees mostly tanks. Mr. Gill responded that most open pits have been replaced by storage tanks and there is a very small number of open pits.

Public Comment: None

Moved: Mendes
Seconded: Bessinger
Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa
Nays: None

Motion unanimously carried to (1) adopt the proposed amendments to Rule 4402 (Crude Oil Production Sumps); and (2) authorize the Chair to sign the attached Resolution.

15. ADOPT PROPOSED DISTRICT RULES 3172 (FEDERALLY MANDATED OZONE NONATTAINMENT FEE – 2008 8-HOUR STANDARD) AND 3173 (FEDERALLY MANDATED OZONE NONATTAINMENT FEE – 2015 8-HOUR STANDARD) – Morgan Lambert, Deputy APCO, presented this item and recommended the Board adopt proposed Rules 3172 and 3173 to satisfy federal clean air act requirements in the event the Valley does not reach attainment of the 2008 or 2015 8-hour ozone standard.

Councilmember Bessinger asked what examples of major stationary sources. Mr. Lambert responded that major NOx stationary sources would generally include large combustion units like power plants and major VOC stationary sources could include oil and gas operations, landfills, or composting operations.

Public Comment: *The following individual commented on this item:*

- *Janet Dietzkamei, Resident*

Moved: Mendes
Seconded: Lewis
Ayes: Bessinger, Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Chiesa
Nays: None

Motion unanimously carried to (1) adopt proposed Rule 3172 (Federally Mandated Ozone Nonattainment Fee - 2008 8-Hour Standard); (2) adopt

proposed Rule 3173 (Federally Mandated Ozone Nonattainment Fee - 2015 8-Hour Standard); and (3) authorize the Chair to sign the attached Resolution.

16. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Samir Sheikh shared the CARB update in Dr. Pacheco-Werner’s absence and referred Board Members to the written report. Mr. Sheikh highlighted that CARB approved the funding plan for Clean Transportation Incentives of \$624 million that includes a \$140 million funding plan called Community Facing programs that will have the Clean Cars for All as a large part of that program. Mr. Sheikh thanked Dr. Pacheco-Werner for her advocacy for the San Joaquin Valley.

EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh thanked Supervisor Chiesa and Councilmember Escutia-Braaton, along with the entire Board for the work and support with the Clean Air Ag press event in November. Mr. Sheikh also expressed appreciation for all of the great discussions and participation in the Study Session. Additionally, Mr. Sheikh shared the recent series of approval actions by EPA related to PM2.5 contingency which have stayed potential transportation funding sanctions on the Valley. Lastly, Mr. Sheikh shared some of the efforts by the District staff to serve the communities with charitable work that included: food drives, a holiday giving tree event to sponsor children, and a blanket drive.

18. GOVERNING BOARD MEMBER COMMENTS – Supervisor Robinson congratulated the calendar art winners from the Lee Richmond School that is located near his home. Councilmember Lewis thanked the staff for its effortless and smooth operations of the District and congratulated the STAR employee of the year recipients. Supervisor Rickman congratulated Chair Chiesa and Vice Chair Lewis for their continued service as Chair and Vice Chair.

19. CLOSED SESSION – After providing an opportunity for members of the public to comment on matters to be discussed, the Board recessed to closed session at 11:05 a.m.

ADJOURN – Chair Chiesa adjourned the meeting at 11:46 a.m.