

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

Thursday, January 18, 2024

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 9:12 a.m.
2. 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
Robert Macaulay, Supervisor	Madera County
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, PhD	Appointed by Governor
Lloyd Pareira, Supervisor	Merced County
Alvaro Preciado, Mayor ¹	City of Avenal
Gilberto Reyna, Councilmember	City of Wasco
Robert Rickman, Supervisor ²	San Joaquin County
Rusty Robinson, Supervisor	Kings County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County

Absent:

Rosa Escutia-Braaton

3. RECOGNITION OF OUTGOING GOVERNING BOARD MEMBER, COUNCILMEMBER BESSINGER – Samir Sheikh, Executive Director/APCO, recognized Councilmember Bessinger and thanked him for his service on the Board during his six-year term.

¹ Arrived at 9:15 a.m.

² Left meeting at 11:36 a.m.

Supervisor Chiesa thanked Councilmember Bessinger for the balance he has brought to the Board and his efforts to improve the health of residents throughout the Valley.

Dr. Pacheco-Werner shared her appreciation for Councilmember Bessinger always keeping public health as a top priority.

Supervisor Mendes commended Councilmember Bessinger for doing a spectacular job on the Board and for being an excellent representative for the City of Clovis.

Mayor Preciado thanked Councilmember Bessinger for his commitment to serving the community.

Supervisor Robinson thanked Councilmember Bessinger for always being a sound and trusted voice on the Board.

Councilmember Lewis echoed the sentiments of her fellow Board members and thanked Councilmember Bessinger for his service on the Board.

Supervisor Pereira shared his gratitude for Councilmember Bessinger's service on the Board.

Dr. Sherriffs shared his appreciation in serving on the Board with Councilmember Bessinger.

Supervisor Rickman thanked Councilmember Bessinger for serving on the Board.

Councilmember Bessinger thanked District staff and commended the District for being advocates for public health.

4. APPROVAL OF CONSENT CALENDAR – ITEM NUMBERS (15-23)

15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, DECEMBER 21, 2023

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD STUDY SESSION OF NOVEMBER 29 AND 30, 2023

17. RECEIVE AND FILE QUARTERLY UPDATE TO THE BEST AVAILABLE CONTROL TECHNOLOGY (BACT) CLEARINGHOUSE

18. CONTRACT WITH EXECUTIVE DIRECTOR/APCO
19. CONTRACT WITH DISTRICT COUNSEL
20. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2024
21. RECEIVE AND FILE SUMMARY OF RULES AND PLANS
22. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR THE MONTH OF DECEMBER 2023
23. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF DECEMBER 31, 2023

Public Comment: None

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

Motion unanimously carried to approve Consent Calendar (Items 15-23).

5. PUBLIC COMMENT – The following individual commented on under this item:
 - Connie Young, Citizens Climate Lobby (CCL)
6. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Chenecua Dixon, Director of Personnel, recognized the following staff members for reaching a service milestone during the fourth quarter of 2023:

Five Years of Service

Dylan Born, Air Quality Inspector
Carlos Hernandez-Ortiz, Senior Programmer Analyst
Michelle Ortiz, Senior Air Quality Specialist
Nzong Xiong, Air Quality Education Representative

Ten Years of Service

Eric McLaughlin, Air Quality Specialist

Fifteen Years of Service

Eden Estrada, Air Quality Specialist

Carolina Flores, Air Quality Specialist
Ruben Ibarra, Air Quality Field Assistant
Christina Sharp, Air Quality Specialist
Tim Van Dyne, Senior Network Systems Security Analyst

Twenty-five Years of Service

Souk Chay Thao, Program Manager

7. **RECEIVE AND FILE ANNUAL COMPREHENSIVE FINANCIAL REPORT AND SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023**
– Ryan Buchanan, Director of Administrative Services, introduced Fausto Hinojosa, from Price, Page, and Company who presented results from their audit of District financial statements for the fiscal year ended June 30, 2023. The auditors determined that the District’s financial statements present fairly, in all material respects, the financial position and the respective changes in financial position, for the fiscal year ended June 30, 2023. This determination represents a “clean report”, a positive audit outcome.

Chairman Chiesa thanked Mr. Hinojosa and his firm for all of their work on the audit and shared his appreciation of District staff for the ongoing great work.

Public Comment: None

8. **RECEIVE UPDATE ON DISTRICT’S AGRICULTURAL OPEN BURNING PHASE-OUT STRATEGY AND APPROVE ENHANCEMENTS TO AG BURN ALTERNATIVES GRANT PROGRAM INCLUDING ALLOCATION OF ADDITIONAL FUNDING** – Jon Klassen, Director of Air Quality Science and Planning, along with Todd DeYoung, Director of Grants and Incentives, presented updates on implementation of District’s agricultural open burning phase-out strategy, and recommended enhancements to the Ag Burn Alternatives Grant Program.

Supervisor Chiesa inquired about the Community Air Protection Program funds currently available. Mr. DeYoung responded that there is approximately \$60 million from the most recent award that is currently unprogrammed, and it will be programmed through the upcoming budget process.

Councilmember Bessinger commended the presentation and shared his support for this program.

Councilmember Lewis inquired about data in the presentation that showed decline in the amount of material burned starting in 2005. Mr. Sheikh responded that the decline corresponded with the ag burning prohibitions put into place through District Rule 4103. The primary alternative for the material during this time was biomass plants. With the shutdown of biomass plants starting in the mid-2010s, the burning of ag material increased until the new phase-out strategy

and the Ag Burn Alternatives Grant Program were put into place.

Supervisor Robinson inquired about the 2023 decline in material tonnage funded through the grant program. Mr. Sheikh responded that there are year-to-year variables such as the number and type of orchards/vineyards that are removed during the year that influence the total tonnage.

Mr. Robinson also asked for definition of an air curtain burner. Mr. DeYoung responded that an air curtain burner is a large box in which agriculture material is burned in a more efficient manner to reduce smoke and particulate matter. A curtain of air is used to trap the particulate matter, which causes the particulate matter to be reburned and reduced.

Dr. Pacheco-Werner thanked everyone involved in the hard work and advocacy to make sure this program has been successful. Additionally, Dr. Pacheco-Werner asked which type of measures will be in place to ensure that the alternatives practices will be used and illegal burning of the material will not take place. Mr. Sheikh explained that there will be continuing public education on the phase-out, and the enforcement program will continue to conduct surveillance and inspections out in the field to ensure material is not burned illegally.

Supervisor Pereira thanked the staff for the efforts in this program, and shared concerns that there will be orchards that are abandoned which would create potential fire hazards. Mr. Pereira inquired about possibly lowering the acreage cap to below 250 to possibly enhance the program. Mr. Sheikh responded that the program will be monitored and evaluated to ensure the focus remains on small farmers consistently with the Board's direction. A mid-year review of the program will be conducted with the possibility of additional recommendations to ensure the Board's priorities are being met.

Supervisor Mendes spoke about his support and appreciation for the work done on this program.

Dr, Sherriffs spoke of his appreciation of the creative program adjustments and balance that this program has demonstrated.

Supervisor Macaulay spoke of the need to find alternatives to dispose of woody debris in the mountain areas.

Supervisor Robinson inquired about how a medium sized farmer is determined in the program. Mr. Sheikh explained there are two size thresholds in this program. The smallest growers, those with 100 total acres or less within the Valley, receive an extra incentive of \$400/acre. The Board has also directed that 30% of the funding be set aside for smaller agricultural operations, those with less than 500 total acres within the Valley. Currently, there is not a medium threshold specified in the program.

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

- *Roger Isom, California Cotton Ginners and Growers Association (CCGA) & Western Agricultural Processors Association (WAPA)*
- *Manuel Cunha, Nisei Farmers League*

Moved: Mendes

Seconded: Sherriffs

Ayes: Bessinger, Couch, Lewis, Macaulay, Mendes, Pacheco- Werner, Pereira, Preciado, Reyna, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to (1) approve enhancements to District's Ag Burn Alternatives Grant Program to ensure continued cost-effective and broad program access to Valley growers, particularly smaller growing operations; (2) approve allocation of \$10,000,000 in additional funding for the Ag Burn Alternatives Grant Program to ensure continued program support during the final year of the phase-out strategy for agricultural open burning; and (3) upon CARB adoption of updated CAP Program guidelines to include the Ag Burn Alternatives Program (expected April 2024), allocate up to \$20,000,000 in existing CAP funding to the Ag Burn Alternatives Program for the remainder of FY 2023-24.

9. ACCEPT APPROVE THE DISTRICT'S 2024 LEGISLATIVE PLATFORM

– Tom Jordan, Senior Policy Advisor, presented the District's recommended 2024 Legislative Platform, including the following priorities to provide policy guidance and recognize the unique needs of the Valley in the coming year:

1. (State/Federal) Funding for Clean Air Projects
2. (State/Federal) Support Greenhouse Gas Reduction Measures that Provide for Local Criteria and Toxic Air Emissions Benefits
3. (State/Federal) Engagement on New Climate Initiatives to Maximize Opportunities for Achieving Goals of Reducing Local Air Pollution (Criteria/Air Toxics) and Greenhouse Gas Emissions
4. (State) Supporting Impacted Communities
5. (State/Federal) Transformational Investment in Low Carbon Programs
6. (Federal) Work with Federal Government to Advance Streamlined and Efficient Implementation of Clean Air Act Mandates
7. (Federal) National Standards for On-Road Heavy-Duty Trucks, Locomotives, and other Mobile Sources under Federal Jurisdiction
8. (State/Federal) District Policy Position on the Deployment of Near-Zero and Zero Emission Technologies

9. (State/Federal) Infrastructure for Next Generation of Clean Vehicles and Equipment
10. (State) Small Agricultural Truck Fleet Assistance Program
11. (State/Federal) Support Efforts that Provide for Cost-Effective Alternatives to Open Burning of Agricultural Waste
12. (State/Federal) Support Efforts that Address Drought, Water, and Air Impacts
13. (State/Federal) Support Clean Air Technology Demonstration Efforts
14. (State/Federal) Support Development of Underfired Charbroiler Technology Certification and Demonstration Program
15. (State) Support Local and State Efforts to Reduce the Availability and Use of Illegal Fireworks
16. (State/Federal) Support Adequate Resources and Policies to Reduce the Impact of Wildfires and their Attendant Public Health Impact

Lynn Jacquez of Husch Blackwell (District's federal legislative advocate) provided an update on federal legislative efforts. Sylvia Solis Shaw of Shaw, Yoder, Antwih, Schmelzer, and Lange (District's state legislative advocate) provided an update on state legislative efforts.

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

- *Nancy Richardson, Resident*
- *Connie Young, Resident*

Moved: Mendes

Seconded: Sherriff

Ayes: Bessinger, Couch, Lewis, Macaulay, Mendes, Pacheco- Werner, Pareira, Preciado, Reyna, Robinson, Sherriffs, Shuklian, Chiesa

Nays: None

Motion unanimously carried to approve the District's 2024 Legislative Platform.

10. UPDATE APPOINT AD HOC SUBCOMMITTEE FOR HEARING BOARD REAPPOINTMENTS – Annette Ballatore, District Counsel, explained that at the end of February 2024, the terms of the public members of the District's Hearing Boards will expire and the Governing Board must consider potential reappointment of the existing members. Ms. Ballatore recommended the Board appoint two Governing Board members from each region to serve on an Ad Hoc Subcommittee to review, evaluate, and make recommendations regarding reappointment of the Hearing Board members.

Chairmen Chiesa appointed Councilmember Lewis, Supervisor Macaulay, Supervisor Mendes, Supervisor Pareira, Councilmember Reyna, and Supervisor Shuklian to serve on the Ad Hoc Subcommittee for the Hearing Board reappointments.

11. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Dr. Pacheco-Werner shared CARB’s focus on engaging in the implementation of the state regulations adopted over the past two years. CARB will be looking to increase engagement with various stakeholders, including agricultural, industry, and environmental justice groups to ensure effective implementation.
12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh discussed the upcoming January 31st meeting of the Special City Selection Committee, which consider appointing a replacement for Councilmember Bessinger as one of the large-city representatives on the Board and reappointing Vice Chair Lewis. Additionally, Mr. Sheikh shared the recent award of a \$56 million grant for a corridor project involving heavy-duty truck charging, efforts that are underway to secure funding in the governor's budget for key air quality programs, and the District’s participation in the World AG Expo in Tulare to promote ag-related programs. Lastly, Mr. Sheikh announced the alternatives to fireworks incentive program is set to launch in the first week of February.
13. GOVERNING BOARD MEMBER COMMENTS – Dr. Pacheco-Werner applauded the District for such great successes last year and the historic grant that was just awarded.

Councilmember Lewis appreciated the great discussion today on agricultural burning and looks forward to the start of the alternatives to fireworks program.

Councilmember Bessinger thanked the District for the recognition and plaque that he received today.

14. 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 12:04 p.m. A summary of any reportable actions taken in closed session will be provided to the Clerk of the Board, which will be available to the public upon request.

Public Comment: None

ADJOURN – Chair Chiesa adjourned the meeting at 12:27 p.m.