

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

Thursday, March 21, 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 9:03 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
David Couch, Supervisor	Kern County
Rosa Escutia-Braaton	City of Modesto
Robert Macaulay, Supervisor	Madera County
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, PhD ¹	Appointed by Governor
Lloyd Pareira, Supervisor ²	Merced County
Alvaro Preciado, Mayor ³	City of Avenal
Gilberto Reyna, Councilmember ⁴	City of Wasco
Robert Rickman, Supervisor	San Joaquin County
Rusty Robinson, Supervisor	Kings County
Alexander Sherriffs, M.D. ⁵	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Elizabeth Wynn, Councilmember	City of Visalia

Absent:

None

¹ Arrived at 9:07 a.m.

² Arrived at 9:08 a.m.

³ Arrived at 9:08 a.m.

⁴ Arrived at 9:12 a.m.

⁵ Arrived at 9:28 a.m.

4. APPROVAL OF CONSENT CALENDAR – ITEM NUMBERS (15-24)
 15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, FEBRUARY 15, 2024
 16. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2024
 17. RECEIVE AND FILE SUMMARY OF RULES AND PLANS
 18. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR THE MONTH OF FEBRUARY 2024
 19. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF FEBRUARY 29, 2024
 20. APPROVE AMENDMENT TO AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR SPECIALIZED LABOR/MANAGEMENT LEGAL SERVICES
 21. APPROVE LEGAL RETENTION AGREEMENT WITH SHUTE, MIHALY& WEINBERGER LLP
 22. AMEND CONFLICT OF INTEREST CODE
 23. APPOINTMENTS TO THE DISTRICT'S ENVIRONMENTAL JUSTICE ADVISORY GROUP
 24. REAPPOINTMENTS TO THE DISTRICT'S ENVIRONMENTAL JUSTICE ADVISORY GROUP

Public Comment: None

Moved: Rickman
Seconded: Escutia-Braaton
Ayes: Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Rickman, Robinson, Shuklian, Wynn, Chiesa
Nays: None

Motion unanimously carried to approve Consent Calendar (Items 15-24).

5. PUBLIC COMMENT – The following individual commented on under this item:

- John Sanders, Resident
- Manuel Cunha, Nisei Farmers League (NFL)
- Connie Young, Citizens Climate Lobby (CCL)
- Thomas Menz, Resident

6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Chairman Chiesa referred Board Members to the written report.

7. ACCEPT AND APPROPRIATE UP TO \$2,000,000 IN SUPPLEMENTAL ENVIRONMENTAL PROJECT FUNDING TO SUPPORT VALLEY-WIDE CLEAN AIR ROOMS RESIDENTIAL AIR FILTRATION INCENTIVE PROGRAM –

Jessica Olsen, Director of Community Strategy and Resources, presented this item seeking the Governing Board's approval to accept and appropriate state supplemental environmental project funds for the support of the program to provide residential air filtration devices to low-income and disadvantaged community households throughout the San Joaquin Valley.

Supervisor Chiesa asked about the status of the waitlist for the program. Ms. Olsen responded that the waitlist is at approximately 1,300 households, which equates to approximately \$250,000.

Councilmember Lewis inquired about the possibility of reallocating funds based on participation levels. Ms. Olsen shared that the current participation levels are indicating that the demand seems proportional to each county. Mr. Sheikh also mentioned that the threshold for fund reallocation is substantial, requiring significant time and effort before reallocating funds.

Supervisor Macaulay asked if these could be considered to be used in classrooms or evacuation centers. Mr. Sheikh mentioned that the District's Clean Air Centers program, which utilizes larger-scale, commercial-grade air filters in community centers, might be more suitable for these purposes.

Supervisor Macaulay also inquired about the programs ability to prioritize applicants with health conditions and if there is a way to flag those priority applications. Mr. Sheikh responded that the current adopted program is first-come, first-serve; therefore, the applications are processed as received. Ms. Olsen additionally shared that the applications do have optional health-related questions to asses who is participating in the program.

Mayor Preciado asked about utilizing non-profit organizations to assist with outreach of the program in rural areas. Mr. Sheikh and Ms. Olsen both agreed that these types of partnerships are a great resource for getting the word out about the program. Mr. Sheikh shared the importance building partnerships with these organizations continually to provide information and access to District

programs.

Councilmember Escutia-Braaton commended the District on this program and inquired if there are any communication efforts to educate the recipients about replacement filters. Ms. Olsen shared that the filters generally last six to seven months and devices do come with one additional filter.

Supervisor Shuklian inquired about the average cost of replacement filters. Ms. Olsen replied that replacement filters average between \$35 to \$40.

Supervisor Robinson asked if there was information available for the residents who do not qualify for this program on how to purchase these devices. Ms. Olsen shared that the District website contains links to resources on how to purchase CARB-certified air filtration devices.

Dr. Pacheco-Werner suggested integrating communication on the outreach for this program to remind the public to change their air filters periodically.

Public Comment: *The following individuals commented on this item:*
None

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

Motion unanimously carried to (1) accept and appropriate up to \$2,000,000 in funding through the California Air Resources Board Supplemental Environmental Project Program to support the Valley-wide Clean Air Rooms program to provide residential air filtration devices to low-income and disadvantaged community households throughout the San Joaquin Valley; (2) authorize the Executive Director/APCO on behalf of your Board to enter into any necessary agreements with CARB, equipment vendors, retail partners and/or subcontractors to administer the Supplemental Environmental Project, and to make administrative changes to the program as necessary to ensure successful implementation of the program; and (3) approve the attached Budget Resolution for the 2023-24 District Budget to appropriate up to \$2,000,000.00 in state funds (includes 6.25% in funding to cover the District's administrative costs).

8. ALLOCATE UP TO \$600,000 IN ADDITIONAL FUNDING FOR THE DISTRICT'S CLEAN ALTERNATIVES TO FIREWORKS PILOT INCENTIVE PROGRAM – Todd DeYoung, Director of Strategy and Incentives, presented this item seeking Board approval to allocate up to an additional \$600,000 in funding for the District's Clean Alternatives to Fireworks Pilot Incentive Program.

Supervisor Chiesa asked if there would be sufficient time for applicants to provide the necessary information to calculate emission reductions. Mr. DeYoung responded that most applications contained information that explained proposed emission reductions and that there were many options of what would be acceptable information.

Supervisor Shuklian inquired if applicants had to have an existing firework show to qualify and where the additional funding was being sourced. Mr. DeYoung explained that since it is a pilot program, there was not specific requirement that that the shows be existing. The additional funding is coming from the District's community incentive funds.

Supervisor Robinson shared his appreciation for this program and asked if it would be returning next year. Mr. Sheikh responded that since it is a pilot program, future discussions will be necessary to evaluate the success of the pilot and determine the interest in moving forward with the program.

Supervisor Robinson inquired about the types of pollutants this program is hoping to mitigate. Mr. Sheikh responded that the list includes PM2.5, along with different metals and toxic compounds emitted from the fireworks.

Dr. Sherriffs shared his appreciation for this program with the adverse health impacts in the 24-48 hours following these fireworks shows, additionally he asked what are the cost comparisons between traditional fireworks shows and the alternatives. Mr. DeYoung responded that in general fireworks are less expensive.

Supervisor Rickman asked with the additional funding, would the application process be reopened. Mr. DeYoung responded that the additional funding would go towards filling eligible applications that were already received.

Councilmember Lewis shared that this could be an opportunity to work with local police and fire departments to encourage ordinance changes for firework use.

Supervisor Macaulay shared that Bass Lake had a few laser light shows that were not very well received, he is hopeful that as a pilot program, diligence is taken in measuring its success and cost effectiveness.

Mayor Preciado shared his thoughts on the importance of community leaders to support the different ways to reduce pollution and sees this pilot program as a way to provide these reductions.

Councilmember Escutia-Braaton asked if we intend for the applications to be reimbursed for this year or next year. Mr. DeYoung responded that goal is to establish agreements before upcoming events, with reimbursements for this year's events once applications are finalized and agreements are in place.

Councilmember Reyna asked if there were ways to improve outreach to have better participation in all counties. Mr. Sheikh responded that the District is always looking for ways to improve outreach with all programs and would appreciate any suggestions to improve. Additionally, Mr. Sheikh shared that if this program continues, there would be future discussions with the Board to determine the program guidelines.

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

- *Manuel Cunha, Nisei Farmers League (NFL)*
- *Thomas Menz, Resident*

Moved: *Pareira*

Seconded: *Shuklian*

Ayes: *Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Wynn, Chiesa*

Nays: *None*

Motion unanimously carried to (1) allocate up to an additional \$600,000 in funding (for a total of \$850,000) for the District's Clean Alternatives to Fireworks Pilot Incentive Program to help offset the cost of integrating drone light shows, or other approved alternatives, in large-scale public displays; and (2) authorize District staff to fund all eligible applications received during the open solicitation period for the Clean Alternatives to Fireworks Pilot Incentive Program.

9. ADOPT PROPOSED AMENDMENTS TO RULE 4905 (NATURAL GAS-FIRED, FAN-TYPE CENTRAL FURNACES) – Jon Klassen, Director of Air Quality Science and Planning, requested approval of proposed amendments to Rule 4905.

Dr. Sherriffs spoke about collaborating with other air districts to help manufacturers move towards better technology. Mr. Sheikh responded that there will be the need for a lot of collaboration to evaluate this issue, and that manufacturing is currently moving towards zero emission appliances.

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

- *Thomas Menz, Resident*

Moved: *Pareira*
Seconded: *Escutia-Braaton*
Ayes: *Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Wynn, Chiesa*

Nays: *None*

Motion unanimously carried to (1) Adopt proposed amendments to Rule 4905 (Natural Gas-Fired, Fan-Type Central Furnaces), and (2) authorize the Chair to sign the attached Resolution.

10. RECEIVE AND FILE DISTRICT'S ANNUAL AIR TOXICS REPORT FOR 2023
– Seth Lane, Program Manager, presented the District's Annual Air Toxics Report for 2023.

Dr. Pacheco-Werner asked about the map showing higher cancer risk in the areas around Fresno and Bakersfield relative to the areas along the I-5 corridor. Mr. Sheikh responded that there is a concentration of activity along the Hwy-99 corridor, particularly in areas like Fresno and Bakersfield that have major highway interchanges. Furthermore, the maps reflect population-weighted risk and the Valley's population centers are primarily along the Hwy-99 corridor.

Public Comment: *The following individual(s) commented on this item:*

- *Thomas Menz, Resident*

Moved: *Mendes*
Seconded: *Lewis*
Ayes: *Couch, Escutia-Braaton, Lewis, Macaulay, Mendes, Pacheco-Werner, Pareira, Preciado, Reyna, Rickman, Robinson, Sherriffs, Shuklian, Wynn, Chiesa*

Nays: *None*

Motion unanimously approved to (1) receive and file the District's Annual Air Toxics Report for the Year 2023, and (2) authorize District staff to distribute the report to county boards of supervisors, city councils, and local health officers, and make the report publicly available on the District website.

11. VERBAL UPDATE ON CALIFORNIA AIR RESOURCES BOARD – Dr. Pacheco-Werner shared that CARB is working on upcoming rulemakings, including urban fuel standards and emission regulations for forklifts. Dr. Pacheco-Werner also stated that she will follow up and discuss with CARB staff the challenges that were shared by the public today regarding the omnibus regulations.

12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh provided an update on a recent trip to Sacramento that focused on advocacy efforts for the FARMER program. He thanked Chairman Chiesa, Councilmember Escutia-Braaton, and Mayor Preciado for their participation in representing the interests of the Valley during the trip. Mr. Sheikh also shared upcoming outreach events in April and May including; Air Quality Awareness Week, Earth Day, Bike to Work Week, and an upcoming Community Clean Air Day event in June.
13. GOVERNING BOARD MEMBER COMMENTS – Supervisor Mendes thanked ITS staff for the work they do behind the scenes to make the meetings run so smoothly. Councilmember Escutia-Braaton provided an update on the trip to Sacramento and recognized Mr. Sheikh and the work by District staff as they received recognition for the great work being done. Supervisor Macaulay thanked Mr. Sheikh and District staff for joining him to meet with North Fork Community Power. Dr. Pacheco-Werner discussed the importance of considering cumulative impacts within the Alternative to Fireworks program. Supervisor Robinson thanked the District staff for all of the great work being done.
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 11:17 a.m.

Public Comment: None

ADJOURN – Chair Chiesa adjourned the meeting at 12:11 p.m.