



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

DRAFT
ENVIRONMENTAL JUSTICE STRATEGY

October 2006

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

I. PURPOSE

The San Joaquin Valley Air Pollution Control District (the District) is dedicated to the achievement of Environmental Justice¹. In recent years the District has sought to expand multi-lingual outreach through its marketing and advertising campaigns. Furthermore, the District is committed to an open and transparent public participation process in all activities including the permitting process, rule making, plan development and enforcement. The District is committed to identification, public notification and risk reduction through its Air Toxics Hot Spots Program². Using the California Environmental Quality Act (CEQA)³ process the District has provided valuable technical expertise on land-use decisions throughout the Valley. The District responds to public complaints with thorough investigations, implementation of necessary corrective actions, and feedback and communication with the complainants.

The District has developed this Environmental Justice Strategy to identify and address any gaps in existing programs, policies and activities that may impede the achievement of environmental justice. This strategy is the overarching environmental justice vision for the District. It sets forth the mission and goals that will guide the District in further integrating environmental justice into our programs, policies and activities.

The draft Environmental Justice Strategy is the product of collaboration between District staff and EJ Advocates. It creates a foundation to further address environmental justice issues; shall be reviewed regularly; and shall be reevaluated and revised as necessary in consideration of evolving environmental justice issues, programs, policies and activities.

This strategy builds upon the work already begun by District staff it formalizes current and future actions, and expands the District's commitment to protect the health of

¹ Environmental Justice (EJ) is defined in California law (Government Code section 65040.12.e) as "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations and policies."

² AB 2588 (Connelly) Air Toxics "Hot Spots" Information and Assessment Program: A California program (Health and Safety Code Section 44300 et seq.) which requires certain stationary sources to report the type and quantity of specific toxic substances they routinely release into the air. The program identifies high priority facilities and requires facilities posing significant risks to notify all exposed individuals, <http://www.arb.ca.gov/html/gloss.htm>.

³ The California Environmental Quality Act was adopted in 1970 and incorporated in the Public Resources Code §§21000-21177. Its basic purposes are to: inform governmental decision makers and the public about the potential significant environmental effects of proposed activities; identify ways that environmental damage can be avoided or significantly reduced; require changes in projects through the use of alternatives or mitigation measures when feasible, and; disclose to the public the reasons why a project was approved if significant environmental effects are involved. CEQA applies to projects undertaken, funded or requiring an issuance of a permit by a public agency. The analysis of a project required by CEQA usually takes the form of an Environmental Impact Report (EIR), Environmental Impact Statement (EIS), Negative Declaration (ND), or Environmental Assessment (EA). CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof. <http://www.ceres.ca.gov/ceqa/>.

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Environmental Justice Communities⁴ and all Valley residents. The purpose of this strategy is to build a framework that can be used by the District to protect the health of Valley residents that may be disproportionately affected by air pollution.

⁴ Executive Order 12898 (http://www.epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf) defines environmental justice communities as minority and low-income populations with disproportionately high and adverse human health or environmental impacts.

II. STRATEGY DEVELOPMENT

A. Process

In fall 2004, a group of Environmental Justice advocates requested that District staff meet with them to discuss issues of concern and address questions relating to Environmental Justice. District staff met with these EJ advocates and discussions led to the possible development of a formal Environmental Justice Strategy. The result of that initial meeting was a series of discovery meetings between key District staff, including the Deputy APCO, and EJ advocates. Between fall 2004 and spring 2006, these entities met to draft a preliminary EJ mission, goals and action items outlined in this Draft Environmental Justice Strategy.

As part of the formal strategy development process, the District will solicit input from the Citizen's Advisory Committee (CAC). The CAC, which represents a broad range of industrial, governmental and environmental interests, will provide comprehensive feedback on the development of the strategy.

Additionally, as development of this strategy moves forward, District staff will conduct public workshops throughout the San Joaquin Valley. The purpose of the workshops is to present the specifics of the draft Environmental Justice strategy and to collect information that will be useful in further developing the final Environmental Justice strategy document. District staff will also solicit comments from interested parties and stakeholders. This draft version of the District's Environmental Justice Strategy will be presented at the workshops.

B. Timeline

The tentative schedule for public hearing before the Citizens Advisory Committee (CAC) is the second quarter of 2006. Public workshops and Governing Board action will follow the CAC review and recommendation.

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III. BACKGROUND

The District serves the eight-county area in Central California from San Joaquin County in the north to the valley portion of Kern County in the south. Over the past 25 years, prior to and since unification, the District has worked collaboratively with local stakeholders and interest groups to make substantial progress toward achieving federal and state air-quality standards. The region experienced an 86% reduction in the number of violations of the federal one-hour ozone standard between 1980 and 2004. Furthermore, three consecutive years without any exceedence of the PM10 standard will allow the region to apply for PM10 attainment status in 2006. Innovative strategies and groundbreaking rules, such as the Indirect Source Review, the Residential Fireplace Curtailment Program, and Conservation Management Practices, have allowed the region to become a world leader in air-quality management despite topographical and meteorological challenges.

Although significant progress has been made, the San Joaquin Valley is still not in attainment with the health-based ambient air quality standards for the eight hour ozone and the PM 2.5.

Today, the region is experiencing tremendous growth. According to the Great Valley Center's 2005 Indicators Report, the population is expected to grow by 24% between 2000 and 2010⁵. This dramatic rise in population would take the Valley from its current population of roughly 3.7 million people in 2000 to more than 4 million people in 2010.

Tulare and Fresno Counties have the highest rates of poverty in the state at 24% and 23% respectively, while California's rate is 14.2%. Thirty-seven percent of children in the Valley live in poverty, well above the statewide average of 22%. Just last year, the Brookings Institution reported that the City of Fresno had population clusters with the highest rates of poverty in the nation, second only to New Orleans.⁶ Although the District is committed to addressing the EJ needs of the entire region, the District acknowledges the finding of the Brookings Institution that certain communities may be disproportionately impacted by poor air quality.

Furthermore, the Valley has a diverse racial demographic profile. According to the California Research Bureau, 45% of Valley residents classify themselves as being white or Caucasian; 41% of Valley residents classify themselves as being Hispanic or Latino; 5% Valley residents classify themselves as being Asian-American; 4% of Valley residents classify themselves as being African-American; 1% of Valley residents classify themselves as being Native-American; and 4% of Valley residents classify themselves as being of some other race.⁷ Finally, the Valley has a high percentage of

⁵ Great Valley Center, "Assessing the Region Via Indicators; The Economy 1999-2004", January 2005.

⁶ The Brookings Institution, "Katrina's Window, Confronting Concentrated Poverty Across America", October 2005.

⁷ California Research Bureau, "San Joaquin Valley: Selected Statistics on Population, Economy and Environment," May 2002

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English learners. Twenty-four percent of the students enrolled in Valley schools are classified as English learners. These statistics indicate a diverse and dynamic population with varying needs. This Environmental Justice Strategy is intended to reflect and serve the needs of low-income and people of color communities.

According to the recommendations of the Cal/EPA Advisory Committee on Environmental Justice, "The Environmental Justice movement is deeply rooted in civil rights, and the struggles of people who have historically been marginalized. In their fight to be treated fairly and accorded equal protection under all of our nation's laws, they have demanded equal protection of their health and environment."⁸

Environmental Justice initiatives have both a federal and state historical framework. Title VI of the 1964 Civil Rights Act states, "No agency receiving federal funding shall exclude from participation, deny the benefits to, or discriminate against any person on the basis of race, color, or national origin."⁹

Furthermore, Environmental Justice was extended to address disparity among economic groups in 1994, when a newly inaugurated President Clinton issued Executive Order 12898: 'Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.' The executive order states, "To the greatest extent practicable and permitted by law ... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effect of its programs, policies and activities on minority populations and low-income populations in the United States..."¹⁰

In the late 1990s and early 2000s, the state of California passed several laws that further defined and developed Environmental Justice policies on a state-wide level. For example, SB 115 established the Office of Planning and Research as the coordinating agency for Environmental Justice Policy throughout state government¹¹, AB 1553 addressed the guidelines for cities and counties to utilize when incorporating Environmental Justice into general plans¹², and AB 1390 requires air districts to target 50% of incentive funding under Carl Moyer and the school bus program at communities most significantly affected by air pollution and/or communities with high minority / low income demographics.¹³

Environmental Justice policy development in California continues to evolve, and the San

⁸ California Environmental Protection Agency (CAL/EPA) Advisory Committee. "Recommendations of the California Environmental Protection (CAL/EPA) Agency Advisory Committee on Environmental Justice to the CAL/EPA Interagency Working Group on Environmental Justice; Final Report," September 20, 2003

⁹ <http://www.usdoj.gov/crt/cor/coord/titlevi.htm>

¹⁰ <http://www.fs.fed.us/land/envjust.html>

¹¹ http://leginfo.public.ca.gov/pub/99-00/bill/sen/sb_0101-0150/sb_115_bill_19991010_chaptered.pdf

¹² <http://www.calepa.ca.gov/Legislation/2001/Chaptered.htm>

¹³ <http://www.calepa.ca.gov/Legislation/2001/Chaptered.htm>

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Joaquin Valley Air Pollution Control District's Environmental Justice Strategy intends to both contribute to and guide that evolution for years to come. [Towards that end, this Environmental Justice Strategy will fully adhere to state law and will be consistent with state and federal Environmental Justice policies.](#)

Continuing challenges necessitate an increased District focus on Environmental Justice. Improved partnerships with all members of the community are necessary not only to improve public education and involvement in the [public](#) decision-making process, but also to address the need for increased funding from state and federal levels for technology retrofits and upgrades. Increases in the funding of school bus upgrades and goods movement infrastructure, and greater effort by the state and federal government to control mobile source emissions are just a few examples of how a strong relationship between the District, Environmental Justice organizations, and business representatives might produce quantifiable emission reductions in the Valley.

IV. STRATEGIC DIRECTION

The District's Environmental Justice Strategy's mission, goals and action items provide the roadmap by which the District will be guided in integrating environmental justice principles into all programs, policies and activities.

A. Environmental Justice Mission

The San Joaquin Valley Air Pollution Control District (the District), a public-health agency protecting the health of all San Joaquin Valley residents, is committed to the fair treatment and meaningful involvement of all people regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of air pollution control laws, regulations and policies. The District will continue to incorporate Environmental Justice (EJ) [principles](#) in its decision-making processes, programs, permitting, and rule making, as well as provide timely and complete access to information.

B. Goals

The District's Environmental Justice Mission will be accomplished by the following goals:

1. Provide effective tools, resources and opportunities for Valley residents and community-based organizations to identify issues of interest and concern.
2. Provide accessible venues for Valley residents to receive education and information about air-quality challenges and current District air quality actions while facilitating the active and meaningful participation of individuals and communities in the decision-making process and in the implementation of effective solutions.
3. Take a pro-active role in providing guidance to local land-use decision-making agencies to [implement reasonable measures to prevent prevent](#) disparate environmental impacts to local communities, and minimize the impacts from existing and new sources.
4. Work to quantify and pursue reasonable regulatory and incentive based-programs that mitigate toxic emissions with a focus on [those communities disproportionately low-income and communities of color](#) impacted by multiple sources. Identify and address those communities that may be disproportionately impacted by air pollution [due to socio-economic factors](#), and work to develop reasonable strategies to address this disparity.
5. Provide public notification to impacted communities when exposure to significant air-toxics events occurs, and work to reduce risk associated with these events.

C. Achieving the Goals

The District's Environmental Justice Strategy provides a comprehensive, long-term, overarching vision, as reflected in our environmental justice goals. Our environmental justice goals, activities and initiatives outline both current and future steps necessary toward fulfilling the District's mission.

V. ONGOING ACTIVITIES

The District's commitment to Environmental Justice spans beyond the context of this strategy. The District is currently engaged in several ongoing programs to improve communication and access to and involvement from all members of the public.

1. Community Access and Involvement

- a. The District facilitates monthly "Community Meetings," and EJ continues to be a focus of this group.
- b. The District is investigating the possibility of providing, as requested, real-time interpretation services for high-profile and EJ-focused forums or meetings.
- c. The District will provide mass transit information to facilitate travel to the three District offices while also providing scholarship funds for EJ representatives to attend important District meetings.
- d. The District conducts outreach to EJ organizations for nominations for the CAC Environmental Representative vacancies.
- e. The District is testing a pilot program to web-cast the video and audio from Governing Board meetings in real-time.
- f. The District will continue to provide meaningful opportunities for EJ advocates and all interested parties to fully participate in the rule development process.
- g. The District shall provide EJ advocates [and the public](#) rule development and supporting documents, upon request.

2. Multi-Lingual Outreach and Access

- a. The District has hired a Spanish-speaking outreach representative. This outreach representative will foster a strong relationship with the non-English speaking media outlets to ensure a high level of media coverage.
- b. The District produces outreach materials and advertising campaigns in multiple languages and provides multi-lingual outreach literature for schools.
- c. The District encourages public participation in the permitting process, and will work to provide easy to understand summaries of plans and reports of interest in multiple languages.

- d. The District supports multi-lingual collaborative outreach activities, such as the American Lung Association Air Quality Flag Program.

3. Risk Reduction

- a. The District implements the rigorous requirements of the Air Toxics Hot Spots program and will place the ARB Toxics Hot Spot link and additional toxics information on the website. The District will continue to develop and enforce regulations for control of toxic air-contaminant emissions. The District will maintain an up-to-date registry of sources of significant air toxics and facilitate access to this information via the website.
- b. The District performs public health evaluations as part of the permitting process for new and modified sources, and responds to [credible-all](#) complaints¹⁴. The District will also effectively communicate the public health study results of significant risks to the public.

4. Economic Incentives for Accelerated Mitigation

The District will seek to work collaboratively with EJ advocates and other stakeholders to support key legislation and other action, to secure increased state and federal funding for mobile, stationary, and indirect source mitigation.

¹⁴ ~~A “complaint” is when a member of the public has filed a concern or grievance with the District either verbally or in writing. A District inspector then investigates the reporting individual’s complaint to see if a rule violation has occurred.~~

VI. NEW INITIATIVES

Through these initiatives the District plans to build upon current Environmental Justice strengths to better serve the needs of all Valley residents.

1. Advisory Committee

The District will establish an EJ advisory group to collaboratively educate the public and community stakeholders about current District activities and air quality in general. This group will review overarching District programs and strategies to provide feedback. This group will be comprised of representatives, serving [a specified two-year terms](#), from throughout the EJ community including but not limited to business, health, agricultural, and non-profit communities. [The District is currently soliciting suggestions on the size, qualifications, length of term and representation sector categories of this committee, will be actively solicited from the Citizens Advisory Committee \(CAC\). The District invites additional comments on the feasibility and manner in which the Citizens Advisory Committee might serve as the EJ advisory group.](#) This established advisory group will work collaboratively to educate the public and community stakeholders about current District activities and air quality in general. The group will compile and present an annual EJ strategic update to the community.

2. Town Hall Meetings and Training Opportunities

- a. The District will host a series of “Town Hall” meetings in collaboration with the public, stakeholders, industry and EJ organizations to educate individuals about current air-quality issues and actions, and to share input on how the District can improve the public participation process.
- b. District will offer the certification program for smoke school to the public.

3. Multilingual Technology Support

The District will add a Spanish-language component to the website including a Spanish AQI. The District will continue to post real-time air quality data on its website and provide easy to understand explanations in Spanish.

4. Land-Use Decision Guidance

The District will work to develop a methodology to quantify the cumulative impact¹⁵ of proposed projects, taking into account outdoor pollution exposure and indirect contributors to risk, while also complying with the CEQA process. District will work to develop a Guidance Document that incorporates EJ goals and concepts into land-

¹⁵A ‘cumulative air quality impact’ often is often used to describe possible health and nuisance impacts potentially related to a neighborhood’s cumulative emissions from sources that individually comply with local, state and federal rules.

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use decisions. [The District will review and build upon current work being completed by other agencies and districts that provides guidance on the quantification of cumulative impacts.](#)

VII. CONCLUSION

With this environmental strategy, the San Joaquin Valley Air Pollution Control District provides the overarching vision and leadership toward ensuring all San Joaquin Valley residents benefit from healthier air as a result of the operation or execution of our programs, policies, and activities. The District is dedicated to the integration of environmental justice principles and goals into our public health and air-quality programs, policies and activities.

In working to ensure that all San Joaquin Valley residents are afforded fair treatment, accessibility, and protection in a clean, healthy environment; we are also working to improve the productivity of our workforce and, thus, helping to build a stronger economic climate in the Valley. We seek to build upon the mutually beneficial relationship between a healthy environment and our economy, communities and quality of life.

The District's Environmental Justice strategy's mission, goals and action items shall provide the framework upon which the District will be guided in achieving further environmental justice Valley-wide. As a living document, this strategy shall be reviewed within a year of its adoption, and regularly revised as necessary in consideration of evolving environmental justice issues, programs, policies and activities.

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VI. ACKNOWLEDGEMENTS

This environmental justice strategy is the product of collaboration among the San Joaquin Valley Air Pollution Control District and environmental justice advocates. The development of this strategy could never have been completed without the commitment and input of these individuals. The District wishes to thank all who participated in this effort.

- Susana DeAnda, Center on Race, Poverty and the Environment
- Teresa DeAnda, Californians for Pesticide Reform & El Comité Para el Bienestar de Earlimart
- Rey León, Latino Issues Forum
- Rosenda Mataka, Grayson Neighborhood Council
- Tracy Pepper, League of Women Voters
- Carolina Simunovic, Fresno Metro Ministry & Central Valley Air Quality Coalition
- Daniela Simunovic, Fresno Metro Ministry
- Kevin Hamilton, RRT, Medical Advocates for Healthy Air
- Christine Foster, Tulare County Asthma Coalition
- Sandra Guzman*, Native American Health Center
- Toulou Thao, Hmong American Political Association

*The EJ advocates would like to acknowledge the substantial contributions from Sandra Guzman, a native from the San Joaquin Valley and past board member to the Native American Health Center. Sandra Guzman passed on in late 2005.