

Action Summary Minutes  
San Joaquin Valley Unified Air Pollution Control District

**ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG)**

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

**Monday, August 17, 2009**  
**11:00 a.m.**

*The Environmental Justice Advisory Group 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 the Northern Region  
Office, VTC Room, 4800 Enterprise Way, Modesto*

1. CALL TO ORDER – The meeting was called to order at 11:08 a.m.
2. ROLL CALL – was taken and a quorum was present to hold a meeting:

County	Member Name/Interest Group	Location
San Joaquin	Jeremy Terhune, At-large Rep.	Central
Stanislaus	Rosenda Mataka, At-large Rep.	North
Merced	Melissa J. Kelly Ortega, At-large Rep.	Central
Madera	Catherine Garoupa, At-large Rep.	Central
Fresno	Riley Jones, CAC	Central
	Kevin Hamilton, CAC	Central
	Amarpreet Dhaliwal, CAC	Central
Kern	Linda MacKay, At-large Rep.	Central
Kings	Andre Booker*, At-large Rep.	Central
Fresno	Lourdes Medina**, At-large Rep.	Central

\*Arrived at 12:42 p.m.

\*\*Arrived at 12:25 p.m.

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Samir Sheikh, ERIP Director; Scott Nester, Planning Director; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative; Jaime Holt, Chief Communications Officer; Dave Warner, Director of Permit Services; Jon Adams, Director of Compliance.

Staff present in Southern Region Office (Bakersfield) – Emily Gonzalez-Demont, Administrative Analyst.

Staff present in Northern Region Office (Modesto) – Anthony Presto, Air Quality Education Representative.

Members of the public present – Betsy Reifsneider (North); Rey Leon, Laura Crandall, Derek Williams, Daniela Simunovic, Alegria De La Cruz (Central); Tom Frantz (South).

3. APPROVE MINUTES OF MONDAY, JUNE 15, 2009 – Ms. Mataka asked that minutes should reflect discussion regarding having legal counsel present.

*Moved:* Mataka  
*Seconded:* Terhune  
*Ayes:* Kelly-Ortega, Garoupa, Jones, Hamilton, MacKay, Booker, Medina, Mataka, Terhune  
*Nays:* None  
*Abstain:* Dhaliwal

***Motion passes 9-0 with one abstention, to approve the Minutes of the June 15, 2009 EJAG meeting.***

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – None.
5. CHAIR COMMENTS – None.
6. RULES UNDER DEVELOPMENT – Scott Nester, Director of Planning provided an overview of the Summary of Draft Rules and Plans document, dated August 4, 2009. In addition to the information provided in the Summary, he reported the June adoption for Rule 4692 (Commercial Charbroiling) was continued to August 20, 2009. He also stated Rule 4602 (Motor Vehicle Assembly Coatings); Rule 4653 (Adhesives); Rule 4603 (Surface Coating of Metal Parts and Products); Rule 4684 (Polyester Resin Operations); and proposed new Rule 4695 (Brandy Aging and Wine Aging) will go to the Board for Receive and File on August 20, 2009 and adoption is set for the September 17, 2009 Governing Board meeting.

Mr. Hamilton asked when they could expect to see results of the study involving Rule 4566 (Organic Waste Operations), to which Mr. Nester stated results would be available by the end of the year. Mr. Hamilton indicated this would be a good industry to stimulate to see organic compost become available to farming operations. Mr. Hamilton expressed that what they would like to see, from an environmental justice perspective, is the organic waste staying close to the place where it was generated, which would probably create the least amount of emissions.

Ms. Ortega asked Mr. Nester to explain the new information on Rule 4692 (Commerical Charbroiling). Mr. Nester stated new information had been received from the vendors of the control equipment, which was significantly different from the information previously received. The new information showed that the cost to control particulate matter emissions from the under fire charbroilers would significantly impact those operations financially, and questions remain about the feasibility and efficacy of proposed controls. Due to this new information, the District is recommending starting with an incentive program,

rather than regulating under fire charbroilers with this Rule. Then, based on information learned from incentive efforts, the District staff would determine if requiring controls was appropriate, and report back to the Board with further recommendations.

7. DISCUSS SENDING AN INVITATION TO DR. TELLES TO ADDRESS HIS CONCERNS WITH THE INADEQUATE PARTICIPATION BY ENVIORNMENTAL JUSTICE ADVOCATES AT THE STATE PROCEEDINGS

Mr. McVaigh stated Dr. Telles expressed concern that he was not seeing the level of participation that he would like to see at the State level, and that he felt it was important to get more San Joaquin Valley residents involved in ARB issues. Dr. Telles has expressed interest in meeting with the Environmental Justice Advisory Group on this issue. Ms. Ortega suggested if Dr. Telles could not attend a meeting, he could voice his concerns in writing, as well as elaborate on what he would like to see in this regard.

Moved: Hamilton  
Seconded: Dhaliwal  
Ayes: Terhune, Mataka, Kelly-Ortega, Garoupa, Jones, MacKay, Booker, Medina  
Nays: None

***Motion passed unanimously to invite Dr. Telles to express his concerns with regards to the inadequate participation by environmental justice advocates at the State proceedings, and if Dr. Telles can not attend an EJAG meeting, invite him to provide his concerns in writing.***

8. PROVIDE RECOMMENDATIONS TO THE AIR POLLUTION CONTROL OFFICER (APCO) CONCERNING POTENTIAL REMEDIAL ACTIONS IN LIGHT OF THE CALIFORNIA AIR RESOURCES BOARD'S CESSATION OF FUNDING FOR LANGUAGE LINE SERVICE - Mr. McVaigh explained in the past, the

District was able to use a language line service for translating, which was provided by California Air Resources Board (ARB), at no cost to the District. He noted the language line service was a valuable resource, as it could be used in the field and in other situations requiring a translator. The service unfortunately was one of the casualties of the State Budget problems. He then introduced Samir Sheikh, Director of the ERIP, who provided more detail about the program.

Mr. Sheikh stated the Language Line Service provides a very valuable service to the District. The service provides translation, by phone, for over 150 languages and is available 24 hours, 7 days a week. He indicated the APCO authorized the District to go ahead and sign up as a pilot program. Mr. Sheikh expressed it was the desire of the District to receive feedback from EJAG on whether or not the service should be continued, recommendations on how much of a cap to apply to this service, as well as the group's opinion regarding the service in general.

Mr. Hamilton, having used this language service, expressed that it is an effective tool in communicating with non-English speaking individuals, and relayed kudos for the District picking it up. Ms. De la Cruz also commended the District for picking up the service. Mr. Terhune made a motion to support the service.

Public Comment: *The following persons provided testimony on this item:*

- Daniela Simunovic, Center on Race, Poverty, and the Environment
- Alegria De la Cruz, Center on Race, Poverty, and the Environment

Moved: Terhune  
Seconded: Hamilton  
Ayes: Mataka, Kelly-Ortega, Garoupa, Jones, MacKay, Booker, Dhaliwal, Medina  
Nays: None

***Motion passed unanimously to provide recommendation to the Air Pollution Control Officer (APCO) concerning potential remedial actions in light of the California Air Resources Board's cessation of funding for language line service.***

9. ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG) EVALUATION REPORT BY THE AIR POLLUTION CONTROL OFFICER (APCO): DISCUSS MEANS TO PROVIDE INPUT TO THE APCO IN PREPARATION OF THE EVALUATION REPORT FOR THE GOVERNING BOARD – Mr. McVaigh stated when the Environmental Justice Strategy was approved, the APCO was directed to come back to the Governing Board with an evaluation report within six months of formation. Mr. McVaigh stated that Mr. Sadredin would like to set a date for the evaluation at the December 2009 Governing Board meeting. Mr. McVaigh expressed that District staff would like EJAG's input on the group's accomplishments, and requested that information by September 30, 2009. Mr. McVaigh listed the nine specific duties identified in the Environmental Justice Strategy, and requested that the discussion be framed within what has been accomplished in terms of those duties, which are:

1. The EJAG will advise the District in identifying opportunities for providing compliance assistance to businesses impacting ethnic and/or low-income communities.
2. The EJAG will advise the District in promoting community outreach efforts and in identifying opportunities and strategies for increasing participation by ethnic and low-income communities in air-quality management.

3. The EJAG will advise the District in increasing meaningful community participation and capacity building.
4. The EJAG will facilitate communication with all Valley residents focusing on ethnic and low-income communities.
5. The EJAG will advise the District in implementing public education and outreach programs for community members.
6. The EJAG shall compile and present an annual EJ strategic update to the CAC.
7. The EJAG shall meet at least quarterly.
8. The EJAG shall report monthly to the CAC.
9. The EJAG will advise the District in the development of analytical tools and training protocols to aid the District in addressing the needs of the EJ communities.

Ms. MacKay stated that a lot has been done by the group and a lot is being done to meet those duties. She also expressed concern that word of EJAG's accomplishments is not reaching management. Mr. Jones stated that these nine goals would be something expected from an existing, established committee, and that the majority of the group's time has been spent on becoming a "live committee." Ms. MacKay agreed that the evaluation needs to go both ways, as EJAG needs to see that the District is making headway as far as environmental justice issues are concerned. Ms. Garoupa stated she did not feel the APCO would be the best figure to evaluate how the EJAG is functioning.

The group also voiced concern about not having enough staff or members, especially those who understand bylaws and how to participate in public meetings. Ms. Garoupa also stated the difficulties trying to get people to participate, including the cost associated with commuting, as well as the amount of time required. Mr. Hamilton suggested that this can be seen as a potential opportunity to develop better relationships with the APCO and the District, and an opportunity to work constructively with the APCO in order to evaluate these relationships. Mr. Jones agreed with Mr. Hamilton's comments. He also indicated that he felt the APCO should be commended for pushing the formation of EJAG forward.

Ms. MacKay asked for volunteers to work on the report. Ms. Kelly-Ortega, Ms. Mataka, and Ms. Garoupa volunteered.

10. DEVELOP AN ACTION PLAN FOR EJAG MEMBERS ASSISTING THE DISTRICT IN ADVANCING THE DISTRICT'S POLLUTING AUTOMOBILE

SCRAP AND SALVAGE (PASS) INCENTIVE GRANTS PROGRAM IN ENVIRONMENTAL JUSTICE COMMUNITIES THROUGHOUT THE VALLEY

Mr. McVaigh introduced Mr. Sheikh, who presented information on the program. Mr. Sheikh expressed the District was looking for input from EJAG. He stated EJAG could assist the District by getting the word out about this program through outreach activities: including using contacts to promote the program, announcing the program during organizational meetings, utilizing newsletters, providing links to District material on websites, etc. Ms. Medina suggested the verbiage used on the information pamphlets could be revised and changed to be less intimidating and easier to read. Mr. Booker suggested informing the public more effectively in order for people not to be frustrated or disappointed. Ms. MacKay confirmed with Mr. Sheik that part of the action plan for this item was for the committee to review the literature regarding this program.

11. DEVELOP AN ACTION PLAN FOR EJAG MEMBERS ASSISTING THE DISTRICT IN EDUCATING MINORITY AND SMALL BUSINESSES OWNERS AND OPERATORS SUBJECT TO THE DRY CLEANING AIR TOXICS CONTROL MEASURE (ATCM) THROUGHOUT THE VALLEY -Mr. McVaigh introduced Jon Adams, Director of Compliance. Mr. Adams stated the District adopted Rule 7070, Perchloroethylene (PERC) from Dry Cleaning Operations, in May 2008. He noted PERC is a solvent that has been used for years by dry cleaners to clean clothes. He stated the ARB has completed a study and has made the determination that PERC is a possible carcinogen. The ARB also found that two-thirds of the dry cleaners in existence are within 100 meters of at least one residence. He noted per Rule 7070, dry cleaners can not install a PERC operation after July 10, 2010 or within 15 years of its manufacture. He also stated there are some new requirements for those who have PERC operations, including increased inspections, stricter leak repair requirements, and increased recordkeeping requirements, which the District will be enforcing.

Mr. Adams indicated the District would like to solicit EJAG's help in getting the word out to dry cleaners about Rule 7070. He suggested this could be accomplished through an action plan group, where EJAG members could come up with a plan to get the message out. Mr. Adams noted many of the owners may be minorities who are located in rural areas, and run only one shop. Mr. Adams closed by stating that he felt EJAG could be a good resource in getting the word out to minimize violations. It was agreed EJAG could review information and offer suggestions.

***Lourdes Medina arrived at 12:25 p.m.***

***Andre Booker arrived at 12:42 p.m.***

12. DEVELOP AN ACTION PLAN FOR EJAG MEMBERS ASSISTING THE DISTRICT WITH FUTURE COMMUNITY EVENTS SUCH AS HEALTHY AIR

LIVING COMMUNITY CHATS: DISCUSS MEANS TO ENHANCE PUBLIC PARTICIPATION. - Jaime Holt, Chief Communications Officer explained that one of the District's new strategies for Healthy Air Living Chats is to look for opportunities to speak to organizations that are already meeting on a regular basis. These organizations would welcome a Healthy Air Living presentation, running anywhere from 20 minutes to an hour. She suggested it could be at a church organization, parent-teacher conference, Environmental Justice organizations, etc. Ms. Holt requested EJAG members come up with one or two meeting venues where they have contacts and also perhaps they could speak for a few minutes about some of the issues from an Environmental Justice perspective. In addition, Ms. Holt requested to use EJAG mailing lists or newsletters that EJAG might put out to get the word out about this program. Additionally, she suggested providing a link on the EJAG website to the Healthy Air Living web page. She emphasized the District is happy to attend events in the evenings and on Saturdays. EJAG members expressed different venues that could possibly be options, such as setting up a booth at fair, swap meets, etc. Ms. MacKay stated she felt the committee could assist, especially with providing ideas on some meetings within the communities. Ms. Medina moved that each EJAG member provide three known organizations or local church groups or meeting places that would be used to create a list for EJAG purposes, and to provide this list to the District by October 2009.

*Moved:* Medina  
*Seconded:* Booker  
*Ayes:* Terhune, Mataka, Kelly-Ortega, Garoupa, Jones, Hamilton, MacKay, Dhaliwal  
*Nays:* None

***Motion unanimously carried for each EJAG member to provide three known organizations, local church groups or meeting places that would be used to create a list for EJAG purposes and to provide that list to the District by October 2009.***

13. EDUCATIONAL TOPICS:

A. IN-DEPTH LOOK AT EMISSION REDUCTION CREDITS (ERCs) – DAVE WARNER, DIRECTOR OF PERMIT SERVICES - Mr. McVaigh introduced Dave Warner, Director Permits, who provided the presentation on emission reduction credits. The presentation was followed by a question and answer session.

B. TEJON RANCH DRAFT EIR – ARNAUD MARJOLLET, PERMIT SERVICES MANAGER – After it was established that this project is not proceeding as of yet, and due to time constraints, the item was tabled to the next meeting.

C. PARTICULATE SAMPLING IN ARVIN – SCOTT NESTER, DIRECTOR OF PLANNING. Mr. Nester stated EJAG asked District staff to consider adding PM

2.5 monitoring in Arvin. He stated that ARB does have an ozone monitor in Arvin. He advised that ARB was contacted to see if they could help set-up a temporary particulate monitor there, and ARB is very interested. However, he noted right now ARB is in discussions with their landlord and it looks like they might have to move that station to someplace else in Arvin. He stated that at this point the District is waiting to hear what is going to happen between ARB and their landlord. He closed by stating that the District will report back to EJAG when there is an update available.

14. STANDING COMMITTEE REPORTS

- A. CREATION OF EJ MAP – Not discussed
- B. PUBLIC INFORMATION REQUEST FEE WAIVER – Not discussed
- C. OUTREACH MATERIALS – Not discussed
- D. PASS PROGRAM – Not discussed

15. DISCUSSION ITEM: BOARD MEMBER NELSON'S COMMENTS DURING THE GOVERNING BOARD MEETING IN MAY 2009 – Ms. MacKay stated she would like to bring this item to the table to decide as a group what could be done, and requested thoughts on the matter from the EJAG. Mr. Hamilton stated that part of EJAG's job is to educate the Board about the importance of EJAG issues. He suggested inviting Supervisor Nelson to come and meet with the EJAG to have a discussion. Mr. Booker suggested a letter be written to Supervisor Nelson.

Ms. Kelly-Ortega moved to extend an invitation to Supervisor Nelson to attend the next meeting, on September 21, and the EJAG figure out a way to broaden his understanding of Environmental Justice and public participation.

By consensus, EJAG will extend an invitation to Supervisor Nelson through Chris Vierra.

16. PUBLIC COMMENTS (SECOND OPPORTUNITY) – Not discussed

17. EJAG MEMBER COMMENTS AND EJAG SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, SEPTEMBER 1, 2009 – Not discussed

18. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, SEPTEMBER 1, 2009 AT 10:00 A.M. – Not discussed

**ADJOURN**

Meeting adjourned at 2:31 p.m.



*SJVUAPCD Environmental Justice Advisory Group*  
**ACTION SUMMARY MINUTES**  
*August 17, 2009*

*NEXT MEETING – The next EJAG meeting is scheduled on Monday, September 21, 2009 at 5:30 p.m. Meeting held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.*