

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, June 15, 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 11:20 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.	North
Stanislaus	Rosenda Mataka, At-large Rep.	North
Merced	Melissa J. Kelly Ortega, At-large Rep.	North
Fresno	Riley Jones, CAC	Central
	Kevin Hamilton, CAC	Central
Kern	Linda MacKay	South
Kings	Andre Booker*	Central

*Arrived at 12:00 p.m.

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy Director; Samir Sheikh, ERIP Director; Scott Nester, Planning Director; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative

3. APPROVE MINUTES OF MONDAY, JUNE 15, 2009 – Mr. Hamilton asked that the Minutes be amended to include a discussion about a link to EJAG possibly being included on the District’s website.

Moved: Terhune
Seconded: Mataka
Ayes: Terhune, Mataka, Kelly-Ortega
Hamilton, Jones
Nays: None
Abstain: MacKay

Motion passes 5-0 with one abstention, to approve the Minutes of the June 15, 2009 EJAG meeting.

4. **PUBLIC COMMENTS (FIRST OPPORTUNITY)** – *The following persons provided testimony during the Public Comments portion of the meeting:*
- Daniela Simunovic, Center on Race, Poverty and the Environment
 - Sarah Sharpe, Fresno Metro Ministry
 - Ana Sanchez
 - Salvador Partida, Committee for a Better Arvin
 - Juvenal Bermudez, Committee for a Better Arvin

A motion was made by Ms. Kelly-Ortega to add a discussion on comments made by Supervisor Nelson at the May 21, 2009 Governing Board meeting, as well as permit information on the Avenal power plant to the next EJAG meeting Agenda. A significant discussion ensued on whether adding Supervisor Nelson's comments to the EJAG meeting agenda fell within the scope of the EJAG. Mr. Terhune agreed with Ms. Kelly-Ortega's motion. Mr. Jones expressed his reluctance to base an opinion on a statement or comment taken out of context.

Mr. Hamilton respectfully disagreed. He noted Supervisor Nelson should be invited to appear at the next EJAG meeting. He also asked for the recording of Mr. Nelson's comments to be played at the next meeting. Ms. MacKay stated she intends to have the recording available at the next meeting.

Moved: Kelly-Ortega
Seconded: Terhune
Ayes: Terhune, Mataka, Kelly-Ortega,
MacKay, Hamilton
Nays: Jones
Abstain: Booker

Motion passed 5-1 with one abstention, to add a discussion of comments made by Supervisor Nelson at the May 21, 2009 Governing Board meeting along with permit information on the Avenal power plant to the next EJAG meeting Agenda.

A motion was made to add a discussion on the possibility of future placement of a temporary or permanent sampling technology for particulate matter in Arvin to the next EJAG meeting Agenda.

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

Motion passed unanimously to add a discussion on the possibility of future placement of a temporary or permanent sampling technology for particulate matter in Arvin to the next EJAG meeting Agenda.

Ms. Kelly-Ortega noted she received two additional requests from members of the public to discuss items. She stated she received a request from Mary-Michal Rawling of the Merced-Mariposa Asthma Coalition to add the Redevelopment Plan at Crows Landing Air Facility Project Area to a future EJAG Agenda. Mr. McVaigh noted staff has taken a look at the project in concept, but have never received an Environmental Impact Report to review. He stated staff will make it an action item to look into getting more information on this project. She also stated a member of the public asked if EJAG can oppose SB696, which will be voted on June 16, 2009. She noted that due to time constraints, no action can be taken by EJAG on this matter. However, she has copies of the Bill, if anyone wishes to contact legislators.

Mr. Booker stated he has received several inquiries regarding the amount of incentive available for the PASS Program. He asked for clarification on this issue. Mr. McVaigh stated there is a \$1,000 incentive available if an individual wants to scrap an older vehicle, and in certain cases, up to \$5,000 available if the individual wishes to purchase a new, cleaner vehicle. He noted the District is looking forward to receiving input from EJAG on better ways to get this information out to the public. He noted, Samir Sheikh, ERIP Director is the staff liaison to this subcommittee.

Mr. Partida commented about several oil pumps located throughout the City of Arvin which are very loud and smell horrible and seem to be in need of repairs. He asked for help contacting the owner to repair the equipment. Mr. McVaigh noted there is a 24-hour District Complaint Line available to the public to contact an Inspector and report any possible rule violations. He stated that Brenda Turner, Public Information Representative for the District's Southern Region will get information on this particular complaint and contact the area Inspector.

5. CHAIR COMMENTS – Linda MacKay stated that Tejon Ranch has released a draft EIR for a development of over 3,000 homes around the lake and visible from I-5 in Lebec, and asked about the mitigation for this project. Mr. McVaigh stated staff will follow up on this and report back at the next meeting.

6. RULES UNDER DEVELOPMENT – Scott Nester, Planning Director gave the presentation. He stated there were no rules adopted in May 2009. He reported the District is in the study phase for Rule 4566 (Organic Waste Operations). He also noted the District held a scoping meeting on May 29, 2009 for Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces). He stated there will be one more workshop, as well as a socio-economic analysis of the impacts on

the Valley from this Rule. Staff plans to take this Rule before the Governing Board in the Second Quarter of 2010.

In addition, he stated that Rule 4311 (Flares) and Rule 4692 (Commercial Charbroiling) are scheduled to be considered by the Governing Board at the June 18, 2009 meeting. He stated the first workshop for Rule 2301 (Emission Reduction Credit Banking) has been held and a second workshop is scheduled for June 30, 2009. Mr. McVaigh noted the reason behind this Rule is to encourage the public to get local credits that provide more air quality benefits in the San Joaquin Valley.

Mr. Nester also gave updates on amendments to Rule 4570 (Confined Animal Facilities), Rule 4602 (Motor Vehicle and Mobile Equipment Refinishing Operations), Rule 4653 (Adhesives), Rule 4603 (Surface Coating of Metal Parts and Products), Rule 4684 (Polyester Resin Operations) and Rule 4308 (Boilers, Steam Generators, and Process Heaters, rated 0.075 to <2.0 MMBtu/hr).

7. REVISION OF EJAG BYLAWS – Maricela Velasquez, Senior Public Information Representative gave the presentation. She noted that Catherine Garoupa plans to step down from EJAG, as she is serving in a different capacity at work and it will become more difficult for her to attend future meetings. Ms. Garoupa will stay on as an At-Large Representative until her replacement is appointed. Ms. Velasquez stated the purpose of this item is to discuss the time period required to wait for late arriving EJAG members when a quorum has not been reached.

Ms. Kelly-Ortega made a motion to begin the meetings on time, to take action on items when a quorum is reached and to not cancel any meetings if possible.

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

Motion carried unanimously to begin meetings on time, take action on items when a quorum is reached, and to not cancel any meetings if possible.

8. BRAINSTORMING SESSION ON HOW TO INCREASE PUBLIC ATTENDANCE – Ms. MacKay expressed her thanks for members of the public attending in the Southern Region. Ms. Velasquez stated this is an informal brainstorming session which came about because the group would like to invite Laura Yoshii, Acting Regional Administrator for EPA - Region 9 to attend a future EJAG meeting and would like to find ways to increase public participation at this and all other future

meetings. Mr. Hamilton suggested setting a date for the meeting with Ms. Yoshii and relying on the groups that EJAG works with to get the word out.

In response to a request for help from the District to promote these meetings, Ms. Velasquez stated that District staff has frequently appeared on Radio Bilingue, Radio Campesina, Univision and other radio and television shows to discuss EJAG and to encourage members of the public to attend these meetings and to call the District for more information on EJAG. Ms. Mataka noted that she sends emails to other organizations to attend various meetings. She stated that District staff should follow up with contacts provided by EJAG members, such as Comerciantes, and nurture these relationships. Ms. Velasquez thanked Ms. Mataka and Ms. Kelly-Ortega for contact information they have provided in the past. She stated District staff will continue to follow up with these contacts.

Ms. MacKay noted outreach materials would be helpful to increase visibility of EJAG. She suggested an EJAG business card and brochures. She noted the more EJAG addresses the public's concerns, the more public interest will build. Mr. Booker agreed with the group and suggested to reach people with a series of events or activities such as an essay, poetry or rap contest. He also suggested Mr. Bermudez' public comments could be made into a YouTube video with translation. Ms. MacKay noted EJAG meeting times are staggered between 11:00 a.m. and 5:30 p.m. to make it easier for the public to attend. Mr. Hamilton suggested communicating to the numerous college students in the area through the universities listservs. Ms. Velasquez stated she will see if that is a possibility for this group.

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

- Sarah Sharpe, Fresno Metro Ministry
- Daniela Simunovic, Center on Race, Poverty and the Environment
- Lupe Martinez
- Gustavo Aguirre
- Ana Sanchez

9. STANDING COMMITTEE REPORTS -

- Creation of Environmental Justice Map** – Ms. Kelly-Ortega gave a report on this standing committee. She stated they met on June 11, 2009 with Ms. MacKay, Mr. Terhune, Mr. Leon, Mr. Williams, Ms. Velasquez and Ms. Kelly-Ortega attending. She stated Ms. Velasquez distributed a copy of the notes from this meeting to all EJAG members. She stated they reviewed the maps provided by the District and they noticed not all of the counties on the maps were labeled, and several unincorporated areas were not listed. She noted there needs to be a color code key on each map. She also stated some of the maps were not consistent. She stated subcommittee members used sticky notes to add questions and comments to the maps.

Ms. Kelly-Ortega stated the criteria currently used is the 1990 population data, year 2000 census data and the free and reduced lunch programs for schools. She stated the subcommittee recommended adding the following criteria to create clear overlays, so there would be a basic map, labels for counties, populated cities, and environmental justice areas. They also recommended using different data sources such as the USDA Neighborhood Block information, Redevelopment Agency information, Self-Help Inc. information, and FMHA Home Loan and Home Value information.

Ms. MacKay stated the subcommittee would like a set of maps for their notes. They are also requesting a downloadable file of the EJ map to be included on the District's website. Also, they are requesting a member of the ITS and ERIP staffs to be present at their next meeting. As follow-up, Ms. MacKay will contact Marta Frausto to get information on EJ communities, the subcommittee members will speak to members of the public and get their feedback on the map, and the subcommittee will put their recommendations on the July and August EJAG meeting agendas. Mr. McVaigh stated Samir Sheikh, ERIP Director is available to assist the subcommittee with various tasks, as well as David Nunes, who compiles Air Quality Monitoring maps for the District.

Mr. Jones made a motion to accept the subcommittee's report and allow them to move forward in communication with the District.

Moved: Jones

Seconded: Hamilton

Ayes: Terhune, Mataka, Kelly-Ortega
MacKay, Hamilton, Jones, Booker

Nays: None

- b. **Public Information Requests Fee Waiver** – Ms. Mataka stated the subcommittee met earlier today and came to an agreement regarding the need for a fee waiver for EJ groups who want public records information from the District, but cannot afford to pay for it. She recommended developing an appeal process for fee waiver requests to be heard by EJAG, who will give their decision to Seyed Sadredin, Executive Director/APCO and request a response within 48 hours. She stated the subcommittee will work with District staff to develop the fee waiver application form.

- c. **Outreach Materials** – Ms. Velasquez reported that proposed text for outreach materials has been provided to the subcommittee by District staff. She noted there was a recommendation at the previous meeting to include meeting times and dates, which will necessitate the document be updated periodically. She recommended EJAG also use the following email address: web-boardmail@valleyair.org. She stated staff can include the link to this email address on the EJAG page on the District’s website.
- d. **PASS Program** – Ms. Velasquez reported the subcommittee did not meet last month. She noted current members of the subcommittee are Ms. Sanchez of Golden Valley Health Center, Ms. Mataka, Mr. Hamilton and herself. She stated she will schedule a meeting for this subcommittee now that Mr. Sheikh has returned. She also noted they will be working on the outreach materials for this program.

10. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None

11. EJAG MEMBER COMMENTS AND EJAG SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, AUGUST 4, 2009 – Ms. MacKay opened the discussion on the possibility of scheduling an EJAG meeting in July, which is normally dark for public meetings at the District. Ms. Kelly-Ortega stated there is a lot of work to do and she would like to meet in July. Ms. MacKay and Mr. Terhune agreed. Mr. Hamilton stated EJAG should be dark in July along with the other public meetings as everyone needs a break. Ms. Kelly-Ortega made a motion to hold an EJAG meeting on July 20, 2009 from 5:30 p.m. until 8:30 p.m.

Moved: Kelly-Ortega

Seconded: Booker

Ayes: Terhune, Mataka, Kelly-Ortega
MacKay, Booker

Nays: Hamilton, Jones

Ms. Velasquez announced there will be a Healthy Air Living Chat in Ceres on Tuesday, June 16, 2009 at Central Valley High School from 6:00 p.m. until 8:00 p.m. Mr. Hamilton requested that District Legal Counsel be present at the next EJAG meeting to advise who has control over the EJAG Agenda.

12. VOLUNTEER TO PRESENT EJAG REPORT DURING THE CAC MEETING ON TUESDAY, AUGUST 4, 2009 AT 10:00 A.M. – Mr. Kevin Hamilton volunteered to present the EJAG report during the CAC meeting on Tuesday, August 4, 2009 at 10:00 a.m.

ADJOURN

Meeting adjourned at 1:56 p.m.

Next Meeting – The next EJAG meeting date needs to be discussed. Meeting held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.