

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, May 18, 2009**  
**5:30 p.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 5:50 p.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
Madera	Catherine Garoupa	Central
Fresno	Riley Jones, CAC	Central
	Kevin Hamilton, CAC	Central

Staff present in Central Region Office (Fresno) – Jon Adams, Compliance Director; Jaime Holt, Chief Communications Officer; Samir Sheikh, ERIP Director; Errol Villegas, Planning Manager; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative

Staff present in Northern Region Office (Modesto) – Karen Morris, Administrative Analyst II.

3. APPROVE MINUTES OF MONDAY, APRIL 20, 2009 – Ms. Mataka made a motion to approve the Minutes as submitted. Mr. Jones seconded the motion.
4. PUBLIC COMMENTS – None
5. CHAIR COMMENTS – Ms. Garoupa, serving as temporary Chair of the EJAG, thanked everyone for attending.
6. RULES UNDER DEVELOPMENT – Errol Villegas, Planning Manager gave the presentation. He stated a series of workshops have been held for the following rules: Rule 4308 (Boilers, Steam Generators, and Process Heaters, rated 0.0775 to <2.0 MMBtu/hr), Rule 4566 (Organic Waste Operations), Rule 4695 (Brandy

and Wine Aging), and Rule 2301 (Emission Reduction Credit Banking). Due to a court decision, Rule 4570 (Confined Animal Facilities) will be set aside pending the Board's action on May 21, 2009. Rule 4311 (Flares) and Rule 4692 (Commercial Charbroiling) are scheduled for Receive and File for the May 21, 2009 Governing Board meeting. He also reported workshops are scheduled in June for Rule 9410 (Employer Based Trip Reduction Programs), Rule 4601 (Architectural Coatings), and Rule 4612 (Motor Vehicle and Mobile Equipment Coating Operations-Phase II). For Rule 4566, Organic Waste Operations (Composting) Rule, he stated the San Diego State Research Foundation and the SJVAPSA have signed a contract for a feasibility study. He stated there were also several site visits for composting facilities and that a site has been chosen by the contractor, but he could not share that information because all parties have not been notified yet. He noted the information should be made available to the public by the end of the week. In addition, he stated there will be a scoping meeting at the end of May on Rule 4905 (Natural, Gas-Fired, Fan-Type Residential Central Furnaces).

Mr. Hamilton asked for the emissions estimate for Rule 4695 (Brandy and Wine Aging). Mr. Villegas stated he will provide the information at a future meeting. Mr. Hamilton also asked about the emission reduction estimates for PM10 on Rule 4692 (Commercial Charbroiling). Mr. Villegas responded the control measure is associated with the PM2.5 plan, but the reductions estimates are associated with PM10 until methodologies can be satisfied. Rey Leon of the SJV Latino Environmental Advancement and Policy Project asked for clarification on Rule 2301 - Emission Reduction Credit Banking (ERC). Jim Swaney, Permit Services Manager gave an overview of the Amendment to Rule 2301, which he stated will open up the Rule for methane and other greenhouse gas emissions. Mr. Leon stated his belief that in the past the ERCs have been used to place power plants in lower-income areas which are less able to deal with the consequences from these pollutants. Mr. Hamilton asked if any credits from outside the District are allowed to be used in the District. Mr. Swaney replied that due to provisions from state law, the District does not allow credits from outside the Valley to be used here. He also gave a brief overview of the ERC program. Mr. Williams asked if the state has to meet the same rules and regulations as other entities when building projects such as state prisons in low-income areas. Mr. Swaney stated from the District's standpoint they must meet the same criteria. Ms. Garoupa suggested the EJAG should become familiar with New Source Review and the ERC programs at the District and engage in the process. She also requested to receive a more in-depth presentation on ERCs for criteria pollutants and greenhouse gases at a future EJAG meeting.

7. REVISION OF EJAG BYLAWS – Maricela Velasquez, Senior Public Information Representative gave the presentation on the revision of EJAG Bylaws. She stated that Item #9 – Amendments of By-Laws will need to incorporate additional language to align with the environmental justice strategy outlined by the

Governing Board in August, 2007. The language to be added will read: "Any such modifications to the Bylaws by the EJAG will be sent to the District's Citizen's Advisory Committee and the Governing Board for final approval." She stated the item will be presented for final approval at the June 18, 2009 Governing Board meeting.

*Moved:* Hamilton  
*Seconded:* Ortega  
*Ayes:* Terhune, Mataka, Ortega, Garoupa  
Hamilton, Jones,  
*Nays:* None

***Motion passed unanimously to approve the revision to Item #9 of the EJAG Bylaws***

There was additional discussion about adding an item to the Bylaws which stipulates the timeframe to wait for late arrivals to EJAG meetings before the meeting is cancelled. Mr. Jones agreed there should be a time limit in place. Ms. Holt stated District staff can provide cell phone numbers to be called in the event an EJAG member is running late. Ms. Ortega stated it would be helpful to include a 15 minute limit to wait for late EJAG members unless they notify staff via cell phone of their impending arrival time. Ms. Garoupa stated she will table the item to be added to the next meeting agenda.

8. **STANDING COMMITTEE REPORTS**

- a. **Creation of Environmental Justice Map** – Ms. Velasquez explained this item is to create a new subcommittee for the purpose of creating an Environmental Justice Map. Mr. Terhune, Ms. Ortega, Mr. Williams, Ms. Garoupa and Mr. Leon volunteered to serve on this subcommittee. Ms. Garoupa asked for a volunteer to lead the subcommittee. Mr. Jones asked staff for clarification on the criteria for determining an Environmental Justice community. Mr. Sheikh responded the criteria are 50% or greater minority population or income level based on the Federal poverty level. He stated the criteria are based on an Assembly Bill which discusses use of a portion of Carl Moyer funds for Environmental Justice communities. He also volunteered to bring this information to the first subcommittee meeting and to assist in any way possible. Ms. Garoupa stated she will send the initial email to interested parties to invite them to the first subcommittee meeting. She asked for assistance in notifying members of the public who may want to attend the meeting. Mr. Hamilton recommended confirming this information with Ms. Medina before moving forward. Ms. Garoupa agreed that all information received at this meeting will be confirmed with Ms. Medina as Chair of the EJAG.

- b. **Public Information Requests Fee Waiver** – Ms. Mataka stated the subcommittee has not yet agreed on what should be recommended to the Board. She stated they are still discussing concerns and would like more time to come up with recommendations for the Board. She noted it is an important issue for the subcommittee and the communities they represent. Ms. Garoupa agreed to table the item until next month's EJAG meeting. Mr. Williams stated it would be helpful to have more EJAG members or staff on the subcommittee. He also recommended holding a regular meeting instead of trading emails back and forth. The group agreed to meet one hour before the next EJAG meeting on June 15<sup>th</sup>. Mr. Jones asked if a staff member could also be present for this meeting and Ms. Velasquez agreed. Mr. Hamilton stated he will attend the subcommittee meeting. Mr. Williams asked Ms. Mataka to forward the information to Mr. Hamilton and Mr. Jones.
- c. **Outreach Materials** – Ms. Velasquez presented outreach items that Ms. Medina has been working on and asked for feedback. Ms. Ortega stated it is a good start and suggested dates and times and the email address should be added to the flyers. Mr. Hamilton stated it would be beneficial to have a master email such as [EJAG@valleyair.org](mailto:EJAG@valleyair.org) in multiple languages **so people could send in their concerns**. Ms. Velasquez stated Ms. Medina has been working on creating an EJAG Gmail or Yahoo account. Mr. Jones stated Google works better than the others by far. Mr. Hamilton stated he believes the email address should be maintained by the District, **he doesn't feel it should be separate**. Ms. Holt stated staff can assist with setting up the Gmail account, however, the EJAG email address cannot be a part of the District's network. She also stated emails can be forwarded by staff to EJAG members from the District's email server, but EJAG members cannot have direct access to the District's network for security reasons. **Mr. Hamilton stated he wanted to narrow down the point of entry to the EJAG email address on the District's website. Ms. Holt stated the District could forward these emails to EJAG but they wouldn't receive them directly. She noted there would have to be a District employee as middle person. Mr. Hamilton stated as long as they come through unfiltered that would be fine.** Ms. Ortega asked about issues with the Brown Act and Google groups. **Ms. Velasquez and Ms. Holt** stated they will research this issue. Ms. Garoupa stated this item will be discussed at the next meeting.
- d. **PASS Program** – Ms. Velasquez presented this item to create a new subcommittee to assist ERIP with outreach materials for this program. Ms. Garoupa asked for clarification on the PASS Program. Mr. Sheikh responded that PASS (Polluting Automobile Scrap and Salvage Program) is the revamped scrappage program with a few elements added that make it much more attractive to the EJ community. He asked for assistance with distributing information about the PASS Program. Ms. Holt stated there is a need for Spanish-speaking contacts to reach those residents who can most

benefit from this program. Ms. Ortega recommended Anna Sanchez, Community Liasion at the Asthma Coalition and stated she could be beneficial to this group as a public member. Ms. Mataka stated she speaks Spanish and would volunteer. Mr. Hamilton stated he would like to participate in the development of this program's methodologies. Mr. Sheikh stated the Governing Board adopted the program in April 2009, but stated there may be room to address some of the concerns brought up at a previous meeting. Mr. Hamilton asked if the funding was controlled by state requirements. Mr. Sheikh responded this program must follow state guidelines, which require vehicles to be legally registered. He stated they realize there are issues with unregistered vehicles and they are working with other air districts on this issue. Mr. Hamilton volunteered for this subcommittee.

Ms. Velasquez distributed binders to EJAG members at the Chair's request, which included a copy of the Bylaws, a roster of EJAG members and space for notes and copies of meeting agendas and information. She also provided outreach materials for nominations for Clean Air Champions and upcoming Healthy Air Living Business Summits. She stated the Healthy Air Living Chats begin on May 28<sup>th</sup> in Tracy and continue through July at locations throughout the Valley. She stated she will forward outreach materials to EJAG members in the near future. Ms. Holt stated there will be prizes given away at each of the 15 HAL Chats. She also stated that children are welcome and noted that 5 Chats (called Platicas in Spanish) are focused in Spanish-speaking communities. Ms. Holt asked for assistance to get the word out about these Chats. Ms. Mataka recommended the Promotora program in Stanislaus County which meets once a month. Ms. Velasquez stated she will contact them.

Ms. Ortega asked if the workshops are being webcast. Mr. Villegas stated the District began webcasting workshops last month. He also welcomed any questions, comments or concerns from EJAG members regarding the rule development process. Mr. Williams stated an EJAG member should attend workshops for any rules that may affect the EJ community. Ms. Velasquez stated there is a new manager at the EPA, who is very interested in environmental justice and stated it would be a good idea to invite her to attend a future EJAG meeting. Ms. Holt stated the EJAG would have to vote on this item at a future meeting. Ms. Mataka asked for the new EPA Manager's name to be sent to the group. Ms. Garoupa stated she brought copies of an Environmental Justice Resource Guide she received from the EPA and she will distribute them upon request.

9. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None
10. EJAG MEMBER COMMENTS AND EJAG SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC

MEETING ON TUESDAY, JUNE 2, 2009 – Mr. Hamilton asked about email notification and recorded copies of the webcasts of District workshops. Mr. Villegas stated at this time the District does not have capability to record the webcasts, but staff is addressing this issue. Ms. Holt stated the [listserv@valleyair.org](mailto:listserv@valleyair.org) will provide notification of upcoming workshops. Mr. Hamilton complimented the Outreach and Communication staff on the Smog Awareness Project and suggested it be broadcast on Spanish language television. Ms. Mataka asked about the next step for the PASS subcommittee. Ms. Velasquez stated she will send out an email inviting additional EJAG members to participate so they can begin the discussion. Ms. Garoupa stated she will take the lead on the email list for the EJ map subcommittee and will include Ms. Velasquez on the notification list.

11. VOLUNTEER TO PRESENT EJAG REPORT DURING THE CAC MEETING ON TUESDAY, JUNE 2, 2009 AT 10:00 A.M. – Ms. Velasquez stated the Chair has the list of volunteers and she believes that Ms. Ortega was the volunteer for June. Ms. Ortega tentatively agreed.

Meeting adjourned at 7:32 p.m.

Next Meeting – The next EJAG meeting is scheduled on Monday, June 15, 2009 at 11:00 a.m. in the Central Region Office (Fresno)