

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, October 19, 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 11:06 a.m.
2. ROLL CALL – was taken and a quorum was not present (quorum not reached until 11:57):

County	Member Name/Interest Group	Location
Fresno	Lourdes Medina, At-large Rep.	Central
Merced	Melissa J. Kelly Ortega, At-large Rep.	Central
Kern	Linda MacKay, At-large Rep.	South
Fresno	*Riley Jones, CAC	Central
	*Kevin Hamilton, CAC	Central
San Joaquin	**Jeremy Terhune, At-large Rep.	North

\*Arrived at 11:18 a.m.

\*\*Arrived at 11:57 a.m. (quorum formed)

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Scott Nester, Planning Director; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative; Jaime Holt, Chief Communications Officer.

Staff present in Southern Region Office (Bakersfield) – Brenda Turner, Public Information Representative.

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

Members of the public present – Sarah Sharpe, Derek Williams, Michelle Garcia, Jenny Saklar, Michael Hernandez

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – None.

5. CHAIR COMMENTS – Ms. Medina stated she attended the CAC meeting on October 6th and also met with the Fresno CAC representative. She also further commented on the discussion during September’s meeting regarding the importance of improving communication with the CAC.
  
6. ADDRESSING BARRIERS TO PARTICIPATION IN THE EJAG - A) PROVIDE RECOMMENDATIONS TO DISTRICT STAFF ON WHAT THE DISTRICT CAN PROVIDE; AND B) OPPORTUNITY FOR EJAG MEMBERS TO MAKE PROPOSALS FOR WAYS TO ADDRESS OR ELIMINATE THOSE BARRIERS – Ms. Garoupa was unable to attend this meeting; therefore, she provided written comments regarding EJAG accomplishments and areas for EJAG to improve, which were read by Ms. Kelly-Ortega. Ms. Garoupa indicated a large part of EJAG’s agendas consist of presentations on District’s programs and regulations. She also indicated that the educational process, although vital to EJAG, is time consuming, which results in a limited amount of time available for EJAG to discuss substantive issues. Ms. Garoupa listed another barrier is the lack of time spent on relationship and rapport building. She went on to state that trust is a fundamental building block from which progress can grow and working on building a strong relationship between District staff, leadership, and members of EJAG is important and valuable, as is making sure there is clear communication and clarity in discussions.

After reading Ms. Garoupa’s comments, Ms. Kelly-Ortega stated that barriers exist that encumber participation by community members. She suggested when topics of concern are scheduled to be discussed at an upcoming meeting, it is important for members of the community to be invited to attend. In addition, Ms. Kelly-Ortega said other challenges associated to public attendance are related to transportation issues and child-care.

***Mr. Jones and Mr. Hamilton arrived at 11:18 a.m.***

Mr. Hamilton interjected that because EJAG has members traveling long distances to attend meetings, members should be considered for mileage reimbursement, as should CAC members. He also stated alternating meeting times, holding some sessions during the afternoon and some during evening hours, accommodates a variety of working schedules for community members, and suggested the District further assist EJAG in publicizing the scheduled meetings.

Ms. MacKay agreed with Mr. Hamilton’s comments regarding alternating the meeting times and suggested evening meetings be adjusted to a later time, in order to be more convenient for community members who work regular hours, especially for those in farming communities. Ms. MacKay expressed she felt that outreach materials are a useful tool in reaching out to other communities and increasing public attendance at EJAG meetings; however, as indicated earlier, the cost of mileage is a concern for EJAG members.

Ms. Medina agreed with ideas mentioned, and added the need to offer translation service, including translation for written materials. She also stressed the need for EJAG to participate in capacity building and development, as well as to become better acquainted with fellow EJAG members and with the District.

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

- Sarah Sharpe, Fresno Metro Ministry

7. AD HOC COMMITTEE REPORTS:

A. REVIEW OF DISTRICT'S EJ MAP – Ms. Kelly Ortega explained the progress made by the EJ Mapping Group. She stated the goal and purpose of the ad hoc committee is to examine the District's EJ map to see if it covers all EJ communities. She stated the mapping committee expanded on the material the District currently uses, which resulted in the following six criteria categories, each of which has sub-categories:

- Income/economy
- Race and ethnicity
- Educational level
- Health
- Pollution sources
- Emission inventory

Ms. Kelly-Ortega stated it is the suggestion of the mapping committee that a community be defined an EJ community if three of the six criteria categories are met. She also explained the goal of the committee is to refine the EJ map in order to recognize specific pockets of a community. She explained those communities not defined as an EJ community would be given an opportunity to submit an appeal and provide supporting documentation, explaining why they should be considered an EJ community.

Mr. Jones inquired as to why prisons are not considered. Ms. MacKay added there are prison facilities in regions in which there exists concern the community is disproportionately impacted, and those areas are not designated on District EJ maps. Additionally, she indicated there are a few unincorporated areas that were not on the map at all. Ms. MacKay suggested the maps could also be used by the District when permitting facilities, as the maps would show communities that are overburdened with polluting facilities.

Ms. Kelly-Ortega informed the group that Mr. Sheikh, the District's ERIP Director, and his mapping staff have been working on designing a Google Earth map in order to make the information accessible on the web.

Public Comment: There was no public comment.

B. PUBLIC INFORMATION REQUESTS FEE WAIVER – Ms. Medina advised Ms. Mataka was heading that committee, but she was unable to attend this meeting due to an illness. Ms. Medina stated the committee is working on changing the language for the fee waiver. Mr. Jones interjected that it was recommended by EJAG during the June 15, 2009 meeting that the fee waiver be designed by staff with criteria input from EJAG. He explained the appeal process would be through a written request to the EJAG committee, EJAG would then make a recommendation to the APCO. Mr. Jones expressed he felt the best way to proceed with this matter would be for staff to design the questionnaire or the application and then present it to EJAG first before presentation to the District Governing Board.

Mr. Jones added the APCO would be the person who determined whether the fee waiver was legitimate or not; then, after that, the appeal process would apply. If the fee waiver was denied to an individual or group, they could make a written request to the EJAG committee, who would make a recommendation to the APCO, and the APCO would have the right to accept that recommendation or deny it.

Ms. Medina recommended that this item be placed on the next agenda, in order to be provided with an update on this matter.

C. OUTREACH MATERIALS – Ms. Medina stated she had met with the District and explained the one page information sheet, which should be finished and available to present during the next EJAG meeting. Ms. MacKay suggested it may be helpful to list EJAG members as well as the area each member represents. Ms. Medina stated a meeting will be scheduled and she requested EJAG members to attend in order to assist with this project.

D. PASS OUTREACH – Ms. Medina stated she is on this committee, but the committee has yet to meet. Mr. McVaigh indicated that Mr. Sheikh, ERIP Director, would provide EJAG the materials that the District is currently proposing to use for review.

***Mr. Terhune arrived at 11:57. Quorum achieved.***

3. APPROVE MINUTES OF MONDAY, SEPTEMBER 21, 2009 – Approved with two recommended changes, as requested by Ms. Kelly-Ortega.

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

**Motion passes 8- 0 to approve the Amended Minutes of the September 21, 2009 EJAG meeting.**

Break at 12:03 p.m.

8. RULES UNDER DEVELOPMENT – Mr. Nester, Director of Planning, provided a brief overview for September 2009 updates. The following rules were adopted in September 2009 by the Governing Board: Rule 4692 (Commercial charbroiler), Rule 4696 (Brandy and Wine Aging), Rule 4602 (Motor Vehicle Assembly Coating), Rule 4653 (Adhesives), Rule 4603 (Surface Coating of Metal Parts and Products), and Rule 4684 (Polyester Resin Operations). Rule 4103 (Open Burning) is still under development. Rule 4566 (Organic Waste Operations) will be presented to the District Governing Board in late 2010. Rule 9410 (Employer Trip Reduction) is expected to be taken before the Governing Board in December 2009. Rule 4570 (Confined Animal Facilities) will be amended in order to get additional emission reductions, and it is anticipated this Rule will be submitted to the Governing Board in the second quarter of 2010. In September, Rule 2301 (Emission Reduction Credit Banking), which allows banking emission reductions of green house gases, was taken to the Governing Board for consideration during the November meeting. Rule 4308 (Boilers, Steam Generators, and Process Heaters), which applies to the smallest of commercial and industrial types of boilers and water heaters, will go to the Governing Board in December. Rule 4601 (Architectural Coatings), which would lower the VOC content limits of several coatings, resulting in significant emission reductions, will be heard by the Governing Board on December 17, 2009. In 2009 and early 2010, the District will workshop Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnace), which applies to residential furnaces that run on natural gas. The District is looking to establish lower NOX emission limits for those units, and would require newly installed furnaces to be lower NOX furnaces.
9. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None.
10. EJAG MEMBER COMMENTS AND EJAG SUGGESTION TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, DECEMBER 1, 2009 – (Note: for future EJAG meetings, “EJAG Member Comments” will be a separate item)

Ms. Medina asked if there were any suggestions from EJAG members for inclusion in the presentation to the CAC in December. Ms. Kelly-Ortega expressed it is important for EJAG members to attend CAC meetings in order to become more familiar with the rules, as well as accelerate the learning process. Mr. Jones indicated CAC meetings are held the first Tuesday of every month at 10 a.m.

Ms. Medina stated the upcoming EJAG evaluation should be placed on the agenda for the group to discuss further, as well as checking on the progress that has been made toward reaching the goals.

Ms. MacKay stated she did not want to lose track of past items that were discussed, such as business cards. Additionally, she reiterated the APCO's suggestion during the last EJAG meeting, which was for the committee to set goals and objectives to use as a guide for the next three months. She suggested one goal to set could be to increase public attendance at EJAG meetings. Ms. MacKay also suggested an item be placed on the agenda to talk about what goals the group would like to accomplish within the next three months. Ms. MacKay also restated Ms. Medina's previous month's request for an educational piece, focusing on communication through the CAC.

Mr. Jones expressed concern about EJAG member attendance. He then proposed staff to include a present/absent sheet as part of their packet, as it does with the CAC. Mr. McVaigh stated that would be fine, at direction of the Chair; to which Ms. Medina suggested an attendance sheet for the next meeting. Ms. Medina then suggested another item for the agenda would be re-visiting the ad hoc committees.

Mr. Hamilton asked for an explanation of the EJAG evaluation hand out. Ms. Kelly-Ortega explained she took information from the excel sheet listing EJAG's accomplishments and tasks, as well as comments received from EJAG members, and organized the information by goals. She stressed the document is not yet complete, because there have been many items accomplished by EJAG that she is unaware of and, therefore, she needs further input by EJAG members. Mr. Jones stated the spreadsheet does not include obstacles which prevented items from being accomplished, and stated he felt it was important for members to know what other members are thinking as far as what EJAG could do to improve. Ms. Kelly-Ortega indicated that information could be included.

11. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING,  
TUESDAY, DECEMBER 1, 2009 AT 10:00 A.M. -

Ms. MacKay volunteered.

**ADJOURN**

Meeting adjourned at 12:50 p.m.

*NEXT MEETING – The next EJAG meeting is scheduled on Monday, November 16,, 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.*