

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, September 21, 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 5:37 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
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
Kern	Linda MacKay, At-large Rep.	South
Kings	Andre Booker, At-large Rep.	Central
Fresno	Lourdes Medina, At-large Rep.*	Central

*Ms. Medina came in at 5:40 p.m.

**Mr. Hamilton came in at 5:45 p.m.

Staff present in Central Region Office (Fresno) – Seyed Sadredin, Executive Director/APCO; Rick McVaigh, Deputy APCO; Catherine Redmond, Assistant Counsel II; Errol Villegas, Program Manager; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative; Jaime Holt, Chief Communications Officer; Lisa Van de Water, Air Quality Specialist II.

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

Staff present in Northern Region Office (Modesto) – Anthony Presto, Public Information Representative.

Members of the public present – Rey Leon, Derek Williams, Laura Fultz-Stout, Daniela Simunovic (Central).

3. APPROVE MINUTES OF MONDAY, AUGUST 17, 2009 –

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

Motion passes 8-0 to approve the Minutes of the August 17, 2009 EJAG meeting.

4. EDUCATIONAL TOPICS:

A. BROWN ACT – Mr. McVaigh noted that EJAG is subject to the Brown Act – Open Meetings for Local Legislative Bodies Act. He then introduced Catherine Redmond, Assistant District Counsel, who provided a detailed description of the Act and answered questions.

Mr. Sadredin added in addition to adhering to the Brown Act, the meetings need to be conducted in an orderly fashion. He also suggested that protocol dictates that committee members be allowed adequate opportunity for discussion without back and forth debates with public members throughout the entire meeting.

At this time, Ms. MacKay asked Ms. Medina if she desired to take over as Chair. To which Ms. Medina indicated that she did.

Ms. MacKay inquired if it would be a violation of the Brown Act if the board was to start an item and then jump to another item. At this time, Ms. Redmond reiterated Mr. Sadredin's comment regarding keeping order of a meeting.

Mr. Hamilton stated that in the future, it needs to be clarified as to what is considered EJAG's jurisdiction. Mr. Sadredin expressed it is hoped that in December, when he takes the evaluation report to the Board, to qualify the process involved in getting items on the agenda, as well as clarify EJAG's scope of authority, which is dictated by EJ policy. In the meantime, Mr. Sadredin suggested EJAG members who desire to place an item on the agenda to contact the Chair, and the Chair can seek advice from him or from the District's counsel. Mr. Sadredin emphasized that email should not be utilized as a form of communication. He then stated that another way to begin a discussion about an agenda item is during the EJAG member comments section. He also suggested the committee lay out goals and objectives to use as a guide for the next three months.

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

- Derek Williams
- Rey Leon

B. ENERGY EFFICIENCY STRATEGY – Mr. McVaigh stated that back in 2007, when the District adopted its Ozone Plan, the District committed to developing Fast Track Measures to expedite attainment of the Air Quality Standards in the Valley. One of the Fast Track Measures proposed was an Energy Efficiency Program. He introduced Lisa Van de Water, Air Quality Specialist in the Planning group, who provided a presentation on the District’s proposed regional energy efficiency strategy.

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

- Rey Leon
- Laura Fultz-Stout

5. PUBLIC COMMENTS (FIRST OPPORTUNITY) – *The following persons provided testimony during the Public Comments portion of the meeting:*

- Rey Leon
- Laura Fultz-Stout

6. CHAIR COMMENTS – Ms. Medina stated she had received an invitation and agenda for the Carbon Capture and Sequestration Public Workshop on September 25, 2009. She also received a newsletter from the Hydrogen Energy of California, which is available for the Board and public to review.

Chair reminded the Board of the 3 pillars of EJAG:

- Focus on the cumulative health impacts in relationship to clean air
- Precautionary principles
- Public participation

She stressed the importance of these commitments, especially in regards to serving the EJ communities, who may not understand the processes of government. In striving to become more inclusive and to improve upon procedures, as well as to communicate more efficiently with community members involved in these proceedings, Ms. Medina requested more capacity workshops or presentations from the Air District. She concluded by stating she welcomes being critiqued and is open to opportunities for increasing her knowledge on procedures and rules.

7. RULES UNDER DEVELOPMENT – Mr. Errol Villegas, Program Manager of Planning provided a brief overview for August 2009 updates. He stated the study for Rule 4566 (Organic Waste Operations) has been finalized, and it is anticipated the report will be received by the end of this year, and the District will then move forward in the rule making process. He reported the Governing Board

adopted amendments to Rule 4692 (Commercial Charbroiler) and proposal to create an incentive program in order to advance technology and enable the District to gather additional information on controls for under-fire charbroilers. Rule 4695 (Bandy and Wine Aging), Rule 4602 (Moto Vehicle Assembly Coating), Rule 4653 (Adhesives), Rule 4603 (Surface Coating of Metal Parts and Products), and Rule 4684 (Polyester Resin Operations) were also adopted during the September 17, 2009 Governing Board meeting. Rule 4308 (Boilers, Steam Generators, Process Heaters Rated at 0.075 MMBtu/hour to 2.0 MMBtu/hour) is under amendment in order to address lower NOX emissions from those types of units. Rule 2301 (Emission Reduction Credit Banking) is going before the Governing Board on November 5, 2009 for adoption. Mr. Villegas described the outreach being done in associated to Rule 9410 (Employer Based Trip Reduction Program), and also explained two rules under development for the 4th quarter – Rule 4570 (Confined Animals Facilities) and Rule 4905 (Natural Gas-Fired, Fan-Typed Residential Central Furnaces).

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

- Laura Fultz-Stout

8. FOLLOW-UP FROM AUGUST 17, 2009 AGENDA:

A. ENVIRONMENTAL JUSTIC 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 – COMMITTEE PROGRESS ON PROVIDING INPUT TO APCO - Mr. Sadredin explained EJAG was a project that himself and Mr. Leon initiated approximately six years ago. He provided a history of the formation of EJAG, the challenges involved in the creation of an environmental justice advisory committee, and explained the need for the existence of such a committee to serve the communities. He expressed there were a lot of concerns and disagreements surrounding the construction of such an environmental advisory group, as well as disagreements regarding the tasks the group would be responsible for, and the relationship the group would have with the CAC and Governing Board.

He stated the Governing Board accepted his recommendation for this group. At that time, it was agreed Mr. Sadredin would report back to the Governing Board six months after the group had been formed. Mr. Sadredin indicated that due to the time frame involved in the process of creating EJAG, including establishing and organizing a working board, two years have gone by since the formation of the group. He felt it was now an appropriate time to report to the Governing Board on how the current structure is working, in addition to providing recommendations for changes and enhancements. Mr. Sadredin also commented that the District has invested a lot of staff hours in support of EJAG. He stressed that he is heavily invested in this project and desires EJAG to

succeed; however, he does have concerns, as it is felt the potential of the group has not yet been reached.

Part of the evaluation will look at realistic expectations of EJAG members in accomplishing certain goals within the time restraints placed on its members. Another part of the evaluation will focus on the organizational aspect of meetings.

Mr. Sadredin indicated that every member serves at the pleasure of the Governing Board and there is no mandate in State law for EJAG to exist. It is up to the Governing Board to evaluate if there is value in having this committee and in what manner it would serve the Valley residents, especially the EJ communities.

In reference to providing input for the evaluation, Ms. Kelly-Ortega explained a spreadsheet handout, which indicates what has been accomplished by the committee, as well as listing future goals and the direction the Board will strive to take in the future. Mr. Sadredin stated that the spreadsheet is a useful tool, and stressed the committee expand upon what EJAG could do to accomplish these goals. He also encouraged the members to focus on what the group has accomplished.

Ms. Garoupa expressed concerns centering on being able to summarize the information needed for the evaluation prior to September 30. She requested more members join the sub-committee on this matter and recommended extending the deadline past that due date. Mr. Sadredin stated that he told the CAC he would provide them with a copy of the report prior to presenting it to the Governing Board, and he committed to giving the report to CAC about two weeks prior to their December 1 meeting. Mr. Sadredin also indicated that CAC is unaware of EJAG's functions, due to the deficiency in communication that currently does not exist between the two entities. He indicated this would also be reviewed during the evaluation process.

He emphasized that the committee is welcome to conduct a detail investigation and generate a lengthy table listing facts and EJAG's accomplishments; however, what he was specifically requesting was opinions regarding what EJAG has done based on observations by its members. Mr. Sadredin also shared with the committee his initial preliminary findings to date.

Mr. Sadredin stated members could send information for the evaluation to him directly or the members could submit items to the Chair, who could then forward the information to him. He indicated that he initially desired the information by September 30; however, he will move the deadline date to October 10. Members discussed appropriate ways to submit comments and Ms. Kelly-Ortega volunteered for members to submit their comments to her.

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

- Laura Fultz-Stout

B. 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 – FORMULATE ACTION ITEMS ON PLAN DEVELOPMENT - Ms. Medina stated she has asked her community members if they were aware of this program, their opinions of the processes involved and the obstacles they may have encountered. Ms. Holt indicated the District would appreciate EJAG's input regarding the material that was mailed out regarding the PASS program, in order to better reach EJ communities in the future. Ms. Kelly-Ortega suggested more pictures, less words, and indicated there was a conflict in timing due to the Cash for Clunkers Program, which was confusing for the public. Mr. McVaigh reiterated the District welcomes EJAG's suggestions

Public Comment: The following persons provided testimony on this item: None.

C. DEVELOP AN ACTION PLAN FOR EJAG MEMBERS ASSISTING THE DISTRICT IN EDUCATING MINORITY AND SMALL BUSINESS OWNERS AND OPERATORS SUBJECT TO THE DRY CLEANING AIR TOXICS CONTROL MEASURE (ATCM) – FORMULATE ACTION ITEMS ON PLAN DEVELOPMENT Ms. Medina stated she believed EJAG had received, via email, a list of the dry cleaning facilities. She explained that the board was to make recommendations to the District regarding this and asked the members if they wanted to take action on this item. Mr. Sadredin indicated that it was desired that EJAG help the District better communicate to the EJ communities. The District is not looking for EJAG to come up with a Valley-wide strategy for how to enforce a rule, but rather to provide advice to the District on how to more effectively reach the population of EJ communities. He emphasized the role of EJAG is authoritative – tell the District what to do and offer input on how we are doing things; basically, be an advisory body by giving the District ideas and advise.

Public Comment: The following persons provided testimony on this item: None.

D. 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 – CONTINUE DISCUSSION AND FORMULATE ACTION ITEMS FOR PLAN DEVELOPMENT - Ms. Medina commended those EJAG members who have provided the requested information, which will be utilized in the future to contact members of EJ communities to inform them of upcoming events, in hopes of increasing community participation. The deadline date for EJAG to submit the information is October 30. Ms. Kelly-Ortega suggested staff

become involved in the California Endowment - Building Healthy Communities group, a state-wide health foundation.

Public Comment: The following persons provided testimony on this item: None.

9. PROPER MEANS OF EJAG COMMUNICATION WITH AIR DISTRICT GOVERNING BOARD: INCLUDING INVITATIONS TO GOVERNING BOARD MEMBERS TO ATTEND EJAG MEETING SUCH AS SUPERVISOR MIKE NELSON – Mr. McVaigh stated the environmental justice strategy approved by the Board requires that EJAG report to the Governing Board through the CAC; therefore, items like the letter to Supervisor Nelson should go through the CAC. In addition, the letter regarding Supervisor Nelson was put on an EJAG letterhead, which was created by a member of EJAG. Developing an EJAG letterhead showed initiative; however, to follow the proper procedures laid out in the Environmental Justice Strategy, the letterhead needed to be taken through the Outreach Committee and then approved by the CAC.

Ms. Medina expressed she agreed with the content of the letter; however, did not agree with the method or the process. Again, she indicated the need for the District to provide education at the next meeting, in order for this type of situation to be avoided in the future.

Mr. Sadredin added he understands it is burdensome to delay things in order to go through CAC, and it was a major point of contention when EJAG was formed. The compromise was that EJAG would be an independently autonomous body, but when it came to communications to the Board, it was required EJAG go through CAC. In his evaluation, he will address this matter; however, at this time, EJAG is bound to that process.

Ms. Medina requested it be noted she would like an educational piece on the next agenda regarding procedures, especially focusing on communication through the CAC.

Public Comment: The following persons provided testimony on this item: None.

10. ADDRESSING BARRIERS TO PARTICIPATION IN THE EJAG – CATHERINE GAROUPA – Not discussed due to time limitation; tabled to the next meeting.
- A. PROVIDE RECOMMENDATIONS TO DISTRICT STAFF ON WHAT THE DISTRICT CAN PROVIDE
 - B. OPPORTUNITY FOR EJAG MEMBERS TO MAKE PROPOSALS FOR WAYS TO ADDRESS OR ELIMINATE THOSE BARRIERS
11. STANDING COMMITTEE REPORTS – Not discussed; to be a priority at next agenda.

- A. REVIEW OF DISTRICT'S EJ MAP
- B. PUBLIC INFORMATION REQUESTS FEE WAIVER
- C. OUTREACH MATERIALS

12. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None

13. EJAG MEMBER COMMENTS AND EJAG SUGGESTION TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, OCTOBER 6, 2009 -Ms. Kelly-Ortega relayed Mr. Booker's question regarding business cards, indicating that business cards would provide a means to identify members as part of EJAG when they go out into communities.

Ms. Garoupa stated she had been contacted by the Madera representative of CAC about EJAG's upcoming evaluation, and the meeting allowed her to establish a relationship with a CAC member who she had not previously met. She suggested having some CAC representatives on EJAG, in order to keep the group advised as to what is happening at CAC and to improve communications.

14. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, OCTOBER 6, 2009 AT 10:00 A.M.

Ms. Medina volunteered.

ADJOURN

Meeting adjourned at 9 p.m.

NEXT MEETING – The next EJAG meeting is scheduled on Monday, October 19, 2009 at 11:00 a.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.