

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

Tuesday, August 24, 2010
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 not present; quorum formed at 5:40 p.m.

County	Member Name/Interest Group	Location
Madera	Catherine Garoupa White, At-large Rep.	Central
Merced	Melissa Kelly-Ortega, At-large Rep.	Central
Fresno	*Kevin Hamilton, CAC	Central
Fresno	**Amarpreet Dhaliwal, CAC	Central
Bakersfield	Marvin Dean, Business Owner	Southern
Kings	Riley Jones, CAC	Central
Kings	***Andre Booker, At-large Rep.	Central

*Arrived at 5:40 p.m.

**Arrived at 6:05 p.m. and departed at 7:04 p.m.

***Departed at 7:58 p.m.

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Jaime Holt, Chief Communications Officer; Tom Jordan, Senior Policy Advisor; Dave Warner, Director of Permit Services; Errol Villegas, Strategies & Incentives Program Manager; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative.

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 – Sandra Celedon-Castro, Miguel Alatorre, Pamela Nerohna, Mike Wells, Empress Nonstikelelo, and Rechina Dean.

3. APPROVE MINUTES OF MONDAY, APRIL 19, 2010, MONDAY, MAY 17, 2010 AND MONDAY, JUNE 21, 2010 – (This item was addressed after item #4, Public Comment, due to quorum not present until 5:40 p.m.) Motion was made by Mr. Booker to approve minutes for all three meetings.

Moved: Booker
Seconded: Garoupa White
Ayes: Booker, Garoupa White, Kelly-Ortega, Dean, Hamilton, Jones
Nays: None
Abstain: None

Motion carried unanimously to approve the minutes of the following EJAG meetings: April 19, 2010, May 17, 2010, and June 21, 2010.

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – The following persons provided testimony during the Public Comments portion of the meeting:
- Empress Nonstikelelo

Mr. Hamilton arrived at 5:40 p.m.

5. CHAIR COMMENTS – Ms. Garoupa White stated this month's meeting marked EJAG's two-year anniversary. She said EJAG has accomplished significant tasks during the period since inception, including defining the role of EJAG, making recommendations on EJAG maps and serving EJ communities through representation. She thanked all EJAG members for their contributions and hard work.
6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh said it is on the CAC September 7, 2010 agenda to appoint and re-appoint several members to EJAG. The District will recommend the following: approve the nominations of Sandra Celedon-Castro, Pamela Neronha and Derek Williams; re-appoint Ms. Kelly-Ortega, Ms. MacKay and Mr. Terhune; and also re-appoint the CAC members whose terms are expiring.

During the Aug. 19 Governing Board Meeting, Mr. McVaigh said Dr. Lighthall, the District Health Science Advisor, gave a presentation on new air pollution research, specifically addressing ultrafine particulates (.1 microns are smaller), which are not currently covered by federal regulations. Some studies have shown a correlation between illness, air pollution and the amount of ultrafine particles in the air. Because of the number of these ultrafine particles and their composition, some believe these particles may have more of an effect on people's health than the larger masses of particles that are measured. Mr. McVaigh said the District is very interested in further research regarding ultrafine particulates and said the Governing Board has authorized \$35,000 for a study to

be conducted by ECSS along the Shaw Avenue corridor in Fresno. He provided an overview of how the study will be conducted and said it will focus on the cause of the emissions. He said it will take approximately a year to proceed with the study.

Mr. McVaigh said a Governing Board subcommittee has been looking at the issues associated with AB 2522, which was adopted in 2008, and authorized the District to levy up to \$24 per vehicle registered in the Valley to reduce greenhouse gas emissions. He said the state law that authorizes this funding includes a specific rule for EJAG in the distribution of the funds, which indicates at least \$10 million shall be used to mitigate impacts on public health in disproportionately affected communities. Specifically, EJAG is to recommend the neighborhoods in the District that constitute EJ communities and recommend how to expend the funds in those communities. He also said the District could begin collecting the fees in July 2011 if the fees are adopted this year.

Mr. Jordan, the District's Senior Policy Advisor, said the sub-committee has discussed projects that could be funded by these fees, but no projects have been proposed. He said there will be a study session of the Governing Board in September to discuss where this money could best be put to use.

Mr. Hamilton suggested the District leverage the money and seek opportunities for interagency cooperation. Mr. McVaigh said it would certainly be part of the District's plan to look for additional contributions. Mr. Jordan added the District has taken a very active approach to ensure the District maximizes stimulus funds. He explained the District took lead on coordinating with small jurisdictions throughout the Valley to apply for California Energy Commission block grant funds, because a number of communities hit hard by the current economy did not have the staff to handle the work required to obtain the federal funds.

Mr. Jordan emphasized the District is looking into any areas where there is air quality-related funding available in order to maximize those opportunities.

Mr. Dhaliwal arrived at 6:05.

Mr. McVaigh said Parlier possibly exceeded the 1-hour ozone standard today, which would be the first time this year. He stated there still needs to be calibration and quality assurance work completed; however, the monitors are showing 140 parts per billion (ppb) of ozone, which is above the federal one-hour threshold of 125 ppb. He noted that 15 years ago it was fairly common in one year to have 50 days that exceeded the air quality standards.

Ms. Garoupa White asked for an overview regarding the upcoming Governing Board retreat. Mr. McVaigh said the retreat is Sept. 29-30 at Bass Lake, it is open to the public and information is available on the District website. During the retreat, the Governing Board will address long-term strategic type issues. Some of the items on the agenda will be:

- Strategic use of incentives.
- New air quality standards.
- Proposal to address District employees raising funds for charitable organizations.
- Presentation on the results of the survey conducted involving several hundred Valley residents regarding their knowledge of the District and different programs the District sponsors (i.e. Check Before You Burn and Healthy Air Living).
- Nitrogen oxide monitoring.
- Socio-economic analysis and greenhouse gas mandates.

Ms. Garoupa White said a number of the agenda items are of interest to EJAG and encouraged EJAG members to attend.

Public comment: None.

After public comment opportunity, Ms. Garoupa White handed out plaques in recognition of contribution and service to the following EJAG members:

- Mr. Booker
- Ms. Garoupa White
- Ms. Kelly-Ortega
- Ms. Medina (former Chair)
- Mr. Jones
- Mr. Hamilton

The following EJAG members who were not in attendance also received plaques:

- Mr. Terhune
- Ms. Mataka
- Mr. Ceballos
- Ms. MacKay

Ms. Garoupa White said it was her pleasure serving on EJAG for the past two years and expressed her interest in remaining a resource for EJAG.

***Break at approximately 6:24 p.m.
Meeting resumed at 6:35 p.m.***

Ms. Garoupa thanked the public in the audience for attending and encouraged further public participation in the future. She then opened the second public comment section at this time. See Item #14.

7. RULES UNDER DEVELOPMENT– Rule summary sheets were provided to EJAG members. Mr. Errol Villegas, Program Manager in the Strategies and Incentives department, provided a brief overview, which included the following:

Past actions/rules:

- Ozone Mid-Course Review
- Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces)

Current actions/rules:

- Rule 4354 (Glass Melting Furnaces)
- Rule 4653 (Adhesives)
- Rule 4703 (Stationary Gas Turbines)
- Rule 4566 (Organic Waste Operations)
- Rule 4570 (Confined Animal Facilities)

Rules EPA acted on with a limited approval/disapproval that are in the works:

- Rule 3170 (Federally Mandated Ozone Nonattainment Fee)
- Rule 4401 (Steam-Enhanced Crude Oil Production Well Vents)
- Rule 4605 (Aerospace Assembly and Component Manufacturing Operations)
- Rule 4684 (Polyester Resin Operations)

Rules that the District is considering adopting:

- Rule 2410 (Provision of Significant Deterioration Permitting Program)
- Rule 2301 (Emission Reduction Credit Banking)

Mr. Dean requested further detail concerning Rule 2301 (Emission Reduction Credit Banking). Mr. McVaigh said the District is proposing to certify emission reduction credits for greenhouse gases for the purpose of providing a mechanism for Valley businesses and public agencies to offset increases in emissions here in the Valley, thereby reducing air pollution in the Valley. He explained the District is going through the California Environmental Quality Act (CEQA) process to evaluate the environmental impact associated with issuing those credits and it will probably be several more months before that process is finalized.

Regarding Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces): Mr. Hamilton asked for confirmation that technology does not exist for this rule even though the South Coast passed a rule for these types of furnaces. Mr. McVaigh stated that was correct. He explained the deadline for the technology is 2014, and the District is working with the South Coast on developing and implementing the technology.

Regarding Rule 4354 (Glass Melting Furnaces), Mr. Hamilton asked why one glass plant would be exempted from complying. Mr. McVaigh explained that in exchange for relief from the interim deadline, the plant would be required to comply with tougher requirements four years ahead of the current schedule. Mr. McVaigh stated this would result in significantly lower emissions by the attainment years, which are 2014 and 2017. Mr. Hamilton expressed concern related to the public being exposed to pollutants and the environmental impacts. He requested information on the amount of pollution the plant is producing and requested a copy be emailed to EJAG members.

Mr. Booker said he had been informed that in San Luis Obispo there exists a “no drive-thru policy.” He asked if such a policy would be possible in the Valley. Mr. McVaigh said it was something the District considered in the last Ozone Attainment Plan and will probably be proposed again for the next plan. He explained the District found through analysis that if the drive-thru is flowing properly, it is actually better using the drive-thru rather than shutting off a car and then doing a cold start, due to the catalytic converter. However, if there is a long waiting period in a drive-thru, fewer emissions would result in turning a car off and then doing a cold start.

Ms. Garoupa White said at the last Governing Board meeting, Dr. Forman indicated that some of the diesel retrofits may be creating ultrafine particles, because they are capturing the bigger particles. She added ultrafine particles are a growing concern.

Public comment: None.

8. REGIONAL GREENHOUSE GAS TARGETS UNDER SB 375 - Mr. Jordan, Senior Policy Advisor, provided an overview of SB 375. He stated in essence, SB 375 authorizes the State Air Resources Board (ARB) to set regional greenhouse gas targets for passenger vehicle greenhouse gas emissions. ARB is looking at regions throughout the state to develop targets to meet reductions for greenhouse gases. Mr. Jordan explained the San Joaquin Valley has eight regional authorities; however, the Valley has been given the option to combine up to 8 counties, or each county can be an individual entity. Mr. Jordan explained jurisdictions that develop one of these plans receive certain benefits under CEQA.

He said ARB issued draft targets in June of this year and the regional target advisory committee is required by law to establish targets by Sept. 30. Once those targets are in place, the regional entities will start developing plans to show how their respective regions will meet the target that ARB developed for their region. San Diego will be first, and the San Joaquin Valley’s first plan will be required in 2014; however, since it is not required by law, five of the regional entities in the San Joaquin Valley have made an agreement with the Attorney General to complete it by 2013, so it may happen earlier for the Valley region.

Mr. Jordan said SB 375 includes a housing element. Housing elements, showing how affordable housing will be provided to residents, will have to be developed by 2012. This is a big issue as the San Joaquin Valley is a bedroom community for the Bay Area. Because of this, there will need to be coordination between the District and the Bay Area in order to reduce the amount of commuter travel, due to the Bay Area not providing enough housing for the working population.

Another factor affecting the Valley is our location in the state, as the Valley is dramatically impacted by passenger trips to other regions. In addition, the Valley is growing faster than any other region in the state.

ARB has proposed the target of a 5 percent per capita reduction in greenhouse gas emissions from light-duty vehicle travel for the San Joaquin Valley by 2020, which will require more travel demand management-type strategies. In 2035, the target is increased to 10 percent; however, ARB has suggested that these placeholder targets be reassessed in 2012, after the regions have the models that are better able to assess different land-use scenarios.

Regarding the multi-county plan issue, Mr. Jordan said there is merit in looking at how the Valley structures itself to develop different plans for dealing with greenhouse gases, as it is difficult to develop a land-use plan that will reduce commuter travel between the different regions in the Valley. Mr. Jordan said this is possibly the single biggest issue regarding SB 375: how we organize ourselves is almost as important at this stage as the end planning result, and that is the current topic for all eight of the Metropolitan Planning Organizations (MPOs) in the Valley. Weighing the benefits of doing this on a multi-county level as opposed to a single-county level is an issue EJAG may want to review. An additional aspect to consider is resources: whether it is a best use of resources to do the process eight times as opposed to once, or three times, etc. Mr. Jordan added that MPOs will have more clout as an eight-county region as opposed to a single-county region when competing with other areas for resources. Mr. Jordan suggested EJAG may want to develop a position on this matter and said the District would be willing to assist EJAG with aspects of SB 375.

Mr. Jordan explained some of the things the District is doing to help the region meet the targets include:

- Rule 9510 (Indirect Source Review)
- Rule 9410 (Employer Based Trip Reduction)
- Healthy Air Living Program
- Air Quality Guidelines

Mr. Jordan said AB 2522 could also potentially be a tool to reach these targets, as the District could work with local jurisdictions to help fund some of the more progressive planning-type efforts to make communities more sustainable.

Mr. Garoupa White said Mr. Jordan provided a foundation for EJAG to begin developing recommendations by breaking down the different aspects of SB 375. She reminded EJAG members that SB 375 was one of EJAG's goals for this year.

Mr. Hamilton asked if EJAG should develop a draft position to submit suggestions to the Council of County Governments (COGS), which would express EJAG's viewpoint that the MPOs should act with a unified voice and develop a unified plan, as it would benefit all Valley residents. Mr. Hamilton said the combined transportation plan is an item EJAG should consider, as well as the affordable housing aspect, as the two are related. He said this was an opportunity for EJAG to influence the discussion.

Ms. Garoupa White agreed and said an item for the District to present the pros and cons of SB 375 could be placed on the September EJAG agenda. Ms. Kelly-Ortega requested the presentation include pros and cons as it relates to EJ communities, as well as bullet points of examples that have worked in other areas, such as the Kings Area Rural Transit (KART), which provides bus and van pool services. Ms. Garoupa White said this is a huge opportunity for EJAG. She also said one potential negative impact related to increasing density is potentially more residents living near roadways; therefore, EJAG should keep this in mind when considering the location of transportation hubs.

Mr. Dean asked who the stakeholders are in developing the plan, as well as how input will be received and processed from low-income communities of color during the planning process. Mr. Jordan said the transportation agencies basically operate the transportation work group or the partnership, so the same entities that are developing the SB 375 plans are also working on the transportation portion of the San Joaquin Valley partnership action plan. He stated the law is very specific concerning who has the authority to do the planning work. The state ARB sets the targets and reviews the plans from the MPOs, and each of the MPOs have their own public involvement processes. Mr. Jordan suggested this is an area EJAG look at and, in addition, look at how we structure ourselves to better represent those communities. Mr. Dean suggested EJAG hold community meetings in areas that will be impacted in order to get public input and said he would be willing to take the lead in Kern County to help facilitate a meeting.

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

- Lourdes Medina
- Impress Nonstikelelo
- Rechina Dean

Mr. Dhaliwal departed at 7:04 p.m.

The following comment was made by Mr. Jordan after item #11:

Mr. Jordan said due to the interest in regional approaches expressed by EJAG, time restraints associated to ARB taking action, and the need to get something to ARB prior to their September meeting, the District can work on drafting a letter to provide to EJAG for their review and approval, which would then be presented to the CAC. The letter will state EJAG supports the establishment of greenhouse gas targets and reduction targets, as well as encourages a regional approach to meeting those targets here in the San Joaquin Valley.

Due to a consensus among EJAG member regarding this matter, Ms. Garoupa White directed the District to draft a letter. Mr. Dean requested the letter not only include EJAG's desire for a regional approach, but also that EJAG reach into those affected communities. He also requested the letter indicate that EJAG has a mission for people of color and those of low-income neighborhoods. Ms. Garoupa White added community involvement is important and EJAG will seek creative solutions as well as community support through outreach efforts. Ms. Kelly-Ortega said if a special meeting is required, she would be available to attend.

Public Comment: None.

9. ACTION PLAN TO ENGAGE NORTHERN REGION RESIDENTS – This item was tabled to the September agenda, as Mr. Terhune was not present.
10. BURN TRASH BROCHURE SUGGESTIONS FOR POSSIBLE ENHANCEMENT – Ms. Garoupa White reminded EJAG members that one of the 2010 goals for EJAG is to review community outreach material and provide feedback on possible ways to enhance the brochures in order to make them more relevant to EJ communities.

During the discussion regarding the Burn Trash brochure the following suggestions were made:

- Simplify the brochure (i.e. on the back page, instead of “stringent” use the word “strong”) and be straightforward and to the point.
- Fewer words.
- Use bullet points.

- Use larger font.
- Eliminate the phrase “Burn barrels are illegal,” replacing it with “Burning trash is illegal.”
- Stress that plastics are toxic and all smoke is harmful.
- Emphasize the negative health issues (i.e. “it can poison your children,” “aggravate asthma,” etc.).
- List information as to who to contact to report a violation.
- List information of who to contact to dispose of waste.
- Have a picture of someone in handcuffs.
- Replace the phrase “air quality” with “air pollution.”
- Indicate the fire dangers related to burning in a dry climate.
- Place the photo on the inside cover on the front of the cover.
- Use more pictures.
- List the fines for burning.

Ms. Holt said it was the District’s goal to get the changes made and the brochures out to EJAG members the week prior to the next scheduled meeting in order for EJAG members to review the new brochure and provide further feedback. She advised EJAG will also review the Complaint brochure next month.

Mr. Booker departed at 7:58 .m..

Public comment: The following persons provided testimony on this matter:

- Lourdes Medina
- Sandra Celedon-Castro

11. EJAG ONE-PAGE DOCUMENT WITH ACRONYMS ATTACHED – The document was handed out for EJAG to review. Ms. Garoupa White suggested this item be placed on a future agenda in order to give EJAG members time to review the document and formulate suggestions. Ms. Kelly-Ortega requested the one-page document to be emailed to EJAG members.

Ms. Holt asked EJAG members to also take a look at the District’s bilingual posters that are a part of the District’s “Make One Change” summer campaign. She said the posters have been put up around the Valley.

Sample EJAG business cards were handed out to EJAG members for their review and input. Ms. Holt stated the delay in printing the business cards is due to financial reasons and to also include the new EJAG members. She asked the sample business cards be reviewed by each EJAG member and if a member would like their card changed, she requested the changes be written on the card. It was also requested the sample cards be returned to District staff prior to members departing this evening.

Public comment: None.

12. REPORT ON TEAM BUILDING WORKSHOP – Ms. Garoupa White said she and the following members were appointed to the CAC/EJAG ad-hoc committee: Ms. Kelly-Ortega, Mr. Williams, and Ms. Mackay. She advised that the committee has not yet met. Ms. Garoupa White said the date of the workshop is Wed., Nov. 10, 2010. She requested information and materials be emailed to EJAG members.

Ms. Kelly-Ortega said Jennifer Lind of the California Endowment could give a presentation if provided with a month's notice, and she would be willing to work for \$2,500 to go toward this endeavor. Due to the APCO indicating the EPA has money set aside, the EPA was contacted and Ms. Kelly-Ortega was informed that the EPA was confident funds could be provided.

Mr. McVaigh stated the workshop would not be VTC and would be held at the District's central office. Mr. Hamilton suggested other VTC facilities are available that could be utilized for the workshop. He also suggested checking with the California Endowment for funds. The California Endowment has a VTC office in Bakersfield and an office here in Fresno. Another option would be the Golden Valley Health Center, which has a big conference room with a VTC center in Modesto. Mr. Hamilton added that he is on the hub for BAC and, therefore, he could assure the endowment facility would be available.

Ms. Kelly-Ortega asked if the ad-hoc committee would be meeting soon. Mr. McVaigh said the District would schedule meeting dates.

Mr. Jones asked if the cost of the facilitator was the only anticipated expense. Ms. Kelly-Ortega said the facilitator was the only expense she was aware of. She stated the APCO had indicated the District has some funds; therefore, if the EPA pays for the facilitator and the California Endowment is willing to contribute \$2500, the cost of the workshop will be covered. Mr. Jones suggested the workshop could be held at the California Endowment center.

Ms. Garoupa White thanked members for their input and stated the suggestions provided would be part of the planning discussions during the ad-hoc committee meetings.

13. EJAG SEPTEMBER AGENDA – After discussion, the following items were suggested to be placed on the September EJAG agenda.
- SB 375.
 - One-page document with acronyms attached.
 - Complaints brochure.
 - Action plan to engage northern region residents.

In regard to SB 375, Mr. Dean suggested to also include in the discussion EJAG members conducting and participating in community forums to engage EJ communities.

In regard to the action plan to engage northern region residents, Mr. Hamilton suggested that item be moved up on the agenda, due to issues related to maintaining a quorum throughout the meetings.

Ms. Garoupa White suggested a presentation on PM 2.5 sometime in the future.

Public comment: None.

14. PUBLIC COMMENTS (SECOND OPPORTUNITY) – (This section came after item #6)
 - Maricela Mares-Alatorre
 - Miguel Alatorre
15. EJAG MEMBER COMMENTS – For Mr. Booker, who had departed earlier, Ms. Kelly-Ortega asked if EJAG members names could be listed on the website. Ms. Velasquez said the EJAG roster is currently on the website.

Ms. Velasquez provided an update on exiting EJAG members, new EJAG members, and members of the public who are seeking appointment. Ms. Velasquez also stated the District is seeking to fill the open ethnic, small-business owner seat; however, per the APCO, if that position is not filled soon, it will be opened to the CAC, the Industry/Ag sector.

In regard to printing the EJAG business cards, Mr. Dean asked what process the District uses to choose a vendor and how a vendor submits an application in order to be considered. Ms. Holt said the District tries to use local Valley businesses. She explained any vendor who would like to be considered for future projects may email the District, providing their company name and contact information. When the District has a print project, an email will be sent out to vendors, providing the specifications. When quotes are received, they are reviewed and the District will generally go with the lowest bid. She said on occasion, a business out of the Valley will express interest in providing a quote; however, their bid needs to be considerably lower than Valley businesses to be considered. Mr. Dean said he would have a printing firm in Bakersfield contact the District.

Since this was Ms. Garoupa White's last meeting, she thanked everyone for their significant contributions and for their efforts as EJAG members. She expressed there is a lot of important work ahead for EJAG and she encouraged EJAG to continue the good work. She also stated EJAG could count on her as a resource.

16. EJAG MEMBERS' SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, SEPTEMBER 7, 2010 – Ms. Garoupa White said District staff provides a summary of highlights from EJAG meetings and provides this information to CAC members.
17. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, SEPTEMBER 7, 2010 at 10:00 A.M. – Ms. Kelly-Ortega volunteered.

ADJOURN

Meeting adjourned at 8:35 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, September 28, 2010 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.