

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, October 26, 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 5:31 p.m.
2. ROLL CALL – was taken and a quorum was present to hold a meeting.

County	Member Name/Interest Group	Location
Kern	Linda MacKay, At-large Rep.	South
Merced	Melissa Kelly-Ortega, At-large Rep.	North
San Joaquin	**Jeremy Terhune, At-large Rep.	North
Stanislaus	Pamela Neronha, At-large Rep.	North
Tulare	Derek Williams, At-large Rep.	Central
Kings	Riley Jones, CAC	Central
Kern	*Marvin Dean, Business Owner	South
Fresno	Sandra Celedón-Castro, At-large Rep.	Central

*Arrived at 5:33 p.m.

**Arrived at 5:37 p.m.

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Jaime Holt, Chief Communications Officer; Samir Sheikh, Director of Strategies & Incentives Department; 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 – Empress Nontsikelelo.

3. APPROVE MINUTRES OF TUESDAY, SEPTEMBER 28, 2010 – Ms. Kelly-Ortega requested the word “advised” on page 2, item #5 (Chair Comments), first sentence, be changed to “reported.”

Moved: Williams
Seconded: Kelly-Ortega
Ayes: MacKay, Kelly-Ortega, Neronha, Williams, Jones, Celedón-Castro
Nays: None
Abstain: None

Motion carried unanimously to approve the minutes of September 28, 2010 as amended.

Mr. Dean arrived at 5:33 p.m.

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – None. (This item was addressed prior to item #3).
5. CHAIR COMMENTS – Ms. MacKay said an environmental organization she is a member of in her community recently received a grant from the Air Quality Mitigation Fund, which is overseen by the Rose Foundation. It is a \$25,000 grant for a yearly air quality monitoring program. She said this environmental organization will be conducting PM2.5 monitoring and also possibly ozone monitoring.

Mr. Terhune arrived at 5:37 p.m.

6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh provided an update on recent actions by the Governing Board, which included:
- Amendments to Rule 4570 (Confined Animal Facilities).
 - Adoption of the \$12 per vehicle DMV fee associated to Federal non-attainment penalties.

Mr. Williams requested it be noted for the record that EJAG is concerned about the impact of the DMV fee on those individuals who live in EJ communities. He suggested this topic be placed on a future EJAG agenda as an action item and also suggested EJAG form an ad-hoc committee, which would develop a proposal to waive this fee for members of EJ communities.

Mr. Dean requested that in the future, when items such as this are presented to EJAG, District staff advise EJAG when the item will be presented to the Governing Board; in order to provide EJAG a timeline reference for input, suggestions, etc. Mr. Dean supported Mr. Williams’ recommendation to have an

ad-hoc committee look at the impact to EJ communities and possible alternatives regarding the DMV fee.

Ms. MacKay asked if the \$10 million for EJ communities would be allocated every year and Mr. McVaigh said the \$10 million is only required for one year. Mr. McVaigh also said the DMV funds would remain within the District; however, if the District had not adopted the fees, the EPA would have assessed the fees and the money would have gone to the federal treasury instead of the District.

7. RULES UNDER DEVELOPMENT– Rule summary sheets were provided to EJAG members. Mr. Samir Sheikh, Director of Strategies & Incentives Department, provided the following brief summary:

- Rule 4566 (Composting and Related Operations) will be presented to the GB in the first quarter of next year, due to the District working with stakeholders and interested parties on evaluating the study and feasibility of the various measures that are going to be considered in terms of emission reduction measures for that rule.
- The District needs more time to look at the potential mitigation options under Rule 4702 (Internal Combustion Engines, Phase 2). This rule is scheduled for adoption in December of this year.
- The District is updating Rule 2020 (Exemptions) to include verbiage that is in the California Health and Safety Code, as there is some language in the rule referencing the Health and Safety Code that deals with the permitting of agricultural equipment. He said this rule may go before the Governing Board in December along with Rule 4702.
- Regarding Rule 3170 (Federally Mandated Ozone Nonattainment Fee): This rule would be developed over the next few months and will be taken before Governing Board sometime next year.

Mr. Dean asked for more information regarding Rule 2301 (Emission Reduction Credit Banking). Mr. Sheikh said a workshop date or target date for adoption has not yet been scheduled, but EJAG will be kept up to date on the status. Mr. Dean stated it would provide an incentive for industries to upgrade equipment to receive the credit.

8. EJAG'S ACTION PLAN REVIEW – The goals and objectives were read by EJAG members and the following discussions occurred:

- Goal and Objective #1: EJAG members expressed the importance of this goal and felt EJAG has worked to accomplish set forth objective. The EJAG/CAC teambuilding workshop is scheduled for November 10 at 10 a.m.
- Goal and Objective #2: EJAG has reviewed and provided feedback on the Burning Trash brochure and, after this evening's meeting, the

updated brochure will probably be ready to present to the CAC. The other documents - the Complaints Procedure brochure and the one page EJAG informational document - are still under review and may not be ready to present to CAC until January 2011.

- Goal and Objective #3: EJAG developing specific recommendations for use of the EJAG maps is still pending. Ms. Kelly-Ortega suggested the EJ map ad-hoc committee research the recommendations. Mr. Williams suggested the ad-hoc committee meet in November in order to present the information to EJAG in December. It was then decided to present the suggestions to CAC in January or February.
- Goal and Objective #4: It was noted the pilot program to engage Northern region residents was on this meeting's agenda (agenda item #10). Mr. McVaigh suggested this item be placed on the December agenda.
- Goal and Objective #5: Mr. McVaigh said the District has not yet identified grants for EJAG to review. Mr. McVaigh said some work has been accomplished by EJAG in pursuing grant funding for the upcoming EJAG/CAC teambuilding workshop.
- Goal and Objective #6: Mr. McVaigh said part of the goal, in regard to SB 375, has been accomplished, and at the last EJAG meeting, EJAG requested a presentation be provided by ARB on AB 32. A presentation on AB 32 will be on the December agenda. Ms. Mackay said a letter drafted by EJAG regarding SB 375 was presented to the CAC (during the September CAC meeting); however, it was not approved by the CAC.

Ms. Kelly-Ortega said she wanted it noted that the No. 1 goal and top priority for EJAG is to develop a working relationship with the CAC, as this is needed in order to achieve EJAG's other goals.

9. DECEMBER EJAG MEETING – After discussion, it was decided December 14, 5:30 - 8:30 p.m., will be the next scheduled EJAG meeting. The EJAG mapping ad-hoc committee (consisting of Mr. Williams, Ms. Kelly-Ortega, Ms. Mackay and Mr. Terhune) will meet at 4:30 p.m. on December 14.
10. ACTION PLAN TO ENGAGE NORTHERN REGION RESIDENTS – The "Draft Action Plan to Increase Public Participation in the Northern San Joaquin Valley" was provided to EJAG members by Mr. Terhune, who also provided an overview of the plan.

Ms. Neronha said EJAG's focus at this time should be on this type of project, as it will encourage members of the community to present projects and concerns to EJAG. She suggested the program could also be taken up by EJAG members in the Southern and Central Valley regions, with the Northern region taking the lead.

Mr. Dean requested an amendment to the draft to include Kern County in the pilot program. He said he would be happy to head up the effort in that region.

Ms. Kelly-Ortega asked if Merced could also be included. Mr. Terhune said it would probably be more strategic in terms of organizing if the different counties in close proximity to each other are grouped together, in order to facilitate forming a local organizing committee.

Regarding conducting informational exploratory meetings (the number of communities members listed on the draft - three youth leaders, two faith-based community leaders, and five activists) the viability of obtaining the exact number for each group was discussed by EJAG members, as well as if the numbers could be revised, as it may be easier for some EJAG member to contact, for example, more youth leaders as opposed to contacting faith-based community leaders or activists. The following items were also discussed:

- How a consensus topic would be presented to EJAG
- If the program will include all the regions
- The timeline for accomplishment (extending all the dates by three months).
- The definition of a leader, which was determined to be someone who could motivate others to attend EJAG meetings and, therefore, could assist EJAG in increasing public participation.

In addition, regarding the statement listed on page 2, "at least one of the community leaders will be recruited to sit on the EJAG to fill a position representing the Northern Region," Mr. Williams pointed out that EJAG does not have that authority and there is an established process for appointment to the board. He suggested changing the wording to read, "Community members shall be encouraged to apply for positions on the EJAG when those positions become available."

Ms. Kelly-Ortega asked for reassurance that the goal as outlined in the draft could be reached by September 2011. Ms. Neronha agreed with Ms. Kelly-Ortega regarding moving the dates by 3 months and said the exact numbers indicated on the draft should be considered placeholders, as they may not be reached by a designated date, and because this is a pilot program, it should be considered as something flexible. Mr. Dean agreed the program needs flexibility in order to allow for adjustments.

Concerning the pilot program serving as a tool to motivate community members to apply to serve on EJAG, Mr. Jones commented that recruitment is not the issue, but rather retention is the issue. He said EJAG collectively needs to develop a way that will not only encourage participation, but also develop

sustained participation through EJAG's successes at a level where community members see results and see their participation is making a difference.

Ms. Kelly-Ortega said that although she was excited about the program, in the past EJAG has been too flexible, and due to the flexible nature, was viewed as not having concrete goals; therefore, EJAG needs to ensure, for future evaluations, the program is viewed as successful. To assist EJAG in obtaining the goals laid out in the draft, Ms. Neronha suggested defining goals into two categories: short-term and long-term.

Ms. Celedón-Castro said she thought the action plan was a little ambitious and that the action plan seems like a long-term project that will take a lot of work and energy from all EJAG members. She added that the Central Valley Air Quality Coalition has a Clean Air Leadership Institute, which is ran every year, that runs a similar program where they gather a group of individuals from the community and discuss different ways for people to get involved with legislation, as well as introduce them to air quality and environmental issues. She suggested EJAG members attend the Clean Air Leadership Institute and provide a brief overview of what EJAG's does in order for the institute to possibly incorporate that information in their training program; or perhaps a member of the institute could attend a future EJAG meeting.

Mr. Dean made a motion to approve the recommendation on the pilot program that was submitted by Mr. Terhune with the amendment that the pilot program include Kern County. After further discussion by EJAG members the motion was changed by Mr. Dean to also include the following:

- Mr. Williams' statement to change the wording on page 2, the second bullet item, to "Community members or leaders shall be encouraged to apply for a openings on EJAG as said openings become available."
- Extend the deadline for all the dates by three months from the dates currently listed.

Although Mr. Jones stated he agreed with Ms. Ms. Celedón-Castro's comments, he seconded the original motion and agreed to second the amended motion with the above changes.

<i>Moved:</i>	Dean
<i>Seconded:</i>	Jones
<i>Ayes:</i>	Celedón-Castro, Kelly-Ortega, Neronha, Dean, Jones, MacKay, Terhune, Williams
<i>Nays:</i>	None
<i>Abstain:</i>	None

Motion carried unanimously to approve the Action Plan to Engage Northern Region Residents as amended.

11. COMPLAINT PROCEDURES BROCHURE SUGGESTIONS FOR POSSIBLE ENHANCEMENTS – The following comments were made by EJAG members:

- Too wordy.
- Simplify the language.
- Get straight to the point.
- Use bullet points.
- Show the Air District's toll-free complaint phone number right away
- Provide details regarding what the caller should report (i.e. the place where odor was detected, the time odor was detected, the direction of the wind, etc.).
- Change the title.
- Reduce the amount of information in the brochure.
- List more common violations.
- Use postcards.
- Use magnets.
- Add information on the smoking vehicles complaint phone number.
- Change the front of the brochure.

Ms. MacKay said there is a program in her community where PM monitoring will be conducted, and a pollution log was developed to hand out to community residents. The log is one page and lists "what you see," "what you smell," etc. She said the District could review this document as a possible alternative. Ms. Holt said she would appreciate receiving the pollution log.

Mr. Jones said one of the key things that may need to be on the brochure is that, if requested, the complaint remains in confidence.

Ms. Holt said the brochures are currently in use and the new/updated brochures will be printed when it is time to order more brochures. She said an updated brochure will be presented at the next EJAG meeting and the District will try to have it ready a week or so in advance of the meeting so EJAG member can review it.

12. REVIEW SUGGESTED CHANGES TO THE BURNING TRASH BROCHURE – Ms. Holt said a few more slight word changes need to be made to the brochure. The previous brochure indicated the District will always assess fines. That language had to be changed to say the District might fine. She said Compliance asked that information on yard waste be included in the brochure, as some people do not consider yard waste as trash or garbage and, therefore, think it is ok to burn. Additionally, Compliance asked for the picture of the burn barrel to remain on the brochure, because burn barrels are a big issue.

EJAG members discussed the appropriateness of the word “illegal” used on the front of the brochure, and the consensus was “illegal” conveys a very clear message and it is appropriate. Also, it was noted that the Spanish version of the sentence “there may be fines charged to you for burning trash” is incorrect.

Mr. McVaigh said the brochure could be approved by EJAG at today’s meeting and then taken to the CAC for approval in December. Ms. Kelly-Ortega said Mr. Terhune’s concerns regarding the usage of the word “illegal” should also be presented to CAC. Mr. Dean motioned to approve the brochure with the recommended change as noted in order for the District to present the brochure to the CAC.

Moved: Dean
Seconded: Kelly-Ortega
Ayes: Terhune, Dean, Jones, Celedón-Castro, Kelly-Ortega, Williams, Neronha, MacKay
Nays: None
Abstain: None

Motion carried unanimously to approve the Burning Trash Brochure with the recommended amendment.

13. EJAG ONE-PAGE DOCUMENT WITH ACRONYMS ATTACHED – Ms. Holt said a lot of the language used for the front of the one-page document was pulled directly from the EJ strategy and suggested it may be too detailed to use as something hand-out to individuals. The following suggestions were made by EJAG members:

- Create a hierarchy chart.
- Explain EJAG and provide EJAG’s mission statement.
- Make more concise.
- Keep it simple and to the point.

Regarding the frequently used acronyms:

- Do not boldface the beginning letter of the alphabet.
- Reduce the list.
- Add “APCO” to the list.
- Internal Combustion is also known as Internal Combustion Engine (ICE).
- Boldface the following: Air Pollution Control District, CAC, EJAG, the Governing Board and APCO.

Ms. Holt said the District would attempt to create some type of info graphic, but stated that although info graphics easily explain things, they are difficult to create.

Mr. Dean said the one-page document would be useful for EJAG members to refer to and Ms. Mackay said it could be something to present to new EJAG members.

14. REPORT ON TEAM BUILDING WORKSHOP – Mr. Williams said the agenda is simplified, containing six agenda items. Ms. Velasquez said the workshop is now called “Collaboration Workshop.” It was discussed who would chair the workshop. Ms. Holt reminded EJAG members that all members can receive mileage reimbursement for any EJAG, CAC or Governing Board meeting attended in the course of performing EJAG activities, and EAG members can be reimbursed for attending this workshop. If a member does not know how to get reimbursed, they can email Ms. Velasquez. Mr. Dean requested Ms. Velasquez send EJAG members an email on the reimbursement policy along with the reimbursement form.
14. DECEMBER EJAG MEETING AGENDA ITEMS – Ms. MacKay said the December meeting will be on the 14th. Ms. Velasquez said the following items thus far are on the December agenda:
 - Complaint Procedure brochure
 - EJAG maps
 - Possible presentation by ARB on AB 32

Mr. Williams suggested the following item also be placed on the December agenda: discuss the formation of an ad-hoc committee that would look at the ramifications of the \$29 million fine on EJ communities, as well as look into on-going issues that have to do with regulations associated to goal and objective #6 (review and assess potential impacts of ARB actions on EJ communities), and also discuss the \$10 million associated with the DMV fees. Ms. Kelly-Ortega said that would not be an ad-hoc committee, but rather a working group. Ms. MacKay said EJAG needs to develop an action plan for the new year and that is possibly something that could be part of the action plan. Mr. Jones recommended forming an ad-hoc committee charged with providing input to CAC regarding DMV fees associated to non-compliance of the ozone standard. The following EJAG members volunteered to serve on the ad-hoc committee: Ms. Celedón-Castro, Mr. Williams, and Mr. Dean.

16. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None.
17. EJAG MEMBERS' COMMENTS – Ms. Neronha requested a copy of the letter that was submitted to CAC (regarding SB 375) and other relevant information of events that have transpired with the CAC over the past six or seven months. Ms. MacKay requested Ms. Velasquez send the information via email and cc her, to include the letter EJAG submitted as well as the fee waiver request form.

Regarding agenda item #10, Mr. Terhune said that in the northern region, a good relationship has been established with the Central Air Valley Coalition, and they are working closely with Catholic charities, Betsy Rice Snyder and Alvida Ramirez, as well as other people in the area. Ms. Mackay said EJAG would like to receive a progress report from Mr. Terhune on this matter.

Regarding December's EJAG agenda, Mr. McVaigh suggested adding an item to follow-up/debrief on the collaboration workshop.

Mr. Dean asked for an update on the EJAG business cards. Ms. Holt said that due to some of the discussions with CAC, it was decided EJAG needed its own distinct log. She said a sample business card will be presented to EJAG as soon as possible. Ms. MacKay asked if the District was open to receiving design ideas from EJAG members and Ms. Holt said yes.

Mr. Jones said the September minutes, on page 7, item #14, second paragraph states his company is providing the "funding" for the facilitator; it actually should state his company is providing the "shortfall" of funding for the facilitator, because there were other sources of funding.

Mr. Williams agreed to chair the ad-hoc committee charged with providing input regarding DMV fees associated to non-compliance of the ozone standard, and requested Ms. Velasquez send him an email with the ad-hoc committee members' contact information. Mr. McVaigh said Mr. Sheikh could provide staff support, since he has the most familiarity with AB 2522 funds and how they can be spent.

18. EJAG MEMBERS' SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, DECEMBER 7, 2010 – Ms. MacKay said CAC should be informed the EJAG action plan was reviewed and EJAG is approximately 75 percent successful in accomplishing the goals and objectives for 2010, as well as inform CAC of EJAG's action plan for the northern region residents and Kern County residents. Ms. Kelly-Ortega suggested providing an update on the brochures reviewed by EJAG.
19. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, DECEMBER 7, 2010 at 10 A.M. – Ms. Kelly-Ortega.

ADJOURN

Meeting adjourned at 8:20p.m.

*SJVUAPCD Environmental Justice Advisory Group
ACTION SUMMARY MINUTES
October 26, 2010*

NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, December 14, 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.