

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, April 19, 2010
4:30 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 4:37 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.	Central
Madera	Catherine Garoupa, At-large Rep.	Central
Fresno	Kevin Hamilton, CAC*	Central
Kings	Riley Jones, CAC	Central
San Joaquin	Jeremy Terhune, At-large Rep	North
Stanislaus	Rosenda Mataka, At-large Rep	North

**Left meeting during item #8*

Staff present in Central Region Office (Fresno) – Seyed Sadredin, Executive Director/APCO; Rick McVaigh, Deputy APCO; Jaime Holt, Chief Communications Officers; Samir Sheikh, Director of Strategy & Incentives Department; Maricela Velasquez, Senior 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 – Derek Williams.

3. APPROVE MINUTES OF MONDAY, March 15, 2010 – During the discussion regarding last month's minutes, Ms. Kelly-Ortega said she had listened to the taped version of the minutes. She said it was her opinion, from what she heard

on the audio recording, items 8 and 9 were included in the six goals. Ms. MacKay agreed with Ms. Kelly-Ortega, stating that was her understanding.

Mr. Sadredin said when a motion is made, it needs to be clearly stated so that everyone understands it and the motion should be repeated. Ms. Kelly-Ortega agreed that the discussion was somewhat vague, then made a motion to accept the minutes of last month's meeting.

Public comment: None

Moved: Kelly-Ortega
Seconded: Hamilton
Ayes: Terhune, Kelly-Ortega, Hamilton, Jones
Nays: Garoupa, MacKay
Abstain: Mataka

Motion passes 4-2, with 1 abstention, to approve the Minutes of the March 15, 2010 EJAG meeting.

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – *The following persons provided testimony during the Public Comments portion of the meeting:*
 - Derek Williams
5. CHAIR COMMENTS – Ms. MacKay stated she had attended the last CAC meeting and said she was disappointed regarding what had transpired concerning EJAG matters. Ms. MacKay suggested EJAG become a separate advisory group alongside CAC, not under CAC, and a group that would also advise the Governing Board.

Ms. MacKay expressed frustration regarding CAC not approving the Fee Waiver Request, as EJAG had spent a considerable amount of time working on that policy. She said one comment that was made during the CAC's discussion concerning the Fee Waiver Request focused on the possibility that people who request documents may desire the documents to research violations at certain facilities; therefore, it raised concerns that the documents would be used for litigation. She explained from an EJ perspective, it does not mean a possible lawsuit, but rather understanding what is happening in our communities. Ms. MacKay said this is an example of how EJAG and CAC view matters differently.

In closing, she agreed with the public comment made by Mr. Williams, indicating that EJAG will need a topic on a future agenda addressing relationship building with CAC.

6. APCO/DEPUTY APCO COMMENTS – Mr. Sadredin said that during the last Governing Board meeting, the District gave an end of the year presentation on the winter wood-burning season and Check Before You Burn program. He said

compliance and air quality was better than the previous year, which was one of the cleanest years on record. Mr. Sadredin explained that despite having better climate conditions this year, analysis indicates improvements in the rule resulted in a big part of the reductions. He said a scientific poll that was conducted indicated 74% of the people in the Valley were familiar with the Check Before You Burn program, and 57% of the people who had wood-burning capabilities said they refrained from wood burning because of air quality. Mr. Sadredin said anything EJAG can do in the communities to encourage support and compliance for Rule 4901 would be appreciated.

Mr. Sadredin said the Governing Board approved a contract between the District and the State Air Resources Board, which would allow the District to enforce the truck anti-idling rule in the Valley. He asked EJAG members to contact the District with information on areas where truckers illegally idle their trucks, as the District will investigate and take action.

Mr. Sadredin advised the District is taking CAC recommendations for two new appointments for the vacant positions on EJAG: Marvin Dean, from Kern County, a small-business representative; and Liza Bolanos, from Tulare. He said Ms. Bolanos may be going to school and if so, she would not want to serve on the committee. Mr. Sadredin said both have been recommended and have gone through the interview process; the next step is for CAC approval, and then, finally Governing Board approval.

Ms. Kelly-Ortega asked how many tickets were issued. Mr. Sadredin said approximately 420 tickets were issued for violations of the wood-burning rule. Mr. McVaigh added there were 85 tickets issued last year for violations of the truck anti-idling rule. Ms. Garoupa requested an information item on the truck anti-idling rule be placed on a future EJAG agenda.

7. SCHEDULE EJAG MEETING DATES & TIMES FOR THE REMAINDER OF THE CALENDAR YEAR 2010 –Options that would accommodate community members' schedules were discussed. After discussing what day and time would be convenient for EJAG members, it was decided EJAG would meet on the second Wednesday of each month at 5:30 p.m. Prior to the vote, Mr. McVaigh stated the new schedule would start in August, as the CAC and Governing Board are dark during the month of July. Mr. Sadredin said a motion could be made to begin the new schedule in either May or June.

Public comment: None.

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

Motion carried unanimously to schedule the EJAG meetings beginning in June 2010 to occur on the second Wednesday of the month at 5:30 p.m., and to continue through the end 2010, with the exception of the month of July (as no meeting will be held during this month).

8. REVIEW AND CONSIDER APPROVAL OF THE EJAG GOALS, OBJECTIVES AND ACTION PLAN AS DRAFTED BY THE APCO – Mr. Sadredin reviewed the recommended goals and objectives. He stated that according to the EJAG bylaws, which were approved by the Governing Board, the process of setting goals and objectives for EJAG is for EJAG to develop recommendations and proposals for the goals, objectives, and action items, which will then be reviewed by the APCO for approval in consultation with the CAC. Mr. Sadredin informed EJAG that he had made some changes that he thought best served EJAG.

For goal and objective #1, Mr. Sadredin explained he limited this goal and objective to just building a strong relationship between EJAG and CAC. He stated there needs to be a distinction between building a relationship with CAC and building a relationship with District staff. District staff's role is that of public servants; therefore, EJAG can make demands of District staff and staff will be happy to deliver, within District's authority and within the District's mission, and with direction from the Governing Board. Action items for this goal and objective include:

- More EJAG representation at CAC meetings.
- Team-building workshop retreat with CAC members.

Regarding more representation at CAC meetings, Mr. Sadredin suggested the EJAG chair seek volunteers or assign EJAG members to attend CAC meetings. In addition, these members could present information or just attend for observation.

Regarding the team-building workshop retreat, Mr. Sadredin stated this would be an informal get-together with an agenda outline of how to make the relationship between CAC and EJAG stronger, as well as to develop a working relationship between both groups. The time frame would be to work on this in the third and fourth quarter, and the action plan would consist of working with District staff and CAC on planning and eventual execution of the event. The first task, in June, would be for the EJAG chair to appoint an EJAG member to a joint ad-hoc

committee; the CAC will also be asked to appoint a CAC member to the joint committee. The committee will work on an agenda, as well as the logistics for this team-building workshop. EJAG will prepare EJAG's portion of the agenda. The deliverables would be to submit to the APCO the description and the content of the agenda items, along with any corresponding handouts EJAG is responsible for. Again, CAC will be asked to do the same. Additionally, as EJAG had suggested, EJAG will help the District conduct a pre- and post-survey of all the participants who attend the team-building workshop. Mr. Sadredin said the District will be involved, but in a facilitating/informational role. He explained EJAG could assign the District to present parts of the agenda, but the goal and objective of the workshop is to improve the CAC and EJAG relationship.

For goal and objective #2, Mr. Sadredin stated this goal is for EJAG to essentially work to enhance District staff's awareness and education concerning environmental justice. He said a major aspect of forming EJAG was so the committee would bring to the District's attention community concerns, needs and issues to be addressed.

Mr. Hamilton departed at approximately 5:30 p.m.

For goal and objective #3, Mr. Sadredin said this goal goes back to one of the main premises behind EJAG's formation, which is helping the District make sure that when the District communicates with the public, the District does so in a fashion that is effective, while taking into account cultural sensitivity. EJAG can accomplish this by reviewing some of the District's informational materials and then selecting at least two documents for an ad-hoc committee to more closely inspect to see if they need to be improved and, if so, suggest how to improve them in order to make them more effective in EJ communities. The expectation would be for EJAG to receive a list of documents the District has, along with a brief description of each document, in June; pick two of the documents in June and July; then in the second and third quarters, have the ad-hoc committee work on improving those documents, as well as presenting recommendations to the District.

After concern regarding the timeframe for accomplishing this goal was expressed, it was decided to change the timeline for EJAG to review the list of District documents to the second and third quarters. It was also decided EJAG will vote on five documents to consider, which would then be reduced to two documents for the ad-hoc committee to work on. The ad-hoc committee would then present their recommendations to EJAG during the third or fourth quarters.

For goal and objective #4, Mr. Sadredin stated EJAG has worked on providing input to the District regarding maps, and because of this, he thought the District should provide an update of what the District has done with EJAG's recommendations. Then EJAG could suggest to the District how to use those maps. In addition, EJAG could provide suggestions on how those maps could be

used for public education. Mr. Sadredin stated due to the amount of time left to work on this item for this year, he wanted EJAG to work on the maps the District has available instead of starting from the beginning with other maps.

Mr. Sadredin stated if the Governing Board agrees to adopt some DMV fees related to AB 2522, it will be required for the District to receive advice from an EJ group on how to spend the approximate \$10 million of funding. Utilizing the over \$10 million worth of grants will be a big assignment for EJAG, as well as a way to build a good foundation.

Mr. Sadredin said the first action for this goal and objective, to occur in the second quarter, is for the District to inform EJAG what has been done so far regarding EJAG's recommendations. During the next couple of quarters, EJAG can review the maps and make specific recommendations on how to use those maps for granting purposes or public education, as well as how to make them available to individuals and organizations.

Ms. MacKay suggested, due to the timelines of the other goals and objectives, changing the District's presentation to the third quarter, and then changing EJAG's timeframe for providing recommendations to the third and fourth quarters. There were no objections, so Mr. Sadredin indicated the timeframe would be changed.

For goal and objective #5, Mr. Sadredin stated this goal is the first step to enhance public and other stakeholders' understanding of environmental justice. An EJ educational ad-hoc committee is to be formed during the second quarter. This committee will compile informational documents, describing environmental justice, as well as describing EJAG. Mr. Sadredin explained the deliverables, which are almost verbatim as to what Ms. Kelly-Ortega had annotated on her list, include compiling the material that contains the following:

- Describing environmental justice.
- The past and on-going actions by the District to protect public health in EJ communities.
- Explain the makeup of EJAG, how EJAG works, and how it serves the communities.
- EJAG members' contact information.
- EJ strategies.
- Specific goals and objectives in which the public can be involved.

Regarding the timeline, Mr. Sadredin stated the ad-hoc committee will work on creating the documents during the second quarter; in September, the committee will present its' recommendations to EJAG for approval; in the third quarter, they will submit those educational materials to CAC for their input (CAC approval is

not required); and then forward the documents to the District. Also, this goal would include creating EJAG letterhead and business cards.

For goal and objective #6, Mr. Sadredin stated this is a critical goal for EJAG: to increase public participation. This goal involves more than public participation at EJAG meetings, as it also involves EJAG members spending some time in the communities talking to people and bringing the public's comments back to EJAG. The first item for this goal and objective is to see what recommendations EJAG has for the District concerning such things as how to facilitate public participation at EJAG meetings, how to get the public involved, changes the District should make to the District's website, outreach material focusing on EJ issues and EJ participation, etc. Another item listed for public outreach is for EJAG members to attend community events. Lastly, regarding Mr. Terhune's suggestion of what he wants to do up north regarding meeting with 50 people, Mr. Sadredin requested Mr. Terhune develop an action plan, detailing specifics and listing recommendations, by the beginning of June. Mr. Terhune could then present the information to EJAG, and then submit the detailed plan to the APCO for review (to ensure there are no legal issues). Mr. Sadredin said Mr. Terhune's exercise may be a good pilot test on how to get the public engaged - not necessarily increasing public attendance at EJAG meetings, but as a tool for EJAG members to voice public comments during EJAG meetings, which indirectly would increase public participation.

For goal and objective #7, Mr. Sadredin stated this is an ongoing goal and is just a placeholder in case grant opportunities become available. He indicated it would not involve a lot of work on EJAG's part; however, would go a long way in terms of building trust and confidence in EJAG, as EJAG's support may be a requirement for the District to acquire certain grant opportunities.

For goal and objective #8, Mr. Sadredin said this goal is somewhat involved, as it deals with two items coming before ARB this year: SB 375 (goal setting for emission reductions from mobile sources) and the Cap-And-Trade program. Mr. Sadredin explained a lot of these items are supported by general environmental groups; however, they may have some repercussions in the environmental communities. If EJAG decided to take this on, ARB and District staff would provide presentations to EJAG and the issues would be discussed. EJAG would then discuss the topics, form a position, and either write a letter expressing EJAG's position or testifying before ARB; however, EJAG would need CAC's approval prior to formalizing an action.

After Mr. Sadredin explained the goals and objectives, EJAG discussed the feasibility of accomplishing all the goals and objectives listed. Mr. Sadredin stated the goals and objectives would dictate what would be placed on EJAG's agendas. He reminded EJAG that the agenda-setting process, per EJAG's bylaws, states the chair will develop agenda items for each meeting by taking into account the goals and objectives that were decided upon. The established

goals and objectives cannot be ignored in order to move on to other things; however, if something urgent comes up, it can be added to the goals and objectives, but only after going through the same approval process. Mr. Sadredin reiterated that what is approved today will essentially dictate what will be on EJAG's agenda for the rest of the year.

Concern expressed by EJAG members regarding EJAG's ability to complete each goal and objective resulted in discussions centering on prioritizing each goal, changing timelines, and reducing the number of goals and objectives. It was then suggested by Mr. Sadredin that each goal and objective be voted on.

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

- Derek Williams

GOAL AND OBJECTIVE #1

Moved: Kelly-Ortega
Seconded: Jones
Ayes: Garoupa, MacKay, Terhune, Kelly-Ortega, Jones
Nays: Mataka
Abstain: None

Motion passes 5-1 to accept goal and objective #1 as written.

GOAL AND OBJECTIVE #2

Deleted due to lack of support

GOAL AND OBJECTIVE #3

Moved: Garoupa
Seconded: Mataka
Ayes: Terhune, Mataka, Kelly-Ortega, Garoupa, MacKay, Jones
Nays: None
Abstain: None

Motion carried unanimously to accept goal and objective # 3, with adjustments to the timeline as recommended (as stated by Ms. Garoupa) – the first step remaining as June 2010; the second step being in the second and third quarter; and then the third step being in the fourth quarter.

GOAL AND OBJECTIVE #4

Moved: Mataka
Seconded: Terhune
Ayes: Jones, MacKay, Garoupa, Kelly-Ortega, Mataka, Terhune
Nays: None
Abstain: None

Motion carried unanimously to accept goal and objective #4 with adjustment to the timeline for action item one - third quarter; action item 2 – the third and fourth quarter.

GOAL AND OBJECTIVE #5

Moved: Jones
Seconded: Terhune
Ayes: Terhune, Mataka, Kelly-Ortega, Garoupa, Mackay, Jones
Nays: None
Abstain: None

Motion carried unanimously to delete this as an EJAG goal and objective; instead, EJAG will direct District staff to develop EJAG letterhead, business cards and badges.

GOAL AND OBJECTIVE #6

Mr. Terhune made a motion to reduce this goal to just the pilot program. Ms. Kelly-Ortega expressed she felt this goal and objective was important and doable as written. Mr. Terhune then withdrew his original motion and made a new motion to accept goal #6 as written.

Moved: Terhune
Seconded: Mataka
Ayes: MacKay, Kelly-Ortega, Mataka, Terhune
Nays: Jones, Garoupa
Abstain: None

Motion passes 4-2 to accept goal and objective #6 as written.

GOAL AND OBJECTIVE #7

After discussion, it was decided the motion for this goal is to work with the District to secure grants for public education or emission-reduction projects in EJ communities in the San Joaquin Valley, with the edit that the action item now read: "...provides support for grant opportunities identified by the District."

Moved: Terhune
Seconded: Kelly-Ortega
Ayes: Terhune, Mataka, Kelly-Ortega, MacKay, Jones
Nays: Garoupa
Abstain: None

Motion passes 5-1 to accept goal and objective #7- work with the District to secure grants for public education or emission reduction projects in EJ communities in the San Joaquin Valley, with the edit that the action item now read: "provides support for grant opportunities identified by the District."

GOAL AND OBJECTIVE #8

After further discussion, it was decided this goal would remain as is.

Moved: Terhune
Seconded: Kelly-Ortega
Ayes: Terhune, Mataka, Kelly-Ortega, MacKay
Nays: Garoupa, Jones
Abstain: None

Motion passes 4-2 to accept goal and objective #8 as written.

***Break at approximately 6:56 p.m.
Meeting resumed at approximately 6:59 p.m.***

9. EJAG MEMBER MILEAGE REIMBURSEMENT - Ms. Holt talked about the mileage reimbursement form, which was provided to each EJAG member. She stated the revisions to the bylaws were taken before the Governing Board in February, which were approved. The bylaws allow the District to reimburse EJAG members for their transportation costs for attending regularly scheduled EJAG meetings and EJAG ad-hoc committee meetings, as well as CAC meetings. EJAG members are reimbursed at the same rate as District employees, which is the federal mileage rate. The rate usually changes annually, but currently it is 50 cents.

She explained if EJAG members want reimbursement for their mileage, they must fill out a form for mileage reimbursement. The form must include the following information:

- Name
- Social security number (for tax purposes)
- Home address and/or work address
- Primary mailing address (where the checks will be mailed to)
- Meeting name

- Meeting date
- Location of the meeting
- Arrival time
- Arriving from (home or work address)
- Departure time
- Departing to (home or work address)
- Round trip miles (according to Google)
- Sign and date

A form needs to be completed every time a meeting is attended. Also, the completed form needs to be received within seven working days of the meeting. Ms. Holt stated these forms will be available at every meeting, and suggested they be completed and given to an OC staff member before departing the meeting. She said a reimbursement check, which will be mailed to the primary address provided, can be expected within 30 days; however, it usually only takes a week.

Ms. MacKay asked if EJAG members will be reimbursed for March's meeting, due to the fact the Governing Board approved this in February. Ms. Holt stated members will be reimbursed for the March EJAG meeting and asked for today's and March's reimbursement request to be received at the District within seven working days.

10. RULES UNDER DEVELOPMENT – Mr. Sheikh, Director of Strategy and Incentives Program, explained the Planning Department and the Emission Reduction Incentive Program has been combined into one department: Strategy and Incentives. The new department is responsible for a number of things, including everything that Planning used to do (rule development, planning development, modeling, etc.) along with all of the District's incentive programs. He then provided a brief summary of rules under development listed on the handout provided to EJAG members, which included:

- Rule 4566 (Organic Waste)
- Rule 4570 (Confined Animal Facilities)
- Rule 2410 (Prevention of Significant Deterioration Permitting Process)
- Rule 4103 (Open Burning)
- Rule 4702 (Internal Combustion Engines)
- Rule 4653 (Adhesives)
- Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces)
- Rule 2301 (Emission Reduction Credit Banking)
- Rule 3170 (Federally Mandated Ozone Nonattainment fees)
- Rule 4401 (Steam-Enhanced Crude Oil Production Well Vents)
- Rule 4605 (Aerospace Assembly and Component Manufacturing Operations)

Ms. Garoupa asked if the workshop for the ozone mid-course review had been scheduled. Mr. Sheikh said the date the District is looking at right now for the workshop is May 4th, and the adoption date is June. Ms. Garoupa then asked if there is a standard period of time offered for public comment before a rule goes before the Governing Board. Ms. Sheikh explained the minimum the District is required to do, under the Health and Safety Code, is 30 days of public review and comment; however, the District usually goes well beyond that.

11. PUBLIC COMMENTS (SECOND OPPORTUNITY) – None.
12. EJAG MEMBER COMMENTS – Ms. Kelly-Ortega thanked the Air District for supporting the bike-to-work days in Merced and Atwater by giving each city \$250 and an electric lawnmower to raffle off. She stated this is Atwater's first bike-to-work event and it is scheduled for May 21st. Ms. Holt stated the District is supporting bike-to-work events in every area where the District can find one or cajole one. Ms. Kelly-Ortega informed the group there is a River Dance Festival in Livingston June 5-6. Also there will be a Clean Air Farming workshop on June 8th from 8 to 2:30, which will specifically focus on ethnic small farming businesses, and it will be simultaneously translated into a few different languages.
13. EJAG MEMBERS SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPROT DURING THE CAC MEETING ON TUESDAY, MAY 4, 2010 – Ms. MacKay stated she will presenting EJAGs goals and action plan. Ms. Garoupa suggested to also mention EJAG's meeting time change occurring in June.
14. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, MAY 4, 2010 –Ms. Kelly-Ortega stated she will tentatively volunteer. Ms. MacKay asked Ms. Kelly-Ortega to advise her if it turns out she can not attend. Ms. MacKay stated she will try to attend and also requested any other members attend who can. She then asked if members could receive mileage reimbursement. Ms. Holt responded that she believe they could.

ADJOURN

Meeting adjourned at 7:27 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Monday, May 17, 2010 at 4:30 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.