

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, June 21, 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 5:40 p.m.
2. ROLL CALL – was taken and a quorum was not present; quorum formed at 5:43 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	Amarpreet Dhaliwal, CAC	Central
Fresno	***Sarah Sharpe, CAC	Central
Tulare	Derek Williams, CAC	Central
Kern	*Marvin Dean, Business Owner	South
Kings	**Andre Booker, At-large Rep.	Central

*Arrived at 5:43 p.m.

**Arrived at 5:54 p.m.

***Departed at 7:25 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; 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 Celedón-Castro and Empress Nonstikelelo.

3. APPROVE MINUTES OF MONDAY, April 19, 2010 and Monday, May 17, 2010 – Tabled to next meeting in order to have majority of EJAG members in attendance.
4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – The following persons provided testimony during the Public Comments portion of the meeting:
 - Sandra Celedón-Castro

Mr. Dean arrived at 5:43 p.m.

5. CHAIR COMMENTS – Ms. Garoupa White welcomed Mr. Dean, the new ethnic small-business owner representative, and also welcomed Ms. Sharpe and Mr. Williams, CAC alternates. She reminded everyone who was interested in re-appointment to serve on EJAG that the deadline to submit an application is this Friday, June 25.
6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh welcomed the new EJAG members and stated because of the alternate CAC members, Mr. Williams and Ms. Sharpe, who were in attendance today, EJAG was able to achieve a quorum. Mr. McVaigh said the District has received applications to fill the vacant EJAG seats, which are: the Fresno at-large position, the Tulare County at-large position, and also one remaining ethnic, small-business owner position.

Mr. McVaigh provided an update of the last Governing Board meeting, which was on June 17. He stated the District's 2010-11 Budget was approved, as well as the Mid-Course Ozone Review. He explained all the rules laid out by the 2007 Ozone Plan have been adopted on schedule except one, Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces), which will be discussed in further detail later in this section. In addition, the District has achieved a significant additional amount of reductions from new rules and through the District's fast-track measures and incentives, and the trends indicate a significant improvement in air quality from 1999 to 2009. He explained the number of days where the 8-hour standard exceeds the air quality standard for ground-level ozone has decreased by approximately 44 percent during that time period, and that the average peak ozone levels are down from 10 to 30 percent.

Mr. McVaigh said despite the good news, the San Joaquin Valley still faces big challenges. He said the design value, which is the fourth-highest reading of each year, indicates a reduction of 7 percent. He explained because of the Valley's meteorology and topography, it will take a significant amount of additional emission reductions to achieve attainment. Mr. McVaigh stated the San Joaquin Valley has not filled the 82 ton per day or 10 ton per day "black box" needed to get the Valley into attainment. He also advised the District will be putting together plans for new, health-based standards that will be coming into effect over the next couple of years.

Regarding Rule 4570 (Confined Animal Facilities), Mr. McVaigh said the EPA asked the District to delay the rule to allow additional time for their consideration. Rule 4570 requires new control measures for feed and silage. Additionally, the rule change reduces applicability thresholds, which means a lot of the smaller dairies will be subject to this rule. It is expected this rule will be brought back to the Governing Board in October. Before then, the District will meet with the EPA, experts from UC Davis and other areas, and stakeholders including environmental groups.

Mr. McVaigh explained one of the requirements in the 2007 Ozone Plan was for the District to develop a rule that applied to residential furnaces, which are generally natural-gas heaters. The District discovered that technology to meet new standards is not available; therefore, the District postponed the requirements related to Rule 4905 (Natural Gas-Fired, Fan-Type Residential Central Furnaces) for two years. He explained the District will contribute \$50,000 to research that the South Coast Air Quality Management District is coordinating in order to find new technologies and then commercialize them, and do so by 2014. When new technologies are available, the District will adopt a more stringent rule.

Mr. Booker arrived at 5:54 p.m.

Mr. Dhaliwal asked for further explanation regarding the \$50,000 that the District will contribute to research coordinated by the South Coast Air Quality Management District. Mr. Sheikh, Director of Strategy and Incentives, explained that South Coast committed \$1 million to a technology advancement program, recognizing that necessary technology to acquire emission reductions that were set forth by a recent rule they adopted, does not currently exist. Recognizing that we also need additional reductions, they asked for contributing funds, as well as the District's involvement in the process.

Mr. Dean asked for an overview of the emissions reduction incentive program. Mr. Sheikh provided a brief overview and stated the basic premise of the District's program is to accelerate emission reductions by offering incentives for people to turn in or get rid of older, polluting equipment. He said the District offers approximately 20 different incentive programs and he offered to provide Mr. Dean further information.

At 6 p.m., Ms. Holt noted for the record that no EJAG members or members of the public were present in the Modesto District office; therefore she approved for the District staff member at that location to leave.

Regarding Rule 4570 (Confined Animal Facilities), Ms. Kelly-Ortega asked what incentives the District would provide to small farmers who will be affected by this rule. Mr. McVaigh explained if something is required by a District rule, no funding is provided to those who fall under the rule; therefore, no incentives would be offered to small farmers. However, the District will work to help the farmers by

conducting outreach and offering compliance assistance. He stated the District has, in the past, actually gone out into the communities and held public meetings to assist people through the permitting process.

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

- Sandra Celedón-Castro

7. RULES UNDER DEVELOPMENT – A rule update handout was provided to EJAG members. Mr. Sheikh, Strategy and Incentives director, provided a brief overview, which included the following:

- Rule 4702 (Internal Combustion Engines)
- Rule 4354 (Glass Melting Furnaces)
- Rule 4566 (Organic Waste Operations)

Mr. Dean asked for an update on Rule 4103 (Open Burning). Mr. McVaigh said amendments to Rule 4103 were adopted during the May Governing Board meeting. He explained the adopted amendments added prohibitions for certain types of burning, such as almond pruning and smaller orchard removals. Mr. McVaigh said ARB's approval was required for this rule and ARB did approve the rule and will review the rule in two years. He explained Sen. Florez wanted more stringent provisions regarding agricultural burning and indicated he would possibly hold hearings regarding the matter. ARB agreed to provide Sen. Florez the opportunity to present any evidence supporting why the deadlines should not be postponed at a later date, and ARB could then decide if any changes needed to be made. Mr. McVaigh said for two crops, citrus and grape orchards, there does not exist an economically feasible alternative to burning. He explained the limited burning that would continue to be permitted for these two crops would be done under the strict smoke-management system the District already has in place.

Ms. Sharpe commented Sen. Florez will be having a hearing in Sacramento sometime in July regarding this matter. She encouraged EJAG members to attend and suggested traveling to Sacramento via carpool.

Ms. Sharpe asked for an update on Rule 3170 (Federally Mandated Non-Attainment Fee), as she noted the EPA gave a limited approval/disapproval for this rule. Mr. Sheikh stated this rule, also known as Clean Air Act Section 185 Nonattainment Fees, are fees that take effect when attainment deadlines are not met. He advised that Mr. Warner, Permit Services director, gave a presentation to the Governing Board in February 2010. The presentation outlined this issue and outlined options available to the Governing Board. He stated the reason the District's rule received limited approval from the EPA was because the District had provisions in the rule that gave credit to those facilities that have installed what is referred to as clean units under federal definitions, which are units that

have reduced their emissions significantly, which provided some flexibility in terms of the fees for those facilities. Since that time, the EPA has come out with some guidance which provided alternative proposals to simply requiring the fee from major sources. These ideas were presented to the Governing Board in February. Currently, the District is exploring alternatives to put together a proposal to take back to the Governing Board at a later date for approval. Mr. Sheikh stated Mr. Warner would be the person to contact at the District for further information regarding this rule.

Public comment: None.

8. SCHEDULE EJAG MEETING DATES AND TIME FOR THE REMAINDER OF THE CALENDAR YEAR 2010 – After discussion, it was decided EJAG meetings will be held the fourth Tuesday of every month from 5:30–8:30 p.m., and the new schedule will take effect in August. Ms. Sharpe stated, as a former public member who attended EJAG meetings, it important to maintain a consistent schedule.

Mr. Williams suggested EJAG maintain the same schedule as the CAC and Governing Board in regards to the months meetings are not held (i.e. July and November). Ms. Garoupa White agreed, as a lot of EJAG's business relates to the other two committees. Ms. Holt stated if the EJAG Chair felt a special meeting was needed to address an important issue, one could be scheduled.

Mr. Williams stated that EJAG is only required to meet once a quarter; therefore, if monthly meetings became unnecessary in order to accomplish EJAG goals and objectives, the meetings could change to once every other month. Ms. Garoupa White said if members were interested in this option, they could contact Ms. MacKay or herself and this item could be placed on an agenda for further discussion. Ms. Kelly-Ortega added that EJAG's work continues through ad-hoc committees even when EJAG does not meet.

Public Comment opportunity was not provided.

9. ACTION PLAN TO ENGAGE NORTHERN REGION RESIDENTS – This item was tabled to the next agenda, as Mr. Terhune was not present and a report on this matter had not been received.
10. PRESENTATION FROM THE DISTRICT REGARDING THE USE OF DISTRICT EJAG MAPS THAT WERE DEVELOPED WITH INPUT FROM EJAG – Mr. Sheikh, Strategy and Incentives director, gave the presentation and provided background regarding the EJAG objectives for this goal, which were to:
- Develop a complete understanding of the manner by which the District utilizes EJ maps in dispersing grants.

- Develop recommendations for the use of EJ maps in grant funding decisions.

Mr. Sheikh stated that EJ is a high priority in the District's grant programs. He stated the District not only builds EJ as a priority through a physical location of the projects, but the District also takes a look at EJ from the perspective of:

- Building low-income provisions into various programs.
- Multilingual-focus outreach.

Mr. Sheikh then explained what the District has done with the existing EJ maps and the steps to access the data in Google Earth. He stated the instructions to access the information in Google Earth will be posted on the District's website and the link would be emailed to EJAG members. Mr. Sheikh indicated the information will be available within a week.

He reiterated the action items for this goal and objective, to be accomplished by the fourth quarter of 2010, is to:

- Provide additional ideas for the use of EJ maps, grant funding decisions, and public outreach and education.
- Develop specific recommendations.

Mr. Sheikh ended the presentation by thanking the ad-hoc committee for all their hard work and time spent working with the District and learning about the process. Ms. Garoupa White also thanked everyone who worked on the ad-hoc committee.

Ms. Kelly-Ortega recommended adding polluting industries to the maps, in addition to having the ability to click to show different items or click to not show certain items. Ms. Sharpe further suggested adding sources that are not solely air pollution sources. Mr. McVaigh said there are approximately 24,000 permitted sources in the San Joaquin Valley, ranging from gas stations and dry cleaners to major power plants. He explained that in the San Joaquin Valley, mobile source emissions outweigh stationary source emissions.

Ms. Sharpe expressed appreciation for the District and ad-hoc committee's hard work related to creating these maps. She encouraged the effort to continue to work on improving the maps in regards to the information made assessable, such as health data. Ms. Sharpe suggested EJ maps could indicate how impacted an area is by utilizing different colors for the different criteria, which would indicate the variations that exist in the Valley.

Mr. Williams inquired if there was a secondary criterion to determine an EJ area that a community could utilize in the petition process (to be considered an EJ

area). Mr. Sheikh said if a community somehow is missed by the methodology, the District could review the data and modify the maps.

Ms. Kelly-Ortega thanked the District and committee for all the work put into this project and for participating in the collaborative effort. She also expressed appreciation to the District for keeping this matter open in regard to receiving EJAG's input.

Ms. Kelly-Ortega suggested that a short blurb about the EJ maps, such as "EJ maps are available at (list the website address)," be printed on EJAG informational documents that are provided to the public.

Mr. Williams stated he would be supporting this item, as presented, when it is taken to the CAC. Ms. Garoupa White stated as an EJ map ad-hoc committee member, it was a long process, but enjoyable, and everyone involved deserves a lot of credit for their efforts.

Ms. Garoupa White asked for clarification regarding the criteria, if it is required for a community to meet all three of the criteria to be classified as an EJ area or is it two out of the three? Mr. Sheikh said for the Valley, it is actually the first two criteria, which is the low-income and the non-white thresholds, as the entire Valley is in non-attainment for both particulates and ozone.

Ms. Garoupa White asked when the 2010 census data would be available in order to incorporate the new data into the maps. Mr. Sheikh stated it is unclear when the 2010 census data would be available, as there is so much information that comes out of the census; however, once the information is available, the District will review the information and update the maps.

Ms. Sharpe departed at 7:25 p.m.

Public comment: None.

11. APPOINTMENTS OF EJAG MEMBERS TO FORM AND AD-HOC COMMITTEE WITH THE CAC TO WORK ON THE AGENDA AND LOGISTICS FOR THE TEAM BUILDING WORKSHOP AND RETREAT – Mr. McVaigh said the following CAC members were selected during the CAC meeting to serve on this committee: Mr. Durham, Ms. Sharpe and Mr. Dhaliwal. In addition, it was decided that the CAC Chair and EJAG Chair would also serve on the committee.

The following EJAG members volunteered to serve on this ad-hoc committee: Ms. Kelly-Ortega, Mr. Williams and Ms. Garoupa White. Ms. Holt said the District would coordinate a conference call meeting time and date with all the members on the ad-hoc committee. Mr. Dean indicated he would be interested in listening in on the conference calls.

Ms. Garoupa White asked if a vote should be taken and Mr. McVaigh stated a vote should occur.

Public comment: None.

Moved:

Seconded:

Ayes: Booker, Garoupa White, Kelly-Ortega, Dhaliwal, Williams,
Dean

Nays: None

Abstain: None

Motion carried unanimously for the following EJAG members to sit on the ad-hoc committee: Ms. Kelly-Ortega, Mr. Williams, and Ms. Garoupa White.

12. SELECT TWO DOCUMENTS TO BE REVIEWED AND POTENTIALLY ENHANCED BY EJAG – Ms. Holt said the objective during this meeting was for EJAG to choose at least two documents that, in the future, EJAG will review and provide feedback on to the District. She said in reviewing the fotonovela, Mr. Jones found some printing errors (i.e. missing vowels), which the District is fixing; however, no feedback on the content was provided. Ms. Holt said the District staff would like to suggest the complaint brochure as one of the documents EJAG review and, as this brochure is in English and Spanish, it is requested that EJAG members who speak Spanish review the Spanish format as well.

Ms. Garoupa White stated this was included as an EJAG goal and objective because EJAG recognizes that the District has a variety of outreach materials that impact EJ communities that EJAG could review and provide constructive feedback on how the District could improve those documents.

After a discussion in which EJAG members shared which documents/brochures they felt were important for EJAG to review, the following documents were chosen:

- Complaint Procedures
- Burning Trash
- PASS Program

Ms. Garoupa White motioned that all three of these document be placed on future EJAG agendas and that the documents be reviewed one at a time. She further suggested the Burning Trash document be reviewed first and, therefore, placed on the next agenda.

Mr. Williams recommended that the Burning Trash brochure be sent via email to all EJAG members, with a reminder to review the document prior to the next

EJAG meeting in order to provide suggestions/recommendations at the next meeting. Ms. Holt stated this could be done.

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

- Ms. Celedón-Castro

Moved: Garoupa White
Seconded: Dhaliwal
Ayes: Booker, Garoupa White, Kelly-Ortega, Dhaliwal, Williams, Dean
Nays: None
Abstain: None

Motion carried unanimously for the following three brochures to be brought back to the general EJAG agenda for EJAG members' comments and recommendations: Complaint Procedure, Burning Trash and the PASS Program; that the brochures will be reviewed one at a time and the Burning Trash brochure will be reviewed first and, therefore, placed on the August agenda.

After the discussion regarding brochures, Ms. Holt provided an overview of the new EJAG letterhead and business cards (items were presented via overhead projector). EJAG members who desire to have their cell phone numbers listed on the business cards were requested to contact Ms. Holt or Ms. Velasquez. Ms. Holt said the business cards will probably be available prior to the next EJAG meeting and EJAG members could pick them up prior to the next meeting, have them mailed out, or they may pick them up at the next meeting.

13. EJAG AUGUST AGENDA – Ms. Garoupa White stated the following items will be placed on the August agenda:

- Minutes from April 19, 2010 meeting and minutes from May 17, 2010 meeting.
- Action plan to engage northern region residents (pending action plan from Mr. Terhune).
- Report on the team building workshop/retreat with CAC.
- Burning Trash brochure.

Ms. Garoupa White also indicated that EJ maps should be on the agenda either in August or September.

Mr. Dean requested information on high-speed rail and the environmental issues that may develop. Mr. McVaigh said the District can try and provide an update at a future EJAG meeting if more information becomes available.

Public comment: None.

14. PUBLIC COMMENTS (SECOND OPPORTUNITY) – The following persons provided testimony during the Public Comments portion of the meeting:
- Sandra Celedón-Castro

In response to public comment regarding EJAG outreach strategy, Ms. Garoupa White explained EJAG was just formed approximately a year and a half ago and EJAG has spent time familiarizing itself with the Air District. She also stated EJAG members have a network of individuals who are invited to attend meetings; additionally, EJAG partners with the Air District staff on outreach. Ms. Holt added the District has spent time trying to get the entire membership of the EJAG staff up and running by filling the vacant positions, as well as establish objectives such as setting goals and adopting bylaws. One suggestion was to have an agenda specifically designed to attract public attention and to promote the meeting. She suggested perhaps after the summer months, EJAG could plan a meeting with the purpose to setup the agenda to attract public interest.

15. EJAG MEMBER COMMENTS – Ms. Kelly-Ortega said she was unable to attend the Clean Air Workshop; however, she did hear that 10 farmers from the San Joaquin Valley Resource Conservation District did attend and they acquired a lot of information from that workshop.

Regarding the CAC/EJAG retreat, Ms. Kelly-Ortega said that the APCO had spoken with Carolyn Penny of Common Ground and Center for Cooperative Solutions at UC Davis Extension. Ms. Penny submitted a proposal indicating a cost of \$6,674.40 to facilitate the team building workshop between CAC and EJAG. Ms. Kelly-Ortega has information from Ms. Penny that she can provide to EJAG members. She said that she will be speaking with Jennifer Lind of the California Endowment on Wednesday morning, June 23, regarding acquiring funds through that organization for the workshop. Ms. Kelly-Ortega also said the APCO will be contacting the EPA to either provide facilitators or possible funding for the workshop.

Mr. Williams described a new pest control product used in farming that is injected through the irrigation water and is taken up by plants systemically, which results in less tractor time in the fields, resulting in fewer diesel fumes. He asked if incentives were available to farmers to employ this type of practice. In addition, he asked if incentives could be provided for growers to use PTO (power-take off) driven shredders. Mr. Sheikh stated the District is interested in hearing about these types of practices and technology. He said the District works with the National Resources Conservation Service on their conservation practices that they do through federal funding. The two items Mr. Williams mentioned could possibly be candidates for that type of funding, and the District could also take a look at other funding options.

Mr. Dhaliwal said he has been very busy and has missed a couple of meetings; however, he takes pride in serving on the EJAG and he looks forward to working with everyone.

Mr. Booker asked if the District had an “x” prize for reducing air pollution. Mr. Sheikh explained the District does not; however, the District has recently launched a technology advancement program and has approximately \$1 million for creative technology proposals. He also said the District is currently accepting proposals.

Mr. Booker asked about fireworks reduction and why he has not seen the Air Quality Index mentioned on the news recently, suggested a “doomsday clock,” and also suggested advertisement for the PASS program.

Regarding fireworks, Mr. McVaigh said the District is looking at conducting a study over the next couple of years to assess the feasibility of potential regulatory actions.

Due to limited time remaining for the meeting, and because this item was not an action item, Ms. Garoupa White wrapped up this section and did not ask for public comment.

During Item 16, Mr. Dean asked about the process related to ad-hoc committees: specifically, if there are any current ad-hoc committees; how a member would request consideration to form an ad-hoc committee; and what is the minimum number required to form an ad-hoc committee. Mr. McVaigh said there is only one ad-hoc committee at this time, which is the joint committee for the CAC/EJAG workshop. He explained a request to form an ad-hoc committee can be proposed through the Chair, requesting the item be placed on a future agenda. Mr. McVaigh said there is not a minimum number required to form an ad-hoc committee; however, the ad-hoc committee cannot have a quorum of the members.

Mr. Dean said it is a pleasure to serve on EJAG and he looks forward to future meetings.

16. EJAG MEMBERS SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, August 3, 2010 – Ms. Garoupa White said the District staff does a good job of putting together a summary of highlights that is included with CAC members’ packets. She said one item of importance to include in the presentation is EJAG’s new schedule for meetings, which is now the fourth Tuesday of every month from 5:30 p.m. to 8:30 p.m.
17. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, August 3, 2010 at 10:00 A.M. – Ms. Kelly-Ortega volunteered.

ADJOURN

Meeting adjourned at 8:30 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, August 24, 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.