

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, September 28, 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 5:35 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  |
| Fresno      | Kevin Hamilton, CAC                    | Central  |
| Kings       | Riley Jones, CAC                       | Central  |
| Kern        | *Marvin Dean, Business Owner           | South    |
| Fresno      | **Sandra Celedón-Castro, At-large Rep. | Central  |

\*Arrived at 5:40 p.m.

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Staff present in Central Region Office (Fresno) – Seyed Sadredin, APCO; Rick McVaigh, Deputy APCO; Jaime Holt, Chief Communications Officer; Tom Jordan, Senior Policy Advisor; Dr. David Lighthall, Health Science Advisor; Errol Villegas, Program Manager 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 – Catherine Garoupa White, Jackie McCoy, Maricela Mares-Alatorre, Jackie McCoy, Empress Nontsikelelo.

3. APPROVE MINUTES OF TUESDAY, AUGUST 24, 2010 – No discussion.

*Moved:* Kelly-Ortega  
*Seconded:* Hamilton  
*Ayes:* Kelly-Ortega, Terhune, Neronha, Hamilton, Jones  
*Nays:* None  
*Abstain:* MacKay, Williams

***Motion carried 5 to 0, with 2 abstentions, to approve the minutes of August 24, 2010.***

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

- Catherine Garoupa White

5. CHAIR COMMENTS – Ms. MacKay said she attended the September 7, 2010 CAC meeting and reported CAC did not approve EJAG’s letter regarding SB 375. She emphasized the importance of the EJAG/CAC retreat and building positive relationships between EJAG and CAC.

***Mr. Dean arrived at 5:40 p.m.***

6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh said during the September 16, 2010 Governing Board meeting, the following people were appointed to serve on EJAG:

- Sandra Celedón-Castro, Fresno County At-large Rep.
- Pamela Neronha, Stanislaus County At-large Rep.
- Derek Williams, Tulare County At-large Rep.

He also stated the following EJAG members were re-appointed to serve on EJAG:

- Melissa Kelly-Ortega, Merced County At-large Rep.
- Linda MacKay, Kern County At-large Rep.
- Jeremy Terhune, San Joaquin County At-large Rep.
- Kevin Hamilton, CAC – Environmental Interest Group
- Riley Jones, CAC – Industry/Ag Interest Group

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:

Rules adopted by the Governing Board September 16, 2010:

- Rule 4354 (Glass Melting Furnaces)
- Rule 4653 (Adhesives)

Rules that will be presented to the Governing Board:

- Rule 4612 (Motor Vehicle and Mobile Equipment Coating Operations); will be presented to the Governing Board in October
- Rule 2020 (Exemptions); will be presented to the Governing Board in December.

Rules the District is currently working on with a December Governing Board adoption date:

- Rule 4702 (Internal Combustion Engines, Phase 2)
- Rule 4566 (Organic Waste Operations)

Rule that the District is currently in the process of amending:

- Rule 4570 (Confined Animal Facilities)

Regarding Rule 4566 (Organic Waste Operations), Mr. Hamilton asked if the study had been released and if it was available on the District's website. Mr. Villegas said the report is not yet available because there are some minor amendments that need to be made prior to making it available; however, a draft staff report was made available at the recent workshop.

With regard to Section 185 and the \$26 million penalty that was discussed during last month's EJAG meeting, Mr. Williams asked if a percentage of the source for that penalty would be assessed through increased DMV fees. Mr. McVaigh said that DMV fees were an option. Mr. Williams suggested EJAG discuss ways in which residents in EJ communities could be exempt from paying increased DMV fees associated with this penalty. Ms. MacKay agreed and Mr. Dean said he wanted it to go on record that he also supported Mr. Williams' recommendation.

***Ms. Celedón-Castro arrived at 5:53 p.m.***

8. ELECTION OF DISTRICT'S EJAG VICE-CHAIR FOR TERM OF ONE-YEAR - (Due to a lengthy EJAG agenda, Ms. Kelly-Ortega suggested moving the public comment section up. Ms. MacKay agreed and stated time for public comment, Item #16, would be provided directly after this item.)

Mr. Williams nominated Ms. Kelly-Ortega to serve as vice-chair.

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

***Motion carried unanimously to approve Ms. Kelly-Ortega as vice-chair for a term of one-year.***

9. CONTINUE DISCUSSION ON REGIONAL GREENHOUSE GAS TARGETS UNDER SB 375 – Mr. Jordan, Senior Policy Advisor, provided an update on SB 375. He said ARB adopted the following targets:

- 5 percent per capita reduction in greenhouse gases by 2020
- 10 percent per capita reduction in greenhouse gases by 2035

He explained ARB, by law, was required to establish targets this month. Additionally, ARB had limited data in which to establish the above targets for the San Joaquin Valley. He explained there are eight transportation planning agencies in the Valley, each of which have models to estimate how much travel will happen from developments in their areas. The models in the San Joaquin Valley were not developed for this kind of activity, and because of this, only three of the Valley transportation planning agencies provided data to ARB. Mr. Jordan said ARB has committed to review the targets in 2012, providing time for the models to be updated.

Mr. Jordan said the District is available to assist the transportation agencies in community outreach efforts and requested EJAG members provide contact information for agencies within each member's district.

Ms. MacKay asked who would make the decision as to whether the targets will be met by each county or if multiple counties will group together to meet the targets. Mr. Jordan said the transportation planning agencies will make that determination and do so by 2014. Ms. MacKay asked if communities would be allowed to provide input regarding that decision. Mr. Jordan said there are two avenues for the public to provide input:

- Directly to a local transportation planning agency.
- Attend a Regional Policy Council, which is a public meeting, and is comprised of members from each of the eight transportation planning agencies.

Mr. Dean requested the District provide EJAG members with information concerning community outreach conducted by each of the eight counties and

who to contact for further information. Mr. Jordan said that information would be provided within the next week.

Mr. Terhune said he had received information concerning studies showing that Latinos in the Central Valley will be disproportionately affected by Proposition 23 and suggested EJAG discuss Proposition 23. Mr. Sadredin explained the District is prohibited from engaging in political activities; therefore, District resources could not be utilized to facilitate a meeting addressing a political campaign, propositions or candidates.

After further discussion concerning Proposition 23, it was agreed EJAG should not take a political stance on issues; however, an educational topic addressing greenhouse gases and their effects on EJ communities could be placed on a future agenda.

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

- Jackie McCoy

10. KEY RESEARCH FINDINGS REGARDING HEALTH RISKS FROM ROADWAY EMISSIONS – Dr. David Lighthall, Health Science Advisor for the District, provided a presentation, previously presented at a Governing Board meeting, addressing the following:

- Scientific background on ultra-fine particles (UFP) and roadway emissions.
- Physical and chemical characteristics of roadway emissions.
- Overview of oxidative stress caused by air pollutants.
- Examples of epidemiologically-based associations between traffic emission and health outcomes.
- Findings from clinical and experimental research on the mechanisms of health impacts.
- Current and prospective policy implications.

Mr. Williams requested Dr. Lighthall's presentation be provided to EJAG members via email or made available on the website. Ms. Velasquez said she would confirm it is on the website and if not, she would email it or make it accessible to EJAG members.

Mr. Jones requested copies of powerpoint presentations be included in EJAG members' agenda packets for future meetings.

Mr. Williams said he sees this as an opportunity for EJAG to make recommendations, such as:

- Develop a statement for the Natural Hazard Zone Disclosure report, a real estate form, advising potential home-buyers they are purchasing a home within 75 feet of a high-traffic area.

- Request studies to be conducted at a variety of schools and other areas, where children would be tested to see if they fall within the 15 - 20 percent genetic range that puts them at high risk to the adverse effects of roadway emissions.
- Work on suggesting a tree planting program for residential neighborhoods that are located near heavy-traffic areas.

Mr. Williams requested some of the recommendations discussed under this item be placed on a future EJAG agenda, possibly December or January, for further discussion.

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

- Jackie McCoy

11. ACTION PLAN TO ENGAGE NORTHERN REGION RESIDENTS – Mr. Terhune requested this item be tabled in order for him to form an ad-hoc committee to discuss the action plan with Ms. Neronha. He said he would finish the action plan in time to provide it to EJAG members at least a week prior to the October EJAG meeting.

Public comment: None.

12. COMPLIANCE PROCEDURES BROCHURE SUGGESTIONS FOR POSSIBLE ENHANCEMENTS AND REVIEW SUGGESTED CHANGES TO THE BURNING TRASH BROCHURE – Due to the time, it was decided to move the Compliance Procedures brochure to the October agenda and only discuss the changes made to the Burning Trash brochure.

The following changes were suggested for the revised Burning Trash brochure:

- On the inside, place “burning is illegal” and “burning barrels are illegal” at the end and instead start with “trash poisons the air.”
- On the back panel, on the left side, instead of using the word “waste,” use the word “garbage.”
- In the blue section where it states “burning trash poisons the air...,” item number 1 and number 2 should be the last two, in order to place the list in order of importance.
- Simplify the language on the back.

Ms. MacKay asked if the final version of the Burning Trash brochure could be presented at the next EJAG meeting. Ms. Holt stated the suggested changes would be made and the final version would be presented to EJAG at the October meeting. Ms. MacKay requested staff send EJAG members a reminder to review the brochures prior to the next EJAG meeting.

13. EJAG ONE-PAGE DOCUMENT WITH ACRONYMS ATTACHED - It was determined, due to time, this item would be tabled.

Ms. Holt said that during the last CAC meeting, Mr. Sadredin suggested the District provide EJAG their own letterhead, which would include their own logo. She stated the letterhead is being worked on. She also stated the EJAG business cards are delayed in order to incorporate the unique EJAG graphics.

14. REPORT ON TEAM BUILDING WORKSHOP – Ms. Velasquez said the ad-hoc committee will meet on October 5, 12 – 1:30 p.m., which is directly after the CAC meeting.

Ms. Holt said Ms. Carolyn Penny from Common Ground, UC Davis, has been contracted to facilitate the workshop. Ms. Kelly-Ortega thanked Mr. Jones, as his company is providing the shortfall for the facilitator. It was confirmed the workshop will be held on Wed., Nov. 10, from 10 a.m. to 4 p.m., and it will be held at the District's office in Fresno. The workshop is open to the public, because a quorum of both EJAG and CAC will be present; however, the focus will be on communication between EJAG and CAC members.

15. OCTOBER EJAG MEETING AGENDA ITEMS – After discussion regarding EJAG's progress on this year's goal and objectives, the following items were suggested to be placed on the October EJAG agenda:

- Complaints brochure.
- Action plan to engage northern region residents.
- EJAG one-page document.
- Report on team-building retreat workshop.
- Update report by District staff on EJAG's 2010 goals and objectives.
- EJAG's 2010 action plan concerning greenhouse gases.

Mr. McVaigh said the District could provide an update on EJAG's progress regarding the goals and objectives prior to the next scheduled EJAG meeting and also provide an update at the meeting.

Mr. McVaigh said an item on greenhouse gases could potentially be placed on the December EJAG meeting agenda, depending on whether the District could schedule a representative from CARB to present the topic. Mr. Hamilton suggested someone from the EPA, Region 9, could provide information on greenhouse gases, instead of a representative from CARB. Mr. McVaigh said that in December, EJAG could start to look at developing an action plan for 2011.

16. PUBLIC COMMENTS (SECOND OPPORTUNITY) – The following persons provided testimony during the Public Comments portion of the meeting: (This section came after item #8)
  - Jackie McCoy
  - Empress Nontsikelelo.
17. EJAG MEMBERS' COMMENTS – Mr. Dean requested EJAG members receive brochures prior to a meeting in order for staff to receive input from EJAG members before a scheduled meeting. Mr. Williams suggested the three-minute clock be used during the public comment section. Mr. Hamilton said EJAG specifically decided not to use the 3-minute clock, and Ms. MacKay stated she did not feel the public has abused the lack of a time limit set for public comment.
18. EJAG MEMBERS' SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, OCTOBER 5, 2010 – No suggestions were made.
19. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, OCTOBER 5, 2010 at 10 A.M. – Ms. Kelly-Ortega volunteered; however, she asked if Ms. Celedón-Castro would be available to attend in order to be a part of it or to help out. Ms. Celedón-Castro stated she could, and asked if Ms. Kelly-Ortega would like to talk to her before the meeting and stated Ms. Kelly-Ortega had her email address. Ms. MacKay advised Ms. Celedón-Castro that District staff does provide CAC members with a summary of what occurred during the last EJAG meeting.

## **ADJOURN**

Meeting adjourned at 8:22 p.m.

*NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, October 26, 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.*