



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

ENVIRONMENTAL JUSTICE STRATEGY

Adopted: August 2007

Amended: February 18, 2010

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

I. PURPOSE

The San Joaquin Valley Air Pollution Control District (the District) is dedicated to the achievement of Environmental Justice¹. In recent years the District has sought to expand multi-lingual outreach through its marketing and advertising campaigns. Furthermore, the District is committed to an open and transparent public participation process in all activities including the permitting process, rule making, plan development and enforcement. The District is committed to identification, public notification and risk reduction through its Air Toxics Hot Spots Program². Using the California Environmental Quality Act (CEQA)³ process the District has provided valuable technical expertise on land-use decisions throughout the Valley. The District responds to public complaints with thorough investigations, implementation of necessary corrective actions, and feedback and communication with the complainants.

The District has developed this Environmental Justice Strategy to identify and address any gaps in existing programs, policies and activities that may impede the achievement of environmental justice. This strategy is the overarching environmental justice vision for the District. It sets forth the mission and goals that will guide the District in further integrating environmental justice into programs, policies and activities.

The Environmental Justice Strategy is the product of collaboration between District staff and EJ advocates. It creates a foundation to further address environmental justice issues; shall be reviewed regularly; and shall be reevaluated and revised as necessary in consideration of evolving environmental justice issues, programs, policies and activities.

¹ Environmental Justice (EJ) is defined in California law (Government Code section 65040.12.e) as "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations and policies."

² AB 2588 (Connelly) Air Toxics "Hot Spots" Information and Assessment Program: A California program (Health and Safety Code Section 44300 et seq.) which requires certain stationary sources to report the type and quantity of specific toxic substances they routinely release into the air. The program identifies high priority facilities and requires facilities posing significant risks to notify all exposed individuals, <http://www.arb.ca.gov/html/gloss.htm>.

³ The California Environmental Quality Act was adopted in 1970 and incorporated in the Public Resources Code §§21000-21177. Its basic purposes are to: inform governmental decision makers and the public about the potential significant environmental effects of proposed activities; identify ways that environmental damage can be avoided or significantly reduced; require changes in projects through the use of alternatives or mitigation measures when feasible, and; disclose to the public the reasons why a project was approved if significant environmental effects are involved. CEQA applies to projects undertaken, funded or requiring an issuance of a permit by a public agency. The analysis of a project required by CEQA usually takes the form of an Environmental Impact Report (EIR), Environmental Impact Statement (EIS), Negative Declaration (ND), or Environmental Assessment (EA). CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof. <http://www.ceres.ca.gov/ceqa/>.

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This strategy builds upon the work already begun by District staff. It formalizes current and future actions and expands the District's commitment to protect the health of Environmental Justice Communities⁴ and all Valley residents. The purpose of this strategy is to build a framework that can be used by the District to protect the health of Valley residents that may be disproportionately affected by air pollution.

⁴ Executive Order 12898 (http://www.epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf) defines environmental justice communities as minority and low-income populations with disproportionately high and adverse human health or environmental impacts.

II. STRATEGY DEVELOPMENT

A. Process

In fall 2004, a group of Environmental Justice advocates requested that District staff meet with them to discuss issues of concern and address questions relating to Environmental Justice. District staff met with these EJ advocates and discussions led to the possible development of a formal Environmental Justice Strategy. The result of that initial meeting was a series of discovery meetings between key District staff, including the APCO, and EJ advocates. Between fall 2004 and summer 2007, these entities met to draft the preliminary EJ mission, goals and action items which has been work shopped through this Environmental Justice Strategy process.

As part of the formal strategy development process, the District also solicited input from the Citizen's Advisory Committee (CAC) in June of 2006 and again in June of 2007. The CAC, which represents a broad range of industrial, governmental and environmental interests, provided comprehensive feedback on the development of the strategy.

Additionally, District staff conducted three public workshops throughout the San Joaquin Valley in October of 2006 and July of 2007. Workshops were held both during the day and in the evening at both District offices and an outside location. The purpose of the workshops was to present the specifics of the Environmental Justice Strategy and to collect information for utilization in developing the final Environmental Justice Strategy document. District staff also solicited and received written comments from interested parties and stakeholders.

All comments and responses to comments are catalogued in Appendixes E and F of this document.

B. Timeline

The tentative schedule for public hearing before the Citizens Advisory Committee (CAC) was the third quarter of 2007. Public workshops occurred both before and after review by the CAC.

III. BACKGROUND

The District serves the eight-county area in Central California from San Joaquin County in the north to the valley portion of Kern County in the south. Over the past 25 years, prior to and since unification, the District has worked collaboratively with local stakeholders and interest groups to make substantial progress toward achieving federal and state air-quality standards. The region experienced an 80% reduction in the number of violations of the federal one-hour ozone standard between 1980 and 2006. Furthermore, three consecutive years without any exceedence of the PM10 standard allowed the region to apply for and receive PM10 attainment status in 2006. Innovative strategies and groundbreaking rules, such as the Indirect Source Review, the Residential Fireplace Curtailment Program, and Conservation Management Practices, have allowed the region to become a world leader in air-quality management despite topographical and meteorological challenges.

Although significant progress has been made, the San Joaquin Valley is still not in attainment with the health-based ambient air quality standards for the eight-hour ozone and PM 2.5.

Today, the region is experiencing tremendous growth. According to the Great Valley Center's 2005 Indicators Report, the Valley's population is expected to grow by 24% between 2000 and 2010⁵. This dramatic rise in population will take the Valley from its current population of roughly 3.7 million people in 2000 to more than 4 million people in 2010.

Tulare and Fresno Counties have the highest rates of poverty in the state at 24% and 23% respectively, while California's rate is 14.2%. Thirty-seven percent of children in the Valley live in poverty, which is well above the statewide average of 22%. In 2005, the Brookings Institution reported that the city of Fresno had population clusters with the highest rates of poverty in the nation, surpassing even a pre-Katrina New Orleans.⁶ Although the District is committed to addressing the needs of the entire region, the District acknowledges the finding of the Brookings Institution that certain communities may be disproportionately impacted by poor air quality.

Furthermore, the Valley has a diverse racial demographic profile. According to the California Research Bureau, 45% of Valley residents classify themselves as being white or Caucasian; 41% of Valley residents classify themselves as being Hispanic or Latino; 5% Valley residents classify themselves as being Asian-American; 4% of Valley residents classify themselves as being African-American; 1% of Valley residents classify

⁵ Great Valley Center, "Assessing the Region Via Indicators; The Economy 1999-2004", January 2005.

⁶ The Brookings Institution, "Katrina's Window, Confronting Concentrated Poverty Across America", October 2005.

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themselves as being Native-American; and 4% of Valley residents classify themselves as being of some other race.⁷ Finally, the Valley has a high percentage of English learners. Twenty-four percent of the students enrolled in Valley schools are classified as English learners. These statistics indicate a diverse and dynamic population with varying needs. This Environmental Justice Strategy is intended to reflect and serve the needs of low-income and people of color communities.

According to the recommendations of the Cal/EPA Advisory Committee on Environmental Justice, “The Environmental Justice movement is deeply rooted in civil rights, and the struggles of people who have historically been marginalized. In their fight to be treated fairly and accorded equal protection under all of our nation’s laws, they have demanded equal protection of their health and environment.”⁸

Environmental Justice initiatives have both a federal and state historical framework. Title VI of the 1964 Civil Rights Act states, “No agency receiving federal funding shall exclude from participation, deny the benefits to, or discriminate against any person on the basis of race, color, or national origin.”⁹

Furthermore, Environmental Justice was extended to address disparity among economic groups in 1994, when a newly inaugurated President Clinton issued Executive Order 12898: ‘Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.’ The executive order states, “To the greatest extent practicable and permitted by law ... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effect of its programs, policies and activities on minority populations and low-income populations in the United States....”¹⁰

In the late 1990s and early 2000s, the state of California passed several laws that further defined and developed Environmental Justice policies on a statewide level. For example, SB 115 established the Office of Planning and Research as the coordinating agency for Environmental Justice Policy throughout state government¹¹, AB 1553 addressed the guidelines for cities and counties to utilize when incorporating Environmental Justice into general plans¹², and AB 1390 requires air districts to target

⁷ California Research Bureau, “San Joaquin Valley: Selected Statistics on Population, Economy and Environment,” May 2002

⁸ California Environmental Protection Agency (CAL/EPA) Advisory Committee. “Recommendations of the California Environmental Protection (CAL/EPA) Agency Advisory Committee on Environmental Justice to the CAL/EPA Interagency Working Group on Environmental Justice; Final Report,” September 20, 2003

⁹ <http://www.usdoj.gov/crt/cor/coord/titlevi.htm>

¹⁰ <http://www.fs.fed.us/land/envjust.html>

¹¹ http://leginfo.public.ca.gov/pub/99-00/bill/sen/sb_0101-0150/sb_115_bill_19991010_chaptered.pdf

¹² <http://www.calepa.ca.gov/Legislation/2001/Chaptered.htm>

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50% of incentive funding under Carl Moyer and the school bus program at communities most significantly affected by air pollution and/or communities with high minority / low-income demographics.¹³

Environmental Justice policy development in California continues to evolve, and the San Joaquin Valley Air Pollution Control District's Environmental Justice Strategy intends to both contribute to and guide that evolution for years to come. Towards that end, the San Joaquin Valley Air Pollution Control District will fully adhere to state law and will be consistent with state and federal Environmental Justice policies.

Continuing challenges necessitate an increased District focus on Environmental Justice. Improved partnerships with all members of the community are necessary not only to improve public education and involvement in the public decision-making process, but also to address the need for increased funding from state and federal government to reach air quality goals. Increases in the funding of school bus upgrades and goods movement infrastructure, and greater effort by the state and federal government to control mobile source emissions are just a few examples of how a strong relationship between the District, Environmental Justice organizations, and business representatives might produce quantifiable emission reductions in the Valley.

¹³ <http://www.calepa.ca.gov/Legislation/2001/Chaptered.htm>

IV. STRATEGIC DIRECTION

The District's Environmental Justice Strategy's mission, goals and action items provide the roadmap by which the District will be guided in integrating environmental justice principles into all programs, policies and activities.

A. Environmental Justice Mission

The San Joaquin Valley Air Pollution Control District (the District), a public-health agency protecting the health of all San Joaquin Valley residents, is committed to the fair treatment and meaningful involvement of all people regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of air pollution control laws, regulations and policies. The District will continue to incorporate Environmental Justice (EJ) principles in its decision-making processes, programs, permitting, and rule making, as well as provide timely and complete access to information.

B. Goals

The District's Environmental Justice Mission will be accomplished by the following goals:

1. Provide effective tools, resources and opportunities for Valley residents and community-based organizations to identify issues of interest and concern.
2. Provide accessible venues for Valley residents to receive education and information about air-quality challenges and current District air quality actions while facilitating the active and meaningful participation of individuals and communities in the decision-making process and in the implementation of effective solutions.
3. Take a proactive role in providing guidance to local land-use decision-making agencies to implement reasonably feasible measures to prevent disparate environmental impacts to local communities, and minimize the impacts from existing and new sources.
4. Work to quantify and pursue reasonable regulatory and incentive based-programs that mitigate toxic emissions on those communities disproportionately impacted by multiple sources. Initially these efforts will be focused on low income and ethnic communities as those communities have historically been the focus of EJ. Identify and address those communities that may be disproportionately impacted by air pollution, and work to develop reasonable strategies to address this disparity.

5. Provide public notification to impacted communities when exposure to significant air-toxics events occurs, and work to eliminate risk associated with these events.
6. To increase environmental justice awareness and understanding, District staff will be provided training on Environmental Justice.

C. Achieving the Goals

The District's Environmental Justice Strategy provides a comprehensive, long-term, overarching vision, as reflected in the environmental justice goals. The environmental justice goals, activities and initiatives outline both current and future steps necessary toward fulfilling the District's mission.

V. ONGOING ACTIVITIES

The District's commitment to Environmental Justice spans beyond the context of this strategy. The District is currently engaged in several ongoing programs to improve communication and access to and involvement from all members of the public.

1. Community Access and Involvement

- a. Until the formation of the Environmental Justice Advisory Group, the District facilitated monthly "Community Meetings," and EJ continued to be a focus of these meetings.
- b. The District provides, as requested, real-time interpretation services for high-profile and EJ-focused forums or meetings.
- c. The District will provide mass transit information to facilitate travel to the three District offices while also providing scholarship funds for EJ representatives to attend important District meetings.
- d. The District conducts outreach to EJ organizations for nominations for the CAC Environmental Representative vacancies.
- e. The District web-casts the video and audio from Governing Board meetings in real-time.
- f. The District will continue to provide meaningful opportunities for EJ advocates and all interested parties to fully participate in the rule development process.
- g. The District will provide EJ advocates and the public rule development and supporting documents, upon request.

2. Multi-Lingual Outreach and Access

- a. The District has hired a Spanish-speaking outreach representative. This outreach representative will foster a strong relationship with the non-English speaking media outlets to ensure a high level of media coverage.
- b. The District produces outreach materials and advertising campaigns in multiple languages and provides multi-lingual outreach literature for schools.

- c. The District encourages public participation in the permitting process, and will work to provide easy to understand summaries of plans and reports of interest in multiple languages.
- d. The District supports multi-lingual collaborative outreach activities, such as the American Lung Association Air Quality Flag Program.

3. Risk Reduction

- a. The District implements the rigorous requirements of the Air Toxics Hot Spots program and will place the ARB Toxics Hot Spot link and additional toxics information on the website. The District will continue to develop and enforce regulations for control of toxic air-contaminant emissions. The District will maintain an up-to-date registry of sources of significant air toxics and facilitate access to this information via the website.
- b. The District performs public health evaluations as part of the permitting process for new and modified sources, and responds to all complaints¹⁴. The District will also effectively communicate the public health study results of significant risks to the public.

4. Economic Incentives for Accelerated Mitigation

The District will seek to work collaboratively with EJ advocates and other stakeholders to support key legislation and other action to secure increased state and federal funding for mobile, stationary, and indirect source mitigation.

¹⁴ A “complaint” is when a member of the public has filed a concern or grievance with the District either verbally or in writing. A District inspector then investigates the reporting individual’s complaint to see if a rule violation has occurred.

VI. NEW INITIATIVES

Through these initiatives the District plans to build upon current Environmental Justice strengths to better serve the needs of all Valley residents.

1. Advisory Committee

The District will establish an Environmental Justice Advisory Group (EJAG) to serve in an advisory role and provide advice, direction and critique to the District concerning its continuing efforts to advance environmental justice. This group will review overarching District programs and strategies to provide feedback.

Environmental Justice Advisory Group

Function: The EJAG will be formed to provide advice and guidance to the District with respect to the implementation of the Environmental Justice Strategy. The EJAG shall serve as a forum to gather public input and enhance public participation. The EJAG shall not have any regulatory or administrative role in the District's permitting, enforcement, planning or rule making activities. The EJAG reports to the Governing Board through the Citizens Advisory Committee (CAC). Duties of the EJAG include the following:

1. The EJAG will advise the District in identifying opportunities for providing compliance assistance to businesses impacting ethnic and/or low-income communities.
2. The EJAG will advise the District in promoting community outreach efforts and in identifying opportunities and strategies for increasing participation by ethnic and low-income communities in air quality management.
3. The EJAG will advise the District in increasing meaningful community participation by providing public venues and opportunities for community involvement.
4. The EJAG will advise the District on strategies for continued improvements in outreach and communication with all Valley residents focusing on ethnic and low-income communities.
5. The EJAG will advise the District in implementing public education and outreach programs for community members.
6. The EJAG shall compile and present an annual EJ strategic update to the CAC.
7. The EJAG shall meet at least quarterly.

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8. The EJAG shall report monthly to the CAC.
9. The EJAG will advise the District in the development of analytical tools and training protocols to aid the District in addressing the needs of the EJ communities.
10. The EJAG will establish goals and objectives, and an action plan to achieve those goals and objectives, at the beginning of each year. EJAG may revise its goals and objectives and the action plan throughout the year as necessary. EJAG goals and objectives shall strictly adhere to the District's Environmental Justice Strategy. The Air Pollution Control Officer (APCO) in consultation with the CAC shall have the final authority on approving or revising the EJAG's goals and objectives and the action plan.

Member Qualifications: Members should have a demonstrated interest and/or experience in air-quality issues and in representing Valley residents and businesses, especially ethnic and low-income communities.

Membership: EJAG will be comprised of 13 members. All members must be residents of the San Joaquin Valley. Eight of these members, one from each county within San Joaquin Valley, must have experience and interest in representing ethnic and/or low income communities.

Two of the members shall be ethnic small business owners. In the event that the APCO determines that a vacant ethnic, small business owner position cannot be filled after two months of diligent effort, the vacant position will be filled with a CAC member from the CAC Industry/Agriculture interest group.

Three members shall be CAC members, one representing each of the three CAC interest groups. CAC members may apply for additional EJAG membership positions provided that they meet the above specified criteria. Members of the EJAG are deemed volunteers and are not entitled to any compensation from the District.

The Governing Board may also appoint alternates for the above-designated members.

Members shall serve two-year terms at the pleasure of the District's Governing Board.

Appointments: EJAG members shall be appointed by the District Governing

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Board. The District shall publicly give notice of openings on the EJAG, and the CAC shall solicit "Applications of Interest" from throughout the Valley. Additionally, notice shall be given to EJ advocacy groups, ethnic chambers of commerce, and other ethnic community leaders and policy makers.

For the initial appointments and for future vacancies, the APCO shall form an EJAG Appointment Subcommittee comprised of 3 CAC members one representing each CAC interest group, 2 members from the EJ advocacy groups, and one member of the District staff. The Subcommittee shall review all applications, evaluate candidates qualified to fill vacancies, and provide formal recommendations to the Governing Board for appointments to the EJAG.

The Governing Board shall have final approval of all appointments to the EJAG.

Reporting: All communications, including reports and recommendations, to members of the District Governing Board shall be routed through the Citizens Advisory Committee (CAC) unless directed otherwise by the Governing Board. For administrative matters, the EJAG may provide reports or advice directly to the APCO upon request by the APCO. The CAC shall be copied on any communication between the District Governing Board, the EJAG and the APCO that are not routed through the CAC.

EJAG needs to provide timely and detailed reports to CAC on their activities, and the CAC, in its oversight role, needs to pay close attention to the work performed by EJAG while providing guidance as necessary. Towards that end, the following actions will be taken:

1. Encourage each CAC interest group to send a representative to each EJAG meeting for observation and participation.
2. Encourage EJAG members to attend CAC meetings.
3. As a standing agenda item for each CAC meeting, the District will provide a written summary of the actions taken by the EJAG and issues discussed or considered. This agenda item will also provide for discussion and action by CAC if needed to provide guidance and direction to EJAG.

Travel Reimbursement: EJAG members will be reimbursed their transportation costs for attending regularly scheduled EJAG meetings, EJAG ad-hoc committee meetings, and CAC meetings. Reimbursement shall be in accordance with the District's standard mileage reimbursement policy.

2. Outreach and Training Opportunities

- a. The District will host outreach events targeted at the environmental justice communities as part of the Healthy Air Living initiative. The goal of these events will be to engage the environmental justice community and to educate individuals about current air-quality issues and actions they can take to help improve air quality in the Valley.
- b. The District will provide EJAG members training on a variety of issues including Robert's Rules of Order, the Brown Act, and other topics which will better equip and enable EJAG members to serve.

3. Multilingual Technology Support

The District will continue to enhance the Spanish-language components to www.valleyair.org and www.airelimpiovidasana.com. The District will continue to post real-time air quality data on its website and provide easy-to-understand explanations in Spanish.

4. Land-Use Decision Guidance

The District will work to develop a methodology to quantify the cumulative impact¹⁵ of proposed projects, taking into account outdoor pollution exposure and indirect contributors to risk, while also complying with the CEQA process. District will work to develop a Guidance Document that incorporates EJ goals and concepts into land-use decisions. The District will review and build upon current work being completed by other agencies and districts that provides guidance on the quantification of cumulative impacts.

¹⁵A 'cumulative air quality impact' often is often used to describe possible health and nuisance impacts potentially related to a neighborhood's cumulative emissions from sources that individually comply with local, state and federal rules.

VII. CONCLUSION

With this Environmental Justice strategy, the San Joaquin Valley Air Pollution Control District provides the overarching vision and leadership toward ensuring all San Joaquin Valley residents benefit from healthier air as a result of the operation or execution of our programs, policies, and activities. The District is dedicated to the integration of environmental justice principles and goals into our public health and air-quality programs, policies and activities.

In working to ensure that all San Joaquin Valley residents are afforded fair treatment, accessibility, and protection in a clean, healthy environment; the District is also working to improve the productivity of our workforce and, thus, helping to build a stronger economic climate in the Valley. The District seeks to build upon the mutually beneficial relationship between a healthy environment and our economy, communities and quality of life.

The District's Environmental Justice strategy's mission, goals and action items shall provide the framework upon which the District will be guided in achieving further environmental justice Valley-wide. As a living document, this strategy shall be reviewed within a year of its adoption, and regularly revised as necessary in consideration of evolving environmental justice issues, programs, policies and activities.

VI. ACKNOWLEDGEMENTS

This environmental justice strategy is the product of collaboration among the San Joaquin Valley Air Pollution Control District and environmental justice advocates. The development of this strategy could never have been completed without the commitment and input of these individuals. The District wishes to thank all who participated in this effort.

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