

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District

ENVIRONMENTAL JUSTICE ADVISORY GROUP

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.

Monday, November 17, 2008
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, 2700 M Street, Bakersfield and the Northern Region Office, VTC Room, 4800 Enterprise Way, Modesto.

1. Call to Order - Meeting called to order at 5:37 p.m.
2. Roll Call - was taken, quorum not yet established.

County	Member Name/Interest Group	Location
San Joaquin	Jeremy Terhune, At-large Rep.	Northern
Stanislaus	Rosenda Mataka, At-large Rep.	Northern
Merced	Melissa J. Kelly Ortega, At-large Rep.	Central
Madera	Catherine Garoupa, At-large Rep.	Central
Fresno	Lourdes Medina, At-large Rep.	Central
Kings	Andre H. Booker, At-large Rep.	Central
Kern	Linda MacKay, At-large Rep.	Southern
	Kevin Hamilton, CAC	Central
	Riley Jones, CAC	Central

Staff present in Central Region Office (Fresno) – Jaime Holt, Chief Communications Officer; Scott Nester, Director of Planning; Samir Sheikh, Director of ERIP; Dave Warner, Director of Permit Services; Jon Adams, Director of Compliance; David Lighthall, Health Science Advisor; Claudia Encinas, Bilingual Public Information Representative; Maricela Velásquez, Senior Public Information Representative

Staff present in the Northern Region Office (Modesto) – Anthony Presto, Public Information Representative

Staff present in the Southern Region Office (Bakersfield) – Brenda Turner, Public Information Representative

3. Approve Minutes of Monday, October 20, 2008 – Melissa Kelly-Ortega made a motion to approve minutes as submitted. Second by Kevin Hamilton. The minutes were approved as submitted.

4. Public Comments – There were no public comments.
5. Chair Comments – Ms. Medina commented she met with Maricela Velásquez to work on the agenda and she did not receive any comments or requests for agenda items from any members. The chair also thanked Ms. Kelly-Ortega for working on the by-laws. Riley Jones suggested we give executive summaries as opposed to all material that has been generated for those projects.
6. Standing Committee Reports – Ms. Kelly-Ortega led a discussion in making revisions to the first draft of the by-laws.

Mr. Jones requested a training session for EJAG members to go through by-laws, roles and responsibilities.

Linda MacKay asked if the group was going to allow outsiders to be a part of subcommittees. Catherine Garoupa commented it would be a good idea to have Valley residents involved, depending on what the topic is. She believes leaving it up to the EJAG's discretion is a good step.

Regarding meeting scheduling, Mr. Hamilton commented that members of the public should not be able to call a meeting. All meeting requests should go through the Chair.

Regarding meeting dates and times, Rosenda Mantaka asked what would happen if a room is not available at the time needed. Jaime Holt responded this should not be a problem. Once the meeting schedule is set, the District can reserve the room for the year. If there were any conflicting meetings, the EJAG meeting would take precedence, in most cases.

Ms. Garoupa asked for clarification regarding the meeting scheduled for December 15, 2008 at 5:30 p.m. The Chair said the room was already reserved for the morning so she reserved the room for the evening, but the meeting is not set. If they want to meet in the morning, they will have to change the date. Ms. Velásquez said the room is available that day from 11:00 a.m. to 8:30 p.m.

Regarding public comment, Mr. Jones asked if the group should discuss and reconsider not setting any time limit for public comments. Jeremy Terhune agreed. Mr. Hamilton suggested changing the language to say the time limit for public comment will be set at the discretion of the Chair. Ms. Velásquez added that the front page of the meeting agenda says members of the public have a maximum of three minutes to comment unless a longer period of time is granted by the Chair.

Ms. Kelly-Ortega commented that EJAG wants the public to get engaged in these issues and they should not be limited to three minutes. She suggested the group should consider a five-minute time limit. The Chair added the group also needs to consider allowing extra time for language translation.

Ms. Mataka commented that “at the Chair’s discretion” is legitimate. Ms. Kelly-Ortega asked the group if they wanted to leave it as “at the Chair’s discretion” or keep it as it is on the agenda with a three-minute time limit. Ms. MacKay said she thought at the discretion of the Chair would be best.

In the Quorum and Voting segment of the by-laws, the group clarified a quorum should be seven members and not nine.

The Chair thanked Ms. Kelly-Ortega again for her work on the by-laws.

7. Health Science Advisory Report – Ms. Holt introduced Dr. David Lighthall, the District’s new Health Science Advisor. Dr. Lighthall told the committee a little bit about what he will be doing, and about the research and information he will bring to the District. He will help the District evaluate the potential and real benefits as it relates to rule development and what has already been done. He mentioned a study he conducted regarding the District’s wood-burning rule. He said this research is important because it shows valley residents that their sacrifices are paying off. Dr. Lighthall will be working closely with Scott Nester and the Planning Department on rule -development issues, and with Jaime Holt and the Outreach and Communications Department with presentations. He will provide scientific assistance to other departments as needed and will be available to provide assistance to EJAG.
8. Compliance Report – Ms. Holt introduced Jon Adams, Director of Compliance. Mr. Adams informed the committee the District’s Compliance Department inspects several thousand facilities each year throughout the Valley. The inspectors are in the field verifying that sources are in compliance with the conditions of their permits. Inspectors also respond to over 3,000 complaints every year and conduct surveillance to make sure fireplaces are not being used on days when the District declares wood-burning prohibited. The District has a number of new programs that involve Compliance, including inspections for Prop 1B. The Compliance Department also deals with internal programs, including working with the Mutual Settlement Group. Mr. Adams said he is happy to answer questions and discuss any issues that are of concern to EJAG.
9. Planning Report – Scott Nester, Director of Planning, presented the report. He described the four main functions of the Planning Department: air monitoring, air quality analysis, planning development and rule development.

Mr. Nester gave an update on the air-monitoring program. The program will be expanding in the next year and a half. They will be opening new

monitoring stations in Tranquility and the city of Madera, and looking for new sites in San Joaquin and Stanislaus counties. Tejon Ranch has offered to donate a station in Lebec, which the District plans to accept. The Golden State monitoring station in Bakersfield needs to be moved and they are trying to find a new location for that somewhere downtown. Air monitoring will also be adding a new instrument at the station at Huron Middle school.

Regarding the Plan Development Program, Mr. Nester told the group the federal Environmental Protection Agency redesignated the San Joaquin Valley as a PM10 attainment area on November 12. EPA also recently proposed approving the District's 2004 Ozone Plan. The EPA is accepting comments on that proposal until November 17.

Mr. Nester gave an update on Rule Development. Last year, the Governing Board adopted amendments to three rules. The amendment to the District's Boiler Rules (4306, 4307, 4320) reduced NOx by 4.5 tons per day. The Glass-Melting Rule (4354) was amended to reduce NOx by 2.2 tons per day. The Fireplace Rule (4901) amendment is estimated to reduce PM 2.5 by 2.4 tons per day on an average night, and by 16 tons on a prohibited day. Mr. Nester commented this is the most health-protective fireplace rule in the country. Next month, the Governing Board will consider amendments to the Graphic Arts Rule. The emission-reduction estimate for those amendments is about 0.2 tons per day. Mr. Nester concluded by saying Rule Development prepares a summary every month which is distributed to the Citizens Advisory Committee and the Governing Board, and can be provided to EJAG, as well.

Ms. Garoupa asked when the new monitoring station would be online in Madera. Mr. Nester said it would be in the spring or summer next year. Ms. Garoupa asked if the existing monitoring station on the river was going to be moved. Mr. Nester said it will stay where it is.

Mr. Booker asked what the purpose is of air monitoring. Mr. Nester said the main purpose is to see whether the region has dirty or clean air, what pollutants were in attainment or not, and where we have problems in order to establish controls that are appropriate for the Valley. This forms the basis for the District's air quality plans.

Mr. Booker addressed the issue that the media does not always define terms such as "moderate" or "high." He is concerned that people don't really know what that means. He said Bakersfield media usually give the actual numbers, but he doesn't see that happening in Fresno. Ms. Holt announced that members of Outreach and Communications have meetings set up with weather people addressing that very issue. They hold these meetings every year at the beginning of the fireplace season. They provide specific information, but the weather people make their own decisions on what information they give out.

Derek Williams, member of the public from Visalia, asked if the District's ultimate goal was to try to get away from wood burning altogether. He had questions regarding natural-gas inserts, finding ways to make natural gas more affordable, and about making those units and inserts more easily accessible.

Ms. Holt said the District is actively trying to encourage people to stay away from "burning dirty." Using an old woodstove is significantly dirtier than using a newer, Phase II-certified stove or insert. The District realizes not all people will be able to use natural gas for various reasons. Ms. Holt gave the committee information on the Burn Cleaner program.

10. Outreach and Communications Report – Jaime Holt presented the report. The Outreach and Communications Department is working on educational outreach regarding wood burning. This involves billboards, bilingual posters, and radio and TV ads in English and Spanish. This year, the OC is coordinating this campaign with the winter Healthy Air Living outreach campaign. At its last meeting, the Governing Board approved a campaign focused on fourth- and fifth-graders. This campaign will encourage kids to have their families and neighbors sign pledge cards. The District has 300 iPod shuffles to give away to children, and the classrooms that produce the most pledge cards per capita will get a \$250 resource grant.

Ms. Holt also mentioned the annual kids' calendars are being finalized and hopefully will be available by the December meeting for members to distribute to their communities. There will be 20,000 available. These calendars are bilingual and there is also a Hmong version available.

Ms. Medina asked Ms. Holt how EJAG gets the word out about meetings and environmental justice issues.

Ms. Holt said information can be put on the District's website. She also said her department can do whatever committee members feel would be best for their communities. This includes hanging posters and running targeted newspaper ads. The District has budgeted funds to use to get the word out. Ms. Holt commented that radio and TV ads may not be possible. She said when the group really wants to focus on a particular meeting and has a public-friendly agenda, it can definitely be pushed to try to get more people involved. Ms. Holt said she and the OC Department are here to assist EJAG and give them ideas about what might be most effective.

Ms. Medina asked if the District could give EJAG members email access or a way to blog to help address youth.

Ms. Holt said she could look into that. She mentioned we already have HAL MySpace and Facebook pages.

11. Emission Reduction Incentive Program (ERIP) Report – Samir Sheikh, Director of ERIP, presented the report. This department is responsible for granting incentives for various types of projects that would reduce emissions. The District offers incentives on emissions sources it cannot directly regulate. It also offers incentives if there is an opportunity to create early reductions. If there is a new State or District rule with a compliance schedule, offering incentives for early reductions encourages innovation. It encourages people to reduce emissions either ahead of the rule or to go beyond what the rule requires. The incentive program is a critical part of the District's Fast Track Path to Attainment.

Mr. Sheikh gave an overview of what ERIP has accomplished. The program has awarded over \$200 million to various projects, achieving over 62,000 tons of emission reductions. It has paid for over 5,000 agricultural engines to be replaced with cleaner or electric engines, 20 forklifts, 20 locomotives, 900 pieces of off-road equipment, 1,000 pieces of on-road equipment, 600 buses and more. Funding for these programs increases every year and the department has been implementing streamlining measures to keep the program as efficient as possible. Mr. Sheikh noted that the District's incentive program has become a model for grant programs throughout the state and was recently recognized as the best grant program in the state.

Mr. Sheikh said he is interested in is getting feedback from EJAG in how ERIP can target their programs in ways that will benefit the environmental justice communities. A lot of the incentive programs have a great impact on environmental justice communities. For example, ERIP has \$45 million in Prop 1B funds to spend this year on heavy-duty truck retrofits or repowers. ERIP puts in a great effort to make sure people in environmental justice communities are aware of their programs and take advantage of them.

Ms. Medina asked how much of these funds go to environmental justice communities.

Mr. Sheikh informed the committee there is a requirement that a certain percentage of funding needs to be spent in environmental justice communities. For example, 50 percent of funds from the Carl Moyer program must be spent in those communities. The District goes beyond the requirement and has allotted 75 percent of those funds to environmental justice communities.

Ms. Garoupa asked if there was a consideration of the economic need/level of the applicant involved in awarding most grants.

Mr. Sheikh answered that it is not usually a factor, although, for a school district, there is a tiered approach based on its free and reduced-meal lunch program. The District uses this information as an indication of a school district's poverty level.

Ms. Garoupa commented it is necessary to make sure money goes to those that need it. She also commented that she had assisted a Spanish-speaking member of the public in filling out a Prop1B application and it was difficult. The application was not available in Spanish, and using the automated phone system was long and confusing.

Mr. Sheikh expressed his appreciation for such comments and feedback. He said ERIP did hold application assistance workshops, but he is looking forward to working with EJAG to help design such workshops to make them more effective and beneficial to the community. Mr. Sheikh said he is always open to suggestions.

Mr. Booker asked if the District has programs that target lawnmowers, charcoal barbecues and a program similar to South Coast of paying for old cars. He also mentioned a Japanese vehicle- life program through which people can only keep their cars for a certain number of years before certain fees are significantly raised.

Ms. Holt answered that the District has a lawnmower program once a year. Mr. Sheikh said the District does not have a barbecue program because it doesn't have a funding source, but there is statewide funding source the District can look into. The District does not have the authority to enforce a program like the Japanese vehicle life program, but it does have a Gross Polluting Vehicle Program.

Ms. Mataka asked if there are other programs where a certain percentage is required to go into environmental justice communities. She also asked if Carl Moyer funds are still available.

Mr. Sheikh answered that the governor recently signed bill AB2522, which will raise DMV fees and a percentage of those surcharges will be required to fund projects in environmental justice communities. Mr. Sheikh also answered that the District receives \$10 million for the Carl Moyer program every year and \$5 million goes to environmental justice communities.

Regarding the fireplace program, Derek Williams, member of the public, asked if the District could get involved on the manufacturing level instead of putting money into the pockets of retailers.

Mr. Sheikh said this is something the District is looking into. They will be meeting with vendors and going into contracts, looking at wholesale price lists and attempting to get bigger incentives.

Mr. Jones asked for specific amounts regarding what the District pays for with incentive funds.

Mr. Sheikh gave a couple of examples. The District will provide \$50,000 for a truck that might cost \$125,000 and will provide \$5,000 for a retrofit that may cost \$15,000 to \$20,000.

12. Permit Services Report – Dave Warner, Director of Permit Services, presented a PowerPoint presentation. Mr. Warner informed the committee on what the Permits Department is responsible for. Permit Services develops and implements appropriate mechanisms to enforce those regulations developed by Planning. The Permits Department serves many functions. They issue a variety of permits, conservation management practice plans, and emission-reduction credit certificates. They implement the California Environmental Quality Act and the Indirect Source Review, Emissions Inventory, and run a state-mandated program called Air Toxics Hot Spots.

Mr. Booker asked how environmental justice communities help with the application and permitting process.

Mr. Warner said he wants to start a dialogue with EJAG regarding this issue. The District issues between 4,000 and 6,000 Authorities to Construct every year. Right now, the District publishes a notice of its intent to issue a permit in one newspaper, for a few days, with a thirty-day period for public comment. Certain categories of permits have been published on the District's website as well, and that will be expanding to include all permits. Still, many Valley residents don't have access to the internet. There is room for improvement in this process.

The Chair suggested it would be helpful for EJAG members to receive more information or some kind of training on how to read these public notices.

Mr. Warner commented that the public notice is mostly to serve as an attention-grabber. The notices give contact information for any residents looking for more details. Mr. Warner also said if EJAG members are interested, more information can be provided.

Mr. Warner presented Ms. Kelly-Ortega with the information she had asked for through a Public Information Request. He explained that a lot of work goes into such projects and asked that all future requests come directly from the Chair.

Ms. Kelly-Ortega thanked Mr. Warner for the information. She commented that the request process is often long and difficult, and people don't always know exactly what to ask for. She commented that EJAG can work with the District to refine the process.

13. Discuss the Process and Substance for Establishing Goals and Objectives - Mr. Jones commented that the committee would not be able to fully discuss this item in today, due to time constraints. He suggested the committee should consider how their goals coincide with the goals of the District.

The Chair requested volunteers to look into this item so the committee does not have to table it again.

Ms. Garoupa commented that the bylaws subcommittee needs to review the goals section and she has already volunteered to assist Ms. Kelly-Ortega.

Ms. Kelly-Ortega asked everyone to email any suggestions for goals that need consideration. The Chair added any emailed suggestions should be copied to all Board Members and to Maricela Velásquez.

Mr. Booker reiterated Mr. Jones' point that the committee needs to use the District's goals as a foundation to build upon.

Ms. Garoupa made a motion to table this item until the next meeting. Ms. Kelly-Ortega seconded the motion. The motion passed unanimously.

The Chair commented that Kevin Hamilton is no longer present.

14. Review District's Environmental Justice Strategy – The Chair suggested tabling this item until the next meeting.

Ms. Kelly-Ortega made a motion to table this item until the next meeting. Ms. Garoupa seconded the motion. The motion passed unanimously.

15. EJAG member comments and suggestions to be included in the presentation of the EJAG report during the CAC meeting on Tuesday, December 2, 2008 – The Chair volunteered to assist in gathering the information.

16. Volunteer to present EJAG report during CAC meeting, Tuesday, December 2, 2008 – The Chair volunteered to present at the CAC meeting.

17. Public Comments – There were no public comments.

Adjourned at 8:26 p.m.

Next meeting – The next EJAG meeting is scheduled on Monday, December 15, 2008 at 11:00 a.m.