

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 27, 2011
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 5:34 p.m.
2. ROLL CALL – was taken and a quorum was not present.

County	Member Name/Interest Group	Location
Merced	Melissa Kelly-Ortega, At-large Rep.	Central
Kern	Marvin Dean, Business Owner	South
Tulare	Derek Williams, At-large Rep.	Central
Kings	Riley Jones, CAC-Industry/Ag (Primary)	Central

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Errol Villegas, Program Manager, Strategies & Incentives Department; Dave Warner, Director of Permit Services; Todd DeYoung, Program Manager of Strategies and Incentives; Morgan Lambert, Director of Compliance; Jaime Holt, Chief Communications Officer; Maricela Velasquez, Senior Public Information Representative.

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

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

Departed at 6:00 p.m.

Members of the public present – Dennis Fox, Heather Gonzales.

3. APPROVE MINUTES OF TUESDAY, August 23, 2011 – This item was tabled due to a quorum not being present.
4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – Mr. Fox commented on burning in state parks and that the wildlife refuge near Pixley is overgrown and, therefore, has the potential for a large fire. He also said that the Lung Association in Bakersfield may have a vehicle that could be used by EJAG for public outreach.
5. CHAIR COMMENTS – Ms. Kelly-Ortega thanked community members for attending the meeting. She apologized for not completing some tasks that were listed on tonight's agenda, and said she would complete them prior to EJAG's October meeting.
6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh said he followed up on a concern Mr. Fox expressed at an earlier EJAG meeting regarding the San Joaquin Valley's air quality being impacted by open burning occurring in San Luis Obispo County. Mr. McVaigh said he had asked Mr. Morgan Lambert, Director of Compliance, to investigate this matter and Mr. Lambert was present to provide an update on this issue.

Mr. Lambert said San Luis Obispo had authorized only five burns in the past two years and of those five, three of the burns were approximately an acre in size, which is not big enough to have a potential impact in the San Joaquin Valley. The other two burns, which occurred in January and June of 2010, were grass burns by the Bureau of Land Management. It was determined by analyzing the air monitoring data for those days, as well as conducting some modeling, that because of the conditions that existed, the plume from those fires either were directed west, to the ocean, or down toward the Santa Barbara area. Mr. Lambert said the District has formerly requested closer communication with the San Luis Obispo Air District, and the District is waiting for a response in order to finalize the agreement.

Mr. Williams thanked Compliance for the great job they are doing. Mr. Williams said he had reported a small burn to the District and the following Monday, an inspector was sent out and he received a phone call back from the District, advising of the action taken.

Mr. McVaigh said the District received 1,907 complaints regarding air pollution incidents last year and follow-up was completed on every complaint. He said the District's Complaint brochure, which EJAG assisted with revising, has increased reports by the public.

12. RULES UNDER DEVELOPMENT – Mr. Dave Warner, Director of Permit Services, talked about Rule 2301 (Emissions Reductions Credit Banking), what the rule currently states and how the District is proposing to modify it.

He said Rule 2301 allows a company that reduces emissions beyond that required by the District's emission reduction regulations to receive a certificate for that reduction. The emission reduction credits (ERCs) can then be sold to another company. The company buying the credits must already have best available control technology and must mitigate the increased emissions with ERCs, which they have to surrender to the District as part of the permitting process. ERC transactions are monitored by the District and are tracked in a comprehensive banking system.

Mr. Warner said the revision for this rule will allow the banking of pollutants beyond what the current rule regulates by allowing the voluntary banking of greenhouse gas credit reductions. He said the District already addresses greenhouse gas increases under the California Environmental Quality Act (CEQA), which requires permitting agencies to assess all environmental impacts associated to a project prior to issuing a permit. One of the impacts the District has to analyze per state law is the impacts of greenhouse gases; therefore, the District set up a Governing Board-approved approach to deal with greenhouse gases under CEQA, which follows the requirements of the state's landmark AB 32 Greenhouse Gas Reduction Rule.

Mr. Warner said the District has been successful in this effort because of developing a very streamlined process and a whole set of greenhouse gas standards for new equipment, called Best Performance Standards. He added the District has also gone through the public process, which provided Best Performance Standards information.

He said it is the District's plan to allow banking of voluntary greenhouse gas credits in the San Joaquin Valley. This will result in not only economic benefits to the Valley, but also a reduction in criteria pollutants, as most equipment that reduces greenhouse gases also reduces criteria pollutants.

Mr. Warner said it is planned for this rule to go before the Governing Board for adoption in December.

Mr. Williams asked that this topic be scheduled on a future EJAG agenda for further discussion.

Mr. Errol Villegas, Program Manager Strategies and Incentives, then covered the information provided on the "Summary of Rules and Plan" handout dated Sept. 6, 2011.

11. PRESENTATION BY MANUEL CUNHA, CAC CHAIR – Mr. Cunha, Chair of the Citizen's Advisory Committee, provided an overview of the CAC. He also encouraged continued collaboration efforts between CAC and EJAG and for EJAG to continue to work on established goals and objectives. Mr. Cunha explained that the CAC is authorized under State law as an advisory committee

to the District Governing Board. Under the CAC by-laws, CAC members from all three interest groups (Environmental, Ag/Industry, and City) meet in a public process, represent their respective constituents, and work to provide valuable recommendations and input to the District Governing Board. Mr. Cunha noted that CAC members from all three interest groups have been very successful in the past several months in reaching consensus and providing solid recommendations to the Board on important issues. He assured EJAG members that CAC is committed to working collaboratively with them and continuing to improve communication between the two groups. Mr. Cunha also stressed the importance of EJAG focusing on achieving their environmental justice Goals and Objectives each year, and not becoming distracted or sidetracked by other issues or individual agendas.

7. CAC/EJAG COLLABORATION UPDATE – Ms. Kelly-Ortega said she had contacted Jonathan London from UC Davis, but has not yet heard back from him. She had requested he provide dates in February 2012, along with a draft agenda. Once the information is received, she will forward it to District staff and the CAC chair.
8. GRANT COMMITTEE UPDATE – Mr. Williams said the Grant committee discussed the formation of a community development education outreach fund, which would be funded from the \$10 million generated under AB 2522. He said at the next meeting the committee will look at other community outreach programs, as well. Additionally, the committee will discuss prioritizing grants and grant ideas, looking at grass roots participation and benefit analysis. Also, the purchase of a vehicle for the purpose of conducting outreach will be discussed. Mr. Williams said the committee could request more money for EJAG communities than the \$10 million, because the \$10 million is the minimum amount allocated.

Mr. Dean requested EJAG members to submit suggestions of how to use the AB 2522 funds to committee members, as the committee will be compiling a list in the near future.

Public Comment: None.

9. CONSIDER CHANGING MEETING DATES & TIMES FOR THE REMAINDER OF 2011 AND CALENDAR YEAR 2012 – Ms. Kelly-Ortega explained this item was on the agenda because Ms. Celedón-Castro and Ms. Neronha cannot attend Tuesday evening meetings, due to the time conflicting with school schedules. The item was tabled for next month's meeting due to a quorum not being present.
10. REVIEW HEALTHY AIR LIVING FOTONOVELA, CHECK BEFORE YOU BURN BROCHURE, AND DISCUSS AIR ALERT PROMOTIONAL ITEM – For the fotonovela, a member of the public suggested another storyline within the story,

which would connect with the family portrayed in the fotonovela. It was also suggested that Youtube links be embedded within the storyline.

Regarding the Check Before You Burn brochure, Ms. Kelly-Ortega suggested the following:

- Keep it simple
- Use bullet points
- Bigger font
- Less wordy

Ms. Holt said the Air Alert program has been pretty successful this first year, and she explained the following:

- One-hour ozone standard
- The Clean Air Act as it relates to the ozone standard
- DMV fees and mobile emissions
- The three-year period and exceeding the one-hour ozone standard more than three times at any one monitor
- The four areas where exceeding the one-hour standard has occurred this year were in the following locations: one in Clovis, one in Parlier, and two in southeast Fresno

Ms. Holt said despite the violation in Clovis, this past summer was the cleanest summer recorded.

Regarding promotional items, in addition to the post cards, Ms. Kelly-Ortega suggested key chains with lights, possibly with a message on one side saying, "80 percent of our pollution comes from mobile sources," and the other side saying, "Get out of your car."

Mr. Dean asked if the District is doing additional outreach efforts in Clovis, due to the recent violation. Ms. Holt said the District was and explained the cause of the violation: an unusual high pressure system, the cyclical pattern of the winds, and several days build up of pollution moving from the other parts of the Valley and the Fresno metro area into Clovis. These factors resulted in exceeding the one-hour ozone standard. She said the three places that have exceeded the one-hour standard this year are all in southeast Fresno County, and this is caused by the turning effect that causes the pollution to pool in that one area of the county.

Since pollution from other areas travels into the Valley, Mr. Williams suggested the District ask the State of California to petition the Environmental Protection Agency (EPA) for an exception from the one-hour standard, based on atmospheric conditions. Ms. Holt said the EPA does not recognize topographic

considerations. She said the District is working with Congressman McCarthy, in Bakersfield, on a bill called the Common Sense Ozone Act, in order to provide some flexibility to the interpretation of current rules. She also said it is, however, the District's goal to meet the standard.

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

- Heather Gonzalez

13. EJ MAPS (IF ANY UPDATES) – Ms. Kelly-Ortega stated there were no updates.
14. OCTOBER EJAG MEETING AGENDA ITEMS – The following items will be on the October agenda:
 - Rule 2301 ((Emissions Reductions Credit Banking)
 - Ad-hoc Project Checklist
 - CAC Collaboration in February
 - Grants
 - EJ maps
 - Update on the District brochures (that EJAG has worked on)
 - EJAG one-page document
 - Approval of the August minutes

Mr. McVaigh said Mr. Warner could provide more information on Rule 2301 during the Rule Update section of the October EJAG meeting.

15. PUBLIC COMMENTS (2nd OPPORTUNITY) – Mr. Fox suggested a company with new technology provide a presentation to EJAG.
16. EJAG MEMBER COMMENTS – Mr. Dean requested the District contact small businesses, especially those in EJ communities, when seeking vendors for different projects. Regarding the notification email sent to EJAG members reminding them of the meeting, Mr. Williams suggested a sentence be added, asking members who have alternates to contact the alternate if he or she cannot attend a meeting, in order to achieve a quorum.
17. EJAG MEMBER SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, OCTOBER 4, 2011 – Mr. Williams suggested whoever provides the presentation to thank Mr. Cunha for attending the EJAG meeting this evening and providing the collaborative building relationship presentation.
18. VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, OCTOBER 4, 2011 AT 10 A.M. – Ms. Kelly-Ortega said she could not attend, as did Mr. Williams and Mr. Riley. A volunteer was not selected at this meeting.

ADJOURN

Meeting adjourned at 7:13 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Tuesday, Oct. 25, 2011, 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.