

Amended 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

**Thursday, March 28, 2013**  
**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 5:30 p.m.
2. ROLL CALL – was taken and a quorum was present.

<b>County</b>	<b>Member Name/Interest Group</b>	<b>Location</b>
Merced	Melissa Kelly-Ortega, At-large Rep.	Central
Tulare	Derek Williams, At-large Rep.	Central
Fresno	*Kevin Hamilton, CAC-Environmental (Primary)	Central
Fresno	*Sandra Celedón-Castro, At-large Rep.	Central
Kings	Maricela Mares-Alatorre, At-large Rep.	Central
San Joaquin	Esperanza Vielma, At-large Rep.	North
Stanislaus	*Rayna Ruiz, At-large Rep.	North
Kern	Robert Smith, At-large Rep.	South
Kern	*Marvin Dean, Business Owner	South

- \*Ms. Ruiz arrived at 5:41 p.m.
- \*Ms. Celedón-Castro arrived at 5:44 p.m.
- \*Mr. Dean arrived at 6:00 p.m.
- \*Mr. Hamilton left the meeting at 6:41 p.m.

Staff present in Central Region Office (Fresno) – Tom Jordan, Senior Policy Advisor; Errol Villegas, Strategies and Incentives Manager; Dave Warner, Permit Services Director; Heather Heinks, Supervising Air Quality Education Representative; Maricela Velasquez, Senior Air Quality Education Representative.

Staff present in Southern Region Office (Bakersfield) – Leonard Scandura, Permit Services Manager.

Staff present in Northern Region Office (Modesto) – Anthony Presto, Outreach and Communications Representative.

Members of the public present – David Geer, Modesto City Councilmember and Vice-Mayor.

3. APPROVE MINUTES FOR FEBRUARY 28, 2013

Moved: Hamilton  
Seconded: Williams  
Ayes: Smith, Kelly-Ortega, Vielma, Williams, Hamilton  
Nays: None  
Abstained: Mares-Alatorre

***Motion passed to approve the minutes for February 28, 2013.***

4. PUBLIC COMMENTS – None.

5. CHAIR COMMENTS – None.

6. APCO/DEPUTY APCO COMMENTS – Tom Jordan, Senior Policy Advisor, provided comments in Mr. McVaigh's absence. He announced that the District's annual report to the community was finalized. This is a great resource for outreach. Mr. Jordan said the first version of the report contains pictures of the Governing Board members and cannot be mailed out due to FPC regulations. The rest of the reports do not include the pictures and can be sent out.

Mr. Jordan said there is a huge effort by many stakeholders to reauthorize funding for the Carl Moyer program and for alternative fuels and advanced technology. The two bills moving through the legislative process are SB11 and AB9. These are the same bill in different houses.

Next Mr. Jordan discussed cap and trade. Credit auctions are creating revenue and ARB and other state agencies have held public meetings for comments on how those funds should be spent. A bill passed last year, SB535, requires that 25 percent of the revenue be spent to benefit disadvantaged communities and 10 percent to be spent directly in those disadvantaged communities. Looking at CalEPA's EnviroScreen tool, the Valley is prominent as having a number of disadvantaged communities. Many ideas are going through the legislature on how to spend the money, but there are no firm proposals yet. The District is following the process closely to ensure the Valley receives its share of funding.

Ms. Vielma asked for a resource to refer to for following these bills. Mr. Jordan said information can be found on the legislation information website at <http://www.leginfo.ca.gov>.

\*Ms. Ruiz and Ms. Celedón-Castro arrived.

7. RULE AND 2012 PM2.5 PLAN UPDATES – Errol Villegas, Strategies and Incentives Manager, presented the updates.

Mr. Smith asked about Rule 9410 (E-Trip) and if the businesses required to register had done so. Mr. Warner was unsure of the exact number, but said it was a high percentage.

Regarding Rule 4901, Mr. Williams asked if some fireplace upgrades the District had helped fund recently will need to be replaced. Mr. Villegas said final determinations on the specifics of this amendment have not yet been made, but the District does not want to make any of those stoves and fireplaces obsolete. He said EPA certified woodstoves and fireplaces date back to the early 1990s. It is still to be determined if all EPA certified devices will be exempt from certain restrictions of the amended rule.

Mr. Williams said the increased number of wood-burning curtailment days may result in higher bills that many EJ residents cannot afford. Mr. Villegas said one of the components of this amendment process is to address the District's Burn Cleaner incentive program to see how it can be enhanced. They can look for ways to increase participation in EJ communities. Staff is taking into consideration that many residents may want to participate, but are unable to do so because they are renters, not homeowners. District staff is looking for ways to address this situation. Staff is also gathering more information from fireplace and woodstove manufacturers and sellers.

Mr. Hamilton suggested the District actively seek to assist residents of EJ communities enroll in PG&E's low-income program and weatherization program, which drastically reduce bills. He said many people probably aren't even aware of these programs for which they are eligible. Mr. Hamilton suggested inviting PG&E to outreach events and adding links and information about these programs to the District's website. Mr. Villegas said he will share these ideas with staff.

\*Mr. Dean arrived.

8. ADAPTIVE MANAGEMENT – Dave Warner, Permit Services Director, made the presentation. CARB's Adaptive Management Plan was designed to address any negative environmental impacts that may be unintentionally caused by the state's cap and trade program. CARB will gather information from various sources to determine what kinds of environmental changes are occurring. Then they will determine if those effects are causing local negative environmental impacts. If a negative impact is discovered, they will determine if it is caused by the implementation of cap and trade. If cap and trade is causing negative environmental impacts, CARB is committed to addressing the problem. They will begin a public process, propose changes, implement those changes, and then start the cycle of review again.

Mr. Dean asked about the District's and EJAG's role in the process once potential impacts are identified in EJ communities. Mr. Warner said the District's role and EJAG's role are the same. Once negative impacts of cap and trade have been identified, they will provide information and comments to ARB and make their case for the Valley to receive funding to help mitigate negative impacts.

Ms. Celedón-Castro asked how CARB will determine if the negative impacts are caused by cap and trade. Mr. Warner said there are still details to work out and CARB will most likely workshop that.

Ms. Ruiz asked if any preliminary data had been collected. Mr. Warner said this is the first year that facilities are required to reduce their emissions or buy allowances, so data is not yet available.

Ms. Mares-Alatorre asked how the District's emissions inventory compares to EPA's Toxic Release Inventory (TRI). Mr. Warner said the TRI has some inherent problems that have resulted in inflated numbers. The District's inventory uses actual throughputs of materials processed and is more accurate.

Public Comment: David Geer, Modesto City Councilmember and Vice-Mayor, said he has constituents in the dairy industry that are concerned about possible changes to regulations involving cap and trade. Mr. Geer asked for an update on any further regulations dairy farms will be subjected to through cap and trade. Mr. Warner said ARB is working on a revision to the AB32 scoping plan. In their last revision, they considered requiring methane control systems for dairies. The District objected because that would result in turning a global greenhouse gas emission problem into a local criteria pollutant and toxic air pollutant problem. Mr. Warner said this requirement was not included in the last revision of the scoping plan and was not expected it to be included in the latest revision either. Mr. Warner added that dairies can voluntarily reduce emissions and earn offset credits through the state.

Mr. Geer asked if there have been any changes in regulations that would affect facilities like Covanta, a cogeneration plant in western Stanislaus County. He asked if anything had changed that might make it difficult for them to continue operating. Mr. Warner said no, but they will definitely be covered by the cap and trade program and will be expected to reduce their greenhouse gas emissions or purchase credits.

Mr. Geer mentioned the fracturing of the Monterey shale in Kern County. He asked if there was any fracturing going on in Stanislaus or Merced County. Mr. Warner said fracturing has been occurring in the oil fields in the south valley for decades, but he was not aware of any fracturing happening in the north end of the valley. Mr. Dean suggested Mr. Geer contact Les Clark, CAC member and Vice-President of Independent Oil Producers.

Regarding Covanta, Mr. Williams said if they are required to reduce their emissions or buy offsets, it will cost more to operate their business. Ultimately, the consumers will end up paying for the offsets. Mr. Warner said this may be the case for many businesses.

9. ANNUAL REVIEW OF BYLAWS – Ms. Kelly-Ortega suggested a change to the requirements for terminating an EJ membership. After some discussion, Ms. Celedón-Castro suggested changing it to missing three consecutive meetings, or four meetings total. Everyone approved of this change. They also agreed if an alternate attends the meeting, it will not be considered an absence.

Mr. Dean wanted to note that when his name was not listed in the roll call of previous meeting minutes, it was when his term had expired and he was not an official member, but he did attend the meetings.

Ms. Celedón-Castro wanted to discuss the ability of EJAG to bypass the CAC and communicate directly with the Governing Board. Mr. Smith said if EJAG and CAC have a difference of opinion, the CAC should still forward the recommendation and present their opinion so the Board can hear both sides. Ms. Kelly-Ortega suggested discussing this with the CAC and revisiting the agenda item after the collaborative meeting.

10. EJAG / CAC COLLABORATIVE SESSION DISCUSSION – Mr. Dean suggested the collaborative session should be a separate meeting, rather than alternating years of one group attending the other's meeting. The group discussed this and agreed with Mr. Dean.

Public Comment: Mr. Geer suggested an evening meeting so more members of the public will be able to attend. Ms. Velasquez said the meeting last year was 4:00 p.m. to 7:30 p.m. After a brief discussion, the group decided the meeting would be scheduled for May or June, on a Monday or Wednesday, from 5:30 p.m. to 7:30 p.m. Ms. Kelly-Ortega will send out a survey to get the majority preference between Monday and Wednesday. Ms. Velasquez said it would be ideal if everyone could meet in person in the Fresno office, but the meeting can be teleconferenced with the other regions if necessary.

11. GOAL/OBJECTIVE 7: ACTIVELY RECRUIT COMMUNITY MEMBERS TO APPLY FOR EJAG SEATS/SEEK ALTERNATES FOR AT-LARGE COUNTY SEATS & SMALL BUSINESS SEATS – Ms. Kelly-Ortega asked everyone to send out two applications for their alternates. Mr. Williams suggested the open alternate seats should also be posted on the District's website. Councilmember Geer recommended notifying the city clerks. Mr. Williams said the county clerks should be notified as well.

12. APRIL EJAG MEETING AGENDA ITEMS – The following items will be on the April agenda:

- Grants Committee – Discussion and Action
- Elect Vice-Chair
- Monitoring Plan Update
- District EJ Maps and Overlays

13. PUBLIC COMMENTS (Second Opportunity) – Councilmember Geer said he is unable to commit to being a member of EJAG due to his schedule, but he thanked everyone for their participation. Mr. Geer said many of his constituents in the agricultural and food processing industries are concerned about the possibility of new regulations. He hopes to work with the District to keep tabs on and address any proposed regulations that may have a negative impact on his constituents. Mr. Dean told Mr. Geer that EJAG would love to hear from his concerned constituents.
14. EJAG MEMBER COMMENTS – Ms. Vielma asked for printed material to take to events to help recruit members and increase public participation. Ms. Velasquez said she will provide a document with information about EJAG, CAC, and the Governing Board. Ms. Vielma also announced the grand opening of Jesus Mt. Coffee at the CAFÉ Co-op.

Mr. Dean made a few announcements about upcoming meetings. There will be a High Speed Rail meeting in Sacramento on April 4 that will be teleconferenced with Fresno City Hall. The High Speed Rail Business Advisory Council will meet at the Bakersfield Chamber of Commerce on April 18. The San Joaquin Valley Transportation Job and Contract Forum will be on April 19.

15. EJAG MEMBER SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING CAC MEETING ON TUESDAY, APRIL 2, 2013, AT 10 a.m. – None.
16. VOLUNTEER TO PRESENT REPORT DURING CAC MEETING TUESDAY, APRIL 2, 2013, AT 10 a.m. – Mr. Williams volunteered.

## ADJOURN

Meeting adjourned at 7:34 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Thursday, April 25, 2013, at 5:30 p.m. There will be an EJAG Grants Committee meeting at 3:30 p.m. on Tuesday, April 9, 2013, and 4:15 p.m. on Thursday, April 25, 2013. The meeting will be held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.