

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, February 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 not yet present.

County	Member Name/Interest Group	Location
Merced	Melissa Kelly-Ortega, At-large Rep.	Central
Tulare	Derek Williams, At-large Rep.	Central
Kern	Robert Smith, At-large Rep.	South
Kern	Marvin Dean, Business Owner	South
Fresno	*Praveen Buddiga, Business Owner	Central
Madera	*Michelle Garcia, At-large Rep.	Central
Kings	*Riley Jones, CAC-Industry/Ag (Primary)	Central
Fresno	**Sarah Sharpe, CAC-Environmental (Alternate)	Central
Fresno	***Sandra Celedón-Castro, At-large Rep.	Central

*Ms. Garcia, Dr. Buddiga, and Mr. Jones arrived at 5:34 p.m.

**Ms. Sharpe arrived at 5:39 p.m.

***Ms. Celedón-Castro arrived at 5:52 p.m. and left the meeting at 6:19 p.m.

Staff present in Central Region Office (Fresno) – Rick McVaigh, Deputy APCO; Samir Sheikh, Strategies and Incentives Director; Errol Villegas, Strategies and Incentives Manager; Morgan Lambert, Compliance Director; Maricela Velasquez, Senior Air Quality Education Representative.

Staff present in Southern Region Office (Bakersfield) – Emily Gonzalez-Demont, Office Services Manager.

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

Members of the public present – Trudy Douglas, South.

3. APPROVE MINUTES FOR JANUARY 24, 2013

Moved: Dean
Seconded: Williams
Ayes: Smith, Garcia, Kelly-Ortega, Williams, Dean, Buddiga,
Sharpe, Jones
Nays: None
Abstained: Celedón-Castro

Motion passed to approve the minutes for January 24, 2013.

4. PUBLIC COMMENTS – Trudy Douglas spoke about the proposed Hydrogen Energy California (HECA) plant in Tupman. She asked EJAG to review the compliance report and compare the pollution estimates to HECA's reports. Ms. Douglas said the District is having a public meeting on April 2, 2013, and she hopes the members of EJAG will participate.

Mr. McVaigh explained that under its bylaws, EJAG is precluded from taking action on specific permitting projects. Their role is to advise the District and the Governing Board on EJ issues. Mr. McVaigh explained the proposed project is a plant by HECA that will be funded by the Federal Government and is under the jurisdiction of the CA Energy Commission (CEC), not the District. Under State law, the CEC has the authority to give licensing for the facility and to act as the lead in any environmental review. The District is allowed two roles in this project. First, the District can evaluate compliance with District rules. The preliminary determination has been made that the project does comply with District rules. However, this determination is still open for comments and consideration until April 17, 2013. Second, the District can comment to the CEC regarding the adequacy of air quality mitigations.

Ms. Kelly-Ortega asked who the contact person is at the CEC. Ms. Douglas answered his name is Robert Worl. Mr. McVaigh added that the District contact is Leonard Scandura in the Bakersfield office.

Ms. Garcia thanked Ms. Douglas for bringing this to the EJAG's attention. She asked Mr. McVaigh if EJAG members are allowed to make comments. Mr. McVaigh said any individual can make comments.

Mr. Dean said he attended a meeting regarding this project and made comments regarding coal that would be brought in by trucks or rail. Ms. Douglas said the coal cannot be covered because it is combustible and it is the unloading of the coal that would cause the dust problem. Mr. Dean said EJAG may not be allowed to act on this issue as a group, but they represent the EJ community, and should go on record individually with their concerns about this project.

Mr. Williams commented that, under no circumstances, can the impact of this proposed entity ever cause more penalties from the EPA to be levied on the Valley. It must not be allowed to undo what has been accomplished by the District.

5. CHAIR COMMENTS – Ms. Kelly-Ortega said she really enjoyed the ethics training course. She asked what needs to be done if someone did not complete the training or did not pass the test. Ms. Velasquez will ask Michelle Franco, Clerk to the Boards, to send an email.
6. APCO/DEPUTY APCO COMMENTS – Mr. McVaigh indicated that because of the full agenda, he would withhold his comments.
7. RULE AND 2012 PM2.5 PLAN UPDATES – Errol Villegas, Strategies and Incentives Manager, presented the update. District staff is working closely with the EPA on developing the new Credibility of Incentives rule, Rule 9610. They will hold a public workshop in next few weeks. Staff is working with manufacturers and distributors of wood-burning devices to develop the specifics of the amendment to Rule 4901. They do not yet have a tentative date for a public workshop. A workshop for the 2013 1-hour Ozone Plan is tentatively scheduled for April. Mr. Villegas said there were no updates on Rule 2301, ERC Banking. The 40 applications received are still under evaluation.

Mr. Dean asked what was keeping this process from moving forward. Mr. McVaigh said the delay is mostly due to this being a new process and the District is still evaluating policies and procedures for reviewing these applications. Preliminary decisions are expected for some projects by April.

8. GRANTS COMMITTEE UPDATE – Mr. Williams, Committee Chair, recapped Mr. DeYoung's update regarding the recommendations made last year. He said the committee plans to recommend the continuation of funding for the programs recommended last year, and next month they will discuss other possibilities to recommend. The Grants Committee will meet early next month in order to allow time to make final recommendations for EJAG to approve.

Mr. Williams said the Grants Committee currently has 5 members: Mr. Dean, Mr. Smith, Mr. Williams, Mr. Hamilton, and Ms. Celedón-Castro. Ms. Celedón-Castro asked to be removed from the committee. Ms. Kelly-Ortega will take her seat.

Mr. Sheikh thanked the committee for having such a productive meeting.

9. REVIEW CAL EPA ENVIRONMENTAL SCREENING TOOL – Samir Sheikh, Strategies and Incentives Director, presented an overview. This tool is being developed at the state level by CalEPA and the Office of Environmental Health & Hazard Assessment (OEHHA) as part of their EJ strategy. It is meant to be a

statewide tool that looks at different vulnerabilities (also called stressors) and how various communities throughout the state compare to each other based on an analysis of these vulnerabilities. This tool uses a number of different factors to create a score for communities in the state, including demographics, socio-economics, public health and environmental factors. Communities with higher scores would be expected to experience greater pollution-related impacts.

Mr. Sheikh said there has been a lot of discussion regarding the purpose of this tool. OEHHA says it is not intended to create any new legal obligations for projects. The goal is to identify communities most in need of resources and assistance. Mr. Sheikh said the District is closely following the development process and is looking for any opportunity to comment.

*The North office disconnected VTC.

Ms. Garcia asked how CalEPA identified public health effects. Mr. Sheikh said data was compiled and provided by various county health departments. Ms. Garcia asked if the District plans to connect this tool to the BenMAP and/or the District's EJ maps. Mr. Sheikh said District staff is following the process and looking for opportunities to incorporate parallels into the EJ maps.

Ms. Sharpe mentioned she is part of the San Joaquin Valley Cumulative Health Impacts Project. She is pleased to see the state using this methodology. It is unfortunate how badly the Valley fares as a region, but it is good that this tool will be used to decide where to put more focus and resources.

Ms. Garcia said she is part of an EJ committee at the Fresno Council of Governments (COG) and will share any helpful information she can with EJAG and the District.

Mr. Smith asked when EJAG will review the EJ maps again. He believes there are areas not included in the maps that should be - specifically, Oildale, an area in Bakersfield. He would like to know what areas were included and excluded, and why. Mr. Sheikh said they could review the maps at a future meeting. He will also provide a map overlay.

10. COMPLAINT PROCEDURES REVIEW – Morgan Lambert, Compliance Director, presented the overview. The District has an active public complaint process. In a complaint process, it is important to have a timely response and investigation. That is the District's top priority. Responding to complaints takes precedence. Inspectors are instructed to drop everything in order to respond to a complaint.

The District has 60 field staff during normal business hours and on-call inspectors after-hours. All District vehicles are equipped with a GPS system, which allows for determining which staff person is nearest to the complaint location to ensure a quick response. The District has bilingual staff as well as a

language translation service, which ensures the ability to serve all members of the community.

Mr. Lambert said the District has a free iPhone application called ValleyAir. This application provides a lot of useful information and can be used to report complaints. The District has an application for Apple devices, and Android and Windows applications will be available in the next few months. The District is also working on an online reporting tool.

The District complaint process is confidential to the extent that it can be by law. Complaints can also be received anonymously, but staff encourages people to leave a name and number in case additional information is needed or if they would like a follow-up call from an inspector.

Mr. Jones asked if duplicate complaints can be tracked and what percentage of complaints are duplicates. Mr. Lambert responded that duplicate complaints are easily tracked. He said the percentage of duplicate complaints is very low, but there are problem issues at times where a member of the public or group continues to report an ongoing issue.

Mr. Smith suggested the iPhone application should give you the ability to email a picture directly from your phone. Mr. Williams mentioned he had recorded a video of a car blowing smoke earlier and had just emailed it to Mr. Sheikh. Although there are other ways to email pictures, Mr. Smith believes it would be a good idea to add that capability to the application.

Ms. Sharpe asked how many complaints result in violations and/or fines. Mr. Lambert did not have that figure, but estimated it would be approximately 25 percent. He said the District issues about 3,000 violations a year, the majority of which come from routine inspections or from deviations. Ms. Sharpe also mentioned that another way to email a picture is through the Kern Environmental Enforcement Network (KEEN). This network can be used to report any kind of environmental violation including air and water pollution, pesticides and illegal dumping. People often see something wrong, but don't know how to report it. Fresno County also has an online enforcement network at www.fresnoreport.org. Ms. Sharpe said they are working on starting networks in more counties.

Ms. Garcia said the complaints procedures brochure lays out the basic information really well. She asked if some of this information could be included in the District's educational material and media efforts. It would help people understand what constitutes a complaint and how to go about reporting one. Mr. Lambert said that was a good idea and he would pass that idea on to the District's Outreach and Communications Department.

Mr. Williams asked Ms. Sharpe about KEEN and what kind of follow-up information is posted regarding the complaints received. Mr. Williams said he

respects the right of privacy and does not support a person's name being publicly posted for any little violation. Mr. Dean pointed out that a complaint does not necessarily result in a violation. He suggested the complaint information should not be posted unless it is proven to be a violation. Ms. Sharpe said these were valid points, but there are follow-up notes on the website that will say if the complaint resulted in a violation. She added this is all public information. Instead of having to search for information online or call different agencies, the website makes it more accessible.

11. MARCH EJAG MEETING AGENDA ITEMS – The following items will be on the March agenda:
 - Grants Committee – Discussion and Action
 - Filling Alternate Seats
 - Annual Joint Meeting with CAC
 - CARB's Adaptive Management
 - District EJ maps and overlays
12. PUBLIC COMMENTS (Second Opportunity) – None.
13. EJAG MEMBER COMMENTS – Mr. Dean asked how an EJAG member should best express a concern regarding the HECA project without disobeying the bylaws or causing any controversy. Ms. Kelly-Ortega said any individual EJAG member is allowed to make comments, just not speaking on behalf of the whole EJAG or the District. Mr. McVaigh added although EJAG is precluded from addressing specific permitting projects, if there are programmatic issues going through the permitting process, the District may be able to address those issues as a policy rather than a regulatory decision on the particular project.
14. EJAG MEMBER SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING CAC MEETING ON TUESDAY, FEBRUARY 5, 2013, AT 10 a.m. – None.
15. VOLUNTEER TO PRESENT REPORT DURING CAC MEETING TUESDAY, MARCH 5, 2013, AT 10 a.m. – Mr. Williams volunteered.

ADJOURN

Meeting adjourned at 7:08 p.m.

NEXT MEETING – The next EJAG meeting is scheduled for Thursday, March 28, 2013, at 5:30 p.m. There will be an EJAG Grants Committee meeting at 3:30 p.m. before the regular meeting. Meeting held via video teleconference (VTC), with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating.