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

Monday, December 21, 2009
11:00 a.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 11:05 a.m.

2. ROLL CALL – was taken and a quorum was present to hold a meeting:

County	Member Name/Interest Group	Location
Fresno	Lourdes Medina, At-large Rep.	Central
Fresno	*Amarpreet Dhaliwal, CAC	Central
Stanislaus	Rosenda Mataka, At-large Rep.	North
Tulare	Fabian Ceballos, Business Owner	North
Madera	Catherine Garoupa, At-large Rep.	North
San Joaquin	Jeremy Terhune, At-large Rep.	North
Merced	Melissa Kelly-Ortega, At-large Rep.	North
Kings	**Andre Booker, At-large Rep.	Central
Kern	Linda MacKay, At-large Rep.	South

*Arrived at 11:12 a.m.
** Arrived at 11:54 a.m.

Staff present in Central Region Office (Fresno) – Seyed Sadredin, Executive Director/APCO; Rick McVaigh, Deputy APCO; David Lighthall, Health Science Advisor; Scott Nester, Planning Director; Maricela Velasquez, Senior Public Information Representative; Claudia Encinas, Bilingual Public Information Representative; Morgan Lambert, Compliance Director.

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

Staff present in Northern Region Office (Modesto) – Ron Giannone, Supervising Air Quality Inspector.

MEMBERS OF THE PUBLIC PRESENT – Derek Williams, Mary-Michal Rawling.

3. APPROVE MINUTES OF MONDAY, November 16, 2009 – (no discussion)

Moved:	Kelly-Ortega
Seconded:	Terhune
Ayes:	Garoupa, Medina, Mackay, Ceballos
Nays:	None
Abstain:	Mataka (stepped out of room)

Motion passes 6-0, with 1 abstention, to approve the Minutes of the November 16, 2009 EJAG meeting.

4. PUBLIC COMMENTS (FIRST OPPORTUNITY) – None.

5. CHAIR COMMENTS – Ms. Medina thanked all members for the hard work and dedication throughout the past year. She expressed disappointment regarding the events of the Copenhagen Climate Change Conference, stating the outcome places a bigger responsibility on environmental groups such as EJAG. Ms. Medina encouraged EJAG to work together and utilize available tools in order to make a positive difference concerning environmental issues and community agendas.

Mr. Dhaliwal arrived at 11:12 a.m.

6. APCO/Deputy APCO Comments – Mr. McVaigh informed EJAG of rules that passed during the Governing Board meeting held on December 17 – Rule 9410 (Employee Trip Reduction), Rule 4601 (Architectural Coatings), and Rule 4308 (Boilers, Steam Generators and Process Heaters). Additionally, he stated the Greenhouse Gas Strategy for CEQA was also approved.

Mr. McVaigh then provided an update on the air monitoring stations, stating that there are 24 air monitoring stations in the San Joaquin Valley, which include District stations, stations operated by the Air Resources Board (CARB), and two that are operated by the National Parks Service. He also stated there is an air-monitoring station planned for Manteca.

. Public comment: The following persons provided testimony on this item:

- Derek Williams

7. REVIEW AND PROVIDE COMMENTS ON THE DRAFT EVALUATION OF THE EJAG GROUP PREPARED BY THE APCO – Mr. McVaigh provided an overview of the draft evaluation, which was provided to EJAG board members. Mr. McVaigh indicated the APCO may take the report and written recommendations to the Governing Board as soon as January 2010.

Ms. Kelly-Ortega expressed disagreement with recommendation #1, which indicated that the positions on the EJAG board allocated to the ethnic, small-business owners are to be substituted with two CAC members from the CAC industry/agricultural interest group. She urged that this item be scratched from the evaluation.

Ms. Garoupa agreed with Ms. Kelly-Ortega's suggestion, stating that it is premature to be looking at EJAG's composition. She also indicated the two minority business owner seats were originally created for people who were not already represented at the Air District. She stated reimbursing EJAG members for transportation costs would possibly remove one of the barriers that exist in regards to recruitment efforts, as a number of people from EJ communities can not afford to attend meetings.

Ms. Mataka also expressed disagreement concerning the changes that were proposed regarding the composition of the EJAG board, and agreed with other board member's comments that EJAG needs to try harder to fill the vacant seats. She explained the original plan for EJAG was not to be under the CAC; EJAG was to be a stand alone committee that reported directly to the Governing Board. One purpose of the evaluation was to try and eliminate the need to be part of the CAC. This was not addressed in the APCO's recommendations.

Mr. Ceballos said that most of the information he and other business owners receive is not from the District, but rather from vendors, who tell the business owners what they (the vendors) want the business owners to hear; therefore, he feels business owners do not have enough information to make the best decisions. Mr. Ceballos stated he believed that as a small business owner, he could provide a useful perspective to the group.

Ms. MacKay stated she thought the report was generally favorable; however, she also was concerned about adding an additional representative from CAC, as it would shift the balance away from the direction EJAG desires to be heading in. Furthermore, Ms. MacKay felt Mr. Ceballos made a good point regarding the need for EJAG to have the unique perspective provided by EJ business owners. She also expressed the importance for EJAG to approve their own bylaws and for EJAG to have an opportunity to approve the suggested changes.

Mr. Booker arrived at 11:54 a.m.

Public comment: The following persons provided testimony on this item:

- Derek Williams
- Mary-Michal Rawling

Break at 12:05; resumed meeting at 12:15

Ms. Medina advised the APCO had informed her during the break that he would bring the EJAG bylaws to the group first for review.

8. REVIEW AND PROVIDE COMMENTS ON THE PUBLIC RECORDS REQUEST FEE WAIVER POLICY – Mr. McVaigh stated that when the fee waiver was circulated internally for review, it was discovered the waiver conflicted with a District Rule, which requires a fee to be charged for the public to obtain copies. Therefore, once the criteria for fee waivers is established, the District would then propose the Rule amendment to the Governing Board. Additionally, Mr. McVaigh indicated the District would like to see more specific criteria outlined on which to base a decision of whether or not to approve a fee waiver request. Mr. McVaigh explained a few limitations that would apply to a fee waiver request, which would include 250 pages/3 times per year, one hour of staff time, and the stipulation that the requested information would not be used for litigation. Also, another criterion would be the need to demonstrate financial hardship - something in writing explaining why the fee would impose a financial hardship.

Mr. Sadredin stated perhaps EJAG could offer direction on the process of providing a recommendation for the fee waiver policy, suggesting two possibilities would be to: 1) go back to the ad-hoc committee; and 2) provide comments today of what EJAG would like to see in the policy and something then could be drafted reflecting the new recommendations. The item could be placed on the EJAG agenda for the next meeting in order to take action on the revised policy.

He stated he would like this policy to be shaped as something that gives, to the greatest extent possible, clear direction to the APCO on how to make decisions concerning fee waivers. Mr. Sadredin also stated the process should be as objective as possible, in order to treat everyone on an equal level based on whatever criteria EJAG establishes. He indicated the need for the policy to have safeguards to insure the purpose of the request is one that would promote the EJ strategy of the District, as well as insure there is a purpose for requesting the specified copies, and an explanation that the fee would indeed cause an economic hardship. Additionally, regarding litigation, he stated the District does not want to be viewed as taking sides; therefore, if a person is party to a litigation matter, the fee waiver would not be granted. He indicated that essentially EJAG's job would be to first provide the District with recommendations as to what criteria to use and then act as an oversight body, reviewing the policy in the future and providing suggestions.

Mr. Sadredin concluded by explaining anyone can come to the District, with prior arrangement, to look through every piece of paper that qualifies as public information, and do so free of charge. Furthermore, during the permitting process or rule development process, which is subject to public comment, related documents are free of charge. Essentially, the fee waiver would apply to archival information that is no longer a subject of current public process.

Mr. Booker inquired as to the number of requests that are received by the District. Mr. McVaigh responded by stating the District does receive a significant number.

Ms. Kelly-Ortega suggested it would be possible to create a letter detailing the following:

- Whether the individual requesting the fee waiver lives in an EJ area.
- The individual's statement of need (purpose for the documents requested).
- The cost involved in providing the requested documents.
- A statement of why the fee would cause a financial burden on the person or the organization the person is representing.

Ms. Garoupa questioned EJAG's role in the appeal process, suggesting that: once the application was rejected, the person requesting the waiver could then present his or her appeal to EJAG, and EJAG would review the fee waiver request to determine whether the application is warranted or not.

Discussion ended with Ms. Medina stating the group has recommendations to take forth and review.

Public comment: The following persons provided testimony on this item:

- Derek Williams

9. RULES UNDER DEVELOPMENT – Mr. Nester stated there were no new rules indicated on the handout. He advised Rule 4701 (Internal Combustion Engine), which is listed in the PM2.5 Plan, is scheduled to go before the Governing Board during the fourth quarter of 2010, and the District plans to hold workshops for this rule throughout the year, probably starting during the second quarter of 2010. Mr. Nester stated there is a planned amendment/update, referred to as the Ozone Mid-Course Review, for the Ozone Plan. Workshops for this will be held in the spring and then it will possibly be taken to the Governing Board in June.

   Ms. MacKay requested EJAG members be notified of the dates for workshops regarding the Ozone Plan. Mr. Nester indicated EJAG members could be placed on a notification list, and they will receive an email with a link to the website where documents can be viewed.

10. EDUCATIONAL TOPIC – REAL-TIME AIR ADVISORY NETWORK FOR SCHOOLS (RAAN PROJECT) – Mr. Lighthall provided a presentation of this program, which will build upon the Flag program by expanding the District's abilities to communicate information pertinent to protecting the health of children to Valley schools by utilizing real-time air quality monitoring, made possible by new technological capabilities.

Ms. Kelly-Ortega stated that her comments may be seen as a personal issue with the Air Quality Flag program or a personal investment due to her working with the Asthma Coalition. However, she will no longer be working with the Asthma Coalition after December 31, 2009 and her statements are from the perspective of a mother and former school teacher at a small school.

Ms. Kelly-Ortega said she understood the reasoning behind the RAAN program, but “real-time air quality monitoring” is actually an hour delayed. The idea that schools and teachers, who have an amazing amount of responsibility, have access throughout the day to monitor information that is an hour behind is unrealistic. At this time, Dr. Lighthall interjected, stating that the hour delay problem has been resolved and it is now actually only going to be about a ten minute delay.

Ms. Kelly-Ortega continued, stating that there is a more protective standard coming down the pipe, resulting in more days that children will be inside, and she referred to the high rate of obesity issues that exists in the San Joaquin Valley. Regarding complimenting the current flag program, she expressed concern and stated that Dr. Lee Anderson, with the Merced County Office of Education, has a lot of concerns. Ms. Kelly-Ortega recommended making the forecast stronger and more protective, and if the forecast is more protective from the very beginning, resulting in families skipping sporting events and children not being able to go out and play, the healthy air living campaign is “going to kick into high gear” and people will start changing the habits. She stated she understands the flexibility that schools and school teams want to have; however, she feels there may be a better, more compatible way to do that for schools, teachers, and families.

Ms. Garoupa explained she worked hard with Madera Unified school district to make the Air Quality Flag Program mandatory for all 27 of its schools. While they were successful in doing that, she has heard a lot of reports that schools are not actually implementing the flag program, despite it being mandatory. Furthermore, teachers and students do not understand the flag program, although training about the program and its importance was provided at every school. She suggested a future agenda item to discuss the kind of follow-up being done to make sure the basics of the flag program are being utilized at schools.

11. <u>PUBLIC COMMENTS (SECOND OPPORTUNITY)</u> – None.

12. <u>EJAG MEMBER COMMENTS</u> – Ms. Mataka indicated she had received the email and the paperwork concerning this meeting on Friday. She did not feel receiving the paperwork on Friday gave her enough time to prepare for today’s meeting. She suggested receiving the information on Wednesday would provide more time for preparation.

Ms. Garoupa requested an item be placed on the January agenda to address setting goals and objectives. Additionally, EJAG's structure and decision making process should be reviewed. She also reiterated her previous comment regarding training, as she felt improving communication skills would assist in moving dialogues forward.

Mr. Booker inquired on the progress concerning EJAG business cards, which could be handed out to the public to identify themselves as EJAG members.

Ms. Medina addressed two matters commented on by Ms. Kelly-Ortega and Mr. Terhune. Ms. Kelly-Ortega asked what committees are still meeting or need more members. Ms. Medina stated EJAG has the completed review by the EJAG mapping committee, and the other two committees are the outreach materials and the PASS Program committees.

Mr. Terhune said he liked the idea of a two-hour EJAG meeting with a one-hour ad-hoc meeting attached. Ms. Medina stated she would prefer having a three-hour segment scheduled to accommodate a two-hour EJAG meeting and a one-hour ad-hoc meeting. This could be the first goal of 2010 for EJAG – commit to a one-hour ad-hoc meeting just prior to the scheduled two-hour EJAG meeting. This would allow ad-hoc committees to present their information during the board meeting.

Mr. Sadredin stated one item that is addressed in the evaluation is having realistic expectations of EJAG members. He explained at one point he had considered EJAG to be ambassadors for the Air District, going into the communities and bringing information back; however, for the present time, this may not be reasonable. This decision will impact what sort of outreach materials the District considers appropriate to produce for EJAG. He stated business cards that identify board members as part of the EJ advisory group is, at the minimum, something that would make sense.

Regarding the agenda being late, Mr. Sadredin indicated he would like to address this also in the bylaws. He agreed getting the agenda on Friday and coming to a meeting on Monday is not an ideal situation. He explained the process of putting an agenda together sometimes involves getting ideas at the last minute, discussions regarding putting items on the agenda and removing items, and considering what EJAG can handle in two or three hours.

Regarding the January EJAG agenda, Mr. Sadredin agreed it would be good to start working on EJAG's goals and objectives, which ultimately need to be prepared and go through whatever process the Board ultimately identifies to formalize the goals and objectives for the new year. He further pointed out that EJAG's goals and objectives should be tied to the EJ Strategy and items that advance that strategy. Mr. Sadredin stated he had informed the Chair that he would bring the revised bylaws to EJAG in January, before they are taken to the Governing Board, and indicated that topic may, in itself, take some time to look at. Mr. Sadredin said the District would additionally bring before EJAG the fee waiver proposal and, based on EJAG's recommendations, this item could also take some time. Regarding educational topics, they can not on their own be placed on EJAG's agenda without a tie to the EJ Strategy. Mr. Sadredin indicated it was his opinion that the three items mentioned (EJAG's goals and objectives, revised bylaws and fee waiver proposal) would make a substantial agenda for January's meeting. If the EJAG board will agree to those items, Mr. Sadredin stated the District could, hopefully, get the agenda out to EJAG members a week before the meeting date.

Ms. Medina asked the board if there were any other items members would like to have on the agenda. Ms. Garoupa replied that when EJAG first formed it was agreed to review EJAG's structure and decision-making process, and she then indicated she wanted to ensure it was part of the agenda. Ms. Medina replied that reviewing the structure and decision-making process would be related to EJAG's bylaws; consequently, it could then be combined with the bylaws agenda item.

Mr. Booker suggested adding a discussion about having an EJ science fair for children to the goals and objectives topic.

The scheduled start time for January's EJAG meeting was confirmed to be 4:30 p.m. Additionally, it was discussed and confirmed that ad-hoc committees would meet at 3:30 p.m., allowing committees to meet for an hour prior to the scheduled EJAG meeting. The formation of a bylaws ad-hoc committee was also discussed. Ms. Medina indicated she would arrive at 3:30 for this committee and invited all other members to participate, to which Ms. Mackay stated she would try to attend.

13. <u>EJAG MEMBER SUGGESTIONS TO BE INCLUDED IN THE PRESENTATION OF THE EJAG REPORT DURING THE CAC MEETING ON TUESDAY, JANUARY 5, 2010:</u> - Ms. Medina stated she will take notes from today's meetings to present at the CAC meeting.

15. <u>VOLUNTEER TO PRESENT EJAG REPORT DURING CAC MEETING, TUESDAY, JANUARY 5, 2010 AT 10:00 A.M.</u> – Ms. Medina.

ADJOURN

Meeting adjourned at 1:30 p.m.

NEXT MEETING – The next EJAG meeting is scheduled on Monday, January 11, 2010 at 4:30 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.