

Minutes: NAP Stakeholders Meeting

Wednesday, April 18, 2001

1:30 p.m. to 4:30 p.m.

California Chamber of Commerce, 1215 K Street, Sacramento, California
14th Floor, California Room

Attended By:

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| 1. Ames, Don (ARB) | 19. Martin, Jerry (ARB) |
| 2. Anderson, Craig (IEA) | 20. Murchison, Linda (ARB) |
| 3. Barham, Bob (ARB) | 21. Pascual, Romel (Cal/EPA) |
| 4. Bode, Richard (ARB) | 22. Pasek, Randy (ARB) |
| 5. Calavita, Joe (ARB) | 23. Prasad, Shankar (ARB) |
| 6. Coleman, Curt (CMA) | 24. Ranzieri, Andy (ARB) |
| 7. Cook, Jeff (ARB) | 25. Schaufelberger, Christine (BAAQMD) |
| 8. Effa, Bob (ARB) | 26. Shimp, Dale (ARB) |
| 9. Fazeli, Bahram (CBE) | 27. Smith, Linda (ARB) |
| 10. Fletcher, Bob (ARB) | 28. Sommerville, Rich (SDCAPCD) |
| 11. Forbis, Paula (EHC) | 29. Suer, Carolyn (ARB) |
| 12. Haber, Matt (USEPA) | 30. Takemoto, Brent (ARB) |
| 13. Holmes-Gen, Bonnie | 31. Terry, Lynn (ARB) |
| 14. Hui, Steve (ARB) | 32. Tschogl, Kathleen (ARB) |
| 15. Krinsk, Leslie (ARB) | 33. Tuck, Cindy (CCEEB) |
| 16. Kyle, Amy (UCB) | 34. Wang, Mike (WSPA) |
| 17. Lee, Barbara (CAPCOA) | 35. White, Brian (CoC) |
| 18. Lloyd, Alan (ARB) | |

Opening Remarks & Introductions

The meeting convened at 1:45 p.m. Dr. Lloyd delivered opening remarks during which he discussed what happened at the Board Hearing in Richmond, and how ARB was meeting it's commitments under the Bill authored by Senator Firebaugh. In his view, we as a state agency and as Californians have an obligation to take action in the EJ arena, and developing EJ guidelines is a necessary step, but not necessarily a complete response. Dr. Lloyd also noted that the NAP is a priority for himself and the Board, and that things need to keep moving forward. After thanking Brian White for hosting the meeting, Dr. Lloyd invited the stakeholders to attend the upcoming Board Hearing in Huntington Park on May 17th.

Review of Public Meetings

Bob Fletcher gave an overview of the public meetings and outreach activities that ARB staff have been involved with. The list includes:

- Community meetings for SB 25 at Wilmington and Fruitvale;
- A community health presentation at the Richmond Board Hearing;

- A budget hearing with Senator Cardenas in Pacoima;
- Numerous meetings with individual community groups; and
- Attending BAAQMD EJ task force meetings.

In gathering information of this kind, many common themes have emerged. For example, community groups have mentioned that developing guidelines first, and taking action subsequently, is not good enough. Some problems can be dealt with right now. In terms of what can be done right now, ARB must begin by re-examining its strategies to address regional issues, and determining if those approaches can be adapted for micro-scale situations. Within selected communities, focusing on the impacts due to truck-traffic (e.g., refuse trucks), has received community support. For example, the Heavy-duty Diesel Vehicle Smoke Inspection teams deployed in Boyle Heights and Pacoima have been well-received; this demonstrates a commitment to enforce environmental laws in communities where little attention has been paid in the past.

Listening to what communities are concerned about has been key to identifying where to target risk reduction activities, what technical support they may need, and informing them of funding opportunities for pollution prevention and local emissions reduction. This has been a learning process, and ARB staff is improving their outreach and interaction with community groups. In the months ahead, ARB will be looking into creating a framework for uniform penalties for refineries and for providing communities with the information they are looking for (e.g., making the website more user-friendly, looking into computer training programs through non-profit organizations). Future outreach activities will include the following:

- A community meeting in Contra Costa for SB 25 (early May);
- A Board Hearing in Huntington Park (May 17);
- Community meetings for the Cal/EPA Mission Statement; and
- A meeting of the NAP Modeling Work Group (May 23).

A discussion began on the issue of penalties and changes in penalty cost-structure resulting from SB 1865. While the legislation will dictate penalty costs, it falls short in terms of listing the types of violations that are subject to penalty. Penalties for refineries are a start, but we also need to look into violations made by other sources. The assessment of higher penalties is only part of the solution, further discussion is needed with respect to stronger enforcement activity, and if new Suggested Control Measures may be needed.

The discussion turned to the transformation of the NAP guidelines into ARB's guidelines for EJ. In one sense, it sends a signal that we are committed to making a difference in this arena, and that this will not be just a paper exercise. It will require a long-term commitment and will have a steep learning curve. Questions were raised as to how ARB's effort will be coordinated with the development of Cal/EPA Mission Statement, other state EJ legislation, and the

Cal/EPA working group and external advisory group for EJ. The business community expressed concerns about what ARB's program is going to accomplish. It was stated that ARB needs to take the time to review what is contained in the federal EJ program and begin by adopting those parts that could work at the state-level. Moreover, SB 89 (Escutia, 2000), which was developed with input and support from business groups, calls for the Cal/EPA working group to identify gaps in knowledge and where opportunities lie for addressing EJ concerns most effectively. Many issues need to be discussed by the stakeholder group, including actions to incorporate EJ analyses on a project-by-project basis rather than with general oversight by the state. The Cal/EPA advisory group should be convened in late-summer, and will likely be able to review the guidelines developed by ARB. Having wrestled with many issues over the past 2 years, ARB hopes to provide leadership within Cal/EPA insofar as developing a sound EJ program.

Some stakeholders expressed a commitment to work with ARB to accomplish what state EJ legislation has called for, but were concerned about the shift from developing technical tools for neighborhood assessment to creating EJ guidelines that could include risk reduction strategies and amendments to CEQA. Besides the quality of tools, questions were raised about the perception that EJ problems exist and that there's a need to act:

- What data has been gathered to support contentions of this kind?
- Where were the data collected, and was it collected properly?
- Are problem locations known?
- Why are they problem areas in terms of air pollution risk?
- Do we have all the information we need to take action?
- If focused enforcement is undertaken in heavily industrial areas, does this presuppose that someone is out of compliance?
- In view of MATES II, how important are motor vehicle emissions?
- How would ARB's program deal with people who are in compliance but located in a multi-facility cluster?

In response to stakeholder concerns, it was noted that progress continues to be made with respect to some tools and protocols -- some are in good shape, but others need improvement. This aspect of the ARB program, however, will be balanced against other issues such as identifying what can be acted on now, as there is a commitment on ARB's part to look into problems that exist in California neighborhoods. As ARB must respond to community complaints, in some cases we can't wait for all the information we want before initiating some action. For example, it is not reasonable to assume that no problems will arise when people live next-door to a chrome-plating shop. This, by no means, should be construed as going after "perceived problems," as data gathering will always be an important aspect of how we approach community concerns. Now that neighborhood-scale issues are being looked at more closely, developing a list of potential problem areas will be an on-going effort. At this point, it is clear that the

most visible problem areas are residential communities in areas zoned for industrial use as well as some mixed use communities. Local decision-makers need to be made aware of these areas with potentially high burdens of exposure, and that one should avoid siting new sources where multi-facility clusters are already located. Several stakeholders suggested that ARB be more specific about what it intends to do, and not to generalize about conditions across the state.

Responses to Comments on the Risk Reduction Concept Paper

Carolyn Suer gave an overview of the responses to questions raised by the stakeholders on the Risk Reduction Concept paper. The overview covered a range of issues including:

- Pilot projects to reduce local emissions, such as a collaboration with DTSC on educational efforts for auto refinishing shops;
- Making access to information a "two-way street" -- communities need to let us know their concerns and the types of data they've collected;
- Comparing Top-10 toxics at the community and state scales;
- Determining whether community inspection reports can be compiled for community groups from existing air district reports and databases;
- Compiling and reexamining any previously collected air quality data prior to initiating a special micro-scale study; and
- Developing a cumulative impacts-based paradigm for implementing regulatory actions and guidance to be used in local land-use decision-making.

The reaction concerning Top-10 lists for air toxics was mixed. Given that a statewide list is printed in the almanac, it was requested that lists for the state, various regions, and by source category be presented at the next stakeholder meeting. While Top-10 lists are of limited value in terms setting regulatory priorities, they are a good tool for communicating air pollution risks to community groups, and may shed some light on how to approach the issue of cumulative impacts. Some stakeholders did not like the phrase "Top-10" because it implies that there are ten pollutants that pose a health risk to local residents (there may be fewer than ten), and it lays the groundwork for promulgating annual emission reduction targets. Facilities must be encouraged to implement a pollution prevention program, which is a matter of common practice for most businesses. Limits on chemical use should not be considered as they would impose severe restraints on how businesses could operate.

Aspects of monitoring and modeling were also discussed. In terms of monitoring, the need for conducting tracer studies, documenting site-specific risk with monitoring data, and developing a better understanding of the linkage between health effects, pollution, and sources were mentioned. While there are plans to do more air quality monitoring, ARB cannot place monitors at all

locations that communities would like. As such, a concurrent effort to develop the models to extrapolate upon the monitoring data is underway. Presently, ARB's monitors are not set-up to measure concentrations in worst-case neighborhood-scale scenarios (e.g., residents living next-door to a chrome-plater) where one-on-one impacts may be severe. Therefore, how reliably can you infer risk in a community using models developed elsewhere? Before closing this discussion, the point was made that the cancer risk values we use are model projections. Given the uncertainty in the unit risk factors for cancer, requirements for *in situ* air monitoring data constitutes a double-standard for input data to calculate health risk in neighborhoods.

The role and composition of one of the concept paper items, community inspection teams, was brought up. The primary role of the teams would be to assist small businesses on air emissions issues and to encourage businesses to foster a good neighbor policy with local residents. As there may be a trust concern for residents, businesses could allay fears by opening their doors to inspection teams and disclosing information on emissions. It was noted that some level of community outreach is done by all businesses as a practical matter, however, incentives could be used to encourage a greater level of effort. It was suggested that the teams, if put into practice, should be composed of people from government agencies (state and local) to provide technical assistance and comment on on-going activities, but should not have public members. A suggestion was also made to change the name of the teams to emphasize their role in providing feedback to businesses and communities on both good and bad aspects of facility operation and emissions.

Before moving on, the need to provide technical assistance to community groups was mentioned. In some cases, due to the complexity of air pollution-related health issues, community groups are not able to comprehend the extent of health risks posed by multiple facilities. To be on a more equal footing with business entities that enlist technical experts, provisions for hiring independent contractors could be looked into so that affected groups would have a voice that could suggest alternatives to extant business practices, as warranted.

Outline of EJ Guidelines

Linda Murchison followed with a presentation on the draft EJ Guidelines, noting that a concerted effort was made to incorporate as much of the input as was provided. In this early draft, six policies are listed, serving as the framework for developing the guidelines and the action-items to be conducted. In the months ahead, efforts will focus on filling in the details and input from the stakeholders is needed to identify community issues and suggestions as to whether these policies encompass their understanding of community concerns. Two documents will be taken to the Board in December -- the EJ guidelines and a CEQA guidance. The present document lays the framework for how EJ will be addressed by ARB and specific examples of what will be done. Separate

documents will be prepared, as needed, for items such as the dispute resolution process. With respect to the CEQA guidance, ARB staff will work with OPR to identify what the document should contain. Comments on the guidelines were requested by April 30th. It was suggested that the League of Cities be notified about the EJ guidelines and asked to comment.

The group was asked to comment on whether ARB staff had identified the key EJ policy needs in drafting the guidelines -- does it go far enough in terms of specifying what will or can be done with respect to past inequities and preventing future problems? Several stakeholders indicated that the current draft lacked specificity, and in order for it to be meaningful, it would need to place more emphasis on protecting human health, defining the complaint resolution process, and outlining a timetable for future actions. It was also noted that in order to appreciate how bad it is in some communities, ARB staff should make site-visits and listen to what people have to say -- the problem is not so much the wording of the document, but that people are getting sick. Some specific issues like the absence of language on permitting, impacts on the NSR process, where enforcement activities would be focused, the issuing of negative impact declarations (neg decs), and the siting criteria for new facilities, were also raised. Moreover, questions were asked as to how input on the guidelines would be used and if there was a plan for involving community stakeholders in the implementation of the EJ program.

The issue of "what is an EJ community" was raised, as in some cases, if a complaint is voiced, the community becomes an "EJ community." While this is a question that needs to be discussed more fully, there seems to be a perception that the phrase presumes that a problem exists and disproportionate impacts are occurring. Some thought could be given to using alternate language, as we should make sure that affected communities want to be identified or labeled as "EJ communities." On one hand it could discourage future investments in the community and real estate groups already have concerns about using the phrase. It was noted that, to date, there were no clear examples of reduced business investment in "EJ communities." The issue of balancing the need for jobs vs. environmental quality is a discretionary decision for local officials.

Barrio Logan Update (Modeling & Inventory)

Bob Fletcher gave a short Power Point presentation on the modeling and inventory work for Barrio Logan (slides were not distributed). He mentioned that the monitoring data indicated a strong air pollution signal from motor vehicle emissions. The results of report prepared by Sonoma Technology, funded by the SDCAPCD, would be discussed at a community meeting in early May. Preliminary analyses relative to the emissions inventory indicate that the portion of county-wide emissions of several air toxics is high in Barrio Logan. Work continues on developing inventories for on-road mobile sources and other area sources (e.g., architectural coatings). In terms of modeling, draft protocols are in

development, technical and peer-review groups have been established, and a field study will be conducted to assess micro-scale pollutant dispersion.

Prior to adjourning, it was suggested that ARB consider holding the next meeting shortly after the release of the revised EJ guidelines, possibly in early June. The meeting was adjourned at 4:35 p.m.