

Minutes

Environmental Justice (EJ) Stakeholders Meeting

Wednesday, December 11, 2002
10:00 a.m. to 1:00 p.m.

Room 620, Cal/EPA Headquarters Building
1001 I Street, Sacramento, California 95814

Attended by:			
1	Blaisdell, Bob (OEHHA)	19	Murchison, Linda (ARB)
2	Buckley-Fitts, Karen (ARB)	20	Pasek, Randy (ARB)
3	Daley, Lynn (?)	21	* Pfeiffer, Nancy (SCAG)
4	DaMassa, John (ARB)	22	Prasad, Shankar (ARB)
5	* Fazeli, Bahram (CBE)	23	Raymond, Johnnie (ARB)
6	Fletcher, Bob (ARB)	24	Ryden, Jim (ARB)
7	* Forbis, Paula (EHC)	25	Schwehr, Beth (ARB)
8	Gonzalez, Ernie (ARB)	26	Servin, Tony (ARB)
9	Grow, Richard (USEPA)	27	Shah, Mena (ARB)
10	Halm, Chris (ARB)	28	Suer, Carolyn (ARB)
11	Kersee, Charles (ARB)	29	Takemoto, Brent (ARB)
12	Krinsk, Leslie (ARB)	30	Terry, Lynn (ARB)
13	Lee, Barbara (NSCAQMD)	31	Tuck, Cindy (CCEEB)
14	* Lyou, Joe (CLCV EF)	32	Wallerstein, Barry (SCAQMD)
15	* Marquez, Jesse (WC)	33	Wang, Mike (WSPA)
16	Martin, Jerry (ARB)	34	Waugh, Mike (ARB)
17	McKinnon, Matt (ARB)	35	* Williams, Jane (CCAP)
18	* Milligan, Deborah (CCC)	36	Wyman, Sue (ARB)

- Asterisk indicates a participant via videoconference at ARB's El Monte Office. There was no participation by phone conference.

The meeting convened at 10:10 a.m. Following the introduction of participants in Sacramento and El Monte (via videoconference), Mr. McKinnon opened the meeting by asking for comments on issues-of-substance with respect to the draft Public Participation Guidebook (PPG). After taking comments on issues-of-substance, comments would be received on issues-of-format. Before proceeding with the discussion, ARB staff distributed copies of the following meeting handouts to the participants in Sacramento:

- Meeting Agenda (1-page);
- 4th Draft of the PPG (32-pages);
- Table of Contents and Organization of the Report (2-pages); and
- Summary of Revisions (1-page).

Johnnie Raymond then gave an overview of the content of the PPG, changes made to the PPG since the last meeting, and the written comments from CCEEB, CBE, San Diego County APCD, and Monterey Bay Unified APCD. Other changes (e.g., material about local sources, a list of acronyms, etc.) were noted, along with explanations of what was done relative to the list of “Frequently Asked Questions” (FAQs) for communities, and how questions raised in workshops are answered in the OAL process. It was further noted that the FAQs, structure of the Table of Contents, and Guidebook Organization Chart were revised in consideration of comments made at the previous meeting.

At this point, it was noted that participants from community-based organizations (CBOs) were in attendance, which had not attended any of the previous stakeholder meetings. Therefore, in order to benefit most from their input, it was suggested that comments be taken as the draft is written, starting with page 1. Mr. McKinnon opened the discussion of the PPG, and the following comments were noted and/or discussed:

- Page 3, 1st paragraph: Concern was expressed over the last sentence; while motor vehicle emissions are the major influence on regional air pollution, near-source exposures may be dictated by stationary source emissions, and proximity to sources is an important consideration that needs to be mentioned in this context. (No objections were noted.)
- Page 3, 1st full paragraph: Could the ARB and local air districts (e.g., South Coast AQMD) make general air quality information available at local libraries (e.g., ARB Almanac)? It was noted that some communities have limited access to the Internet. For example, the Wilmington Library limits computer access to 30-minutes, which in some cases is not enough time to access the ARB web site. Mr. McKinnon agreed that this was a reasonable suggestion and asked staff to look into the matter. ARB staff noted that they had contacted the State Library and was waiting for a response. An assessment is needed to identify which community libraries need to be targeted for the materials (e.g., Richmond, San Diego, and Hunter’s Point).
- Page 3, 4th full paragraph: concerning public access to CEIDARS, change the phrase “polluting facilities” to “facilities with emissions”. (No objections were noted.)
- Page 4, last paragraph: Should the section on “...responsibilities for air quality...” (that starts on page 8) be put before the section on “how do I resolve complaints...”? It was noted that identifying the roles of state vs. local agencies first might allow for complaints to be addressed to the appropriate agency more often.

- Page 4, Table 1: A variety of questions and suggestions were raised, stemming largely from the source categories listed in the table, which are not all-inclusive. For example, manufacturing facilities may be large or small point sources, and some use large volumes of solvents. As the listed categories were developed in consideration of the existing regulatory framework, it does not mean that there are no state laws or local rules on emission limits for unlisted source types. Rather, the table attempts to list the most common types of sources so that people can determine whom they should call if a problem arises. Clarifications were also requested with respect to: (1) how to proceed when faced with temporal dust problems (e.g., from contaminated soil piles at the Port of Los Angeles); (2) if contact information could be put in the table; and (3) removing ARB as a “primary agency” for information about small stationary sources (i.e., ARB is involved with air toxic issues, and air districts should be the primary contact.)
- Page 4, general: What should people know with regard to emissions from portable engines? It was suggested that people be directed to a listing of local district rules as problems could arise when portable equipment is placed near schools or other sensitive receptors. Mr. McKinnon suggested that staff add some text about emissions from mobile equipment and the phone number of a contact person be put at the end of the section, which might encourage people to read the “how to” part of the PPG before calling the ARB or an air district.
- Page 5, general: What is the status of the Complaint Resolution Protocol (CRP)? It is available in hard copy, but has not been posted on ARB’s web site, because it has not been translated into Spanish. The link to the CRP will be included in the PPG when it becomes available. To this point, ARB is not looking to translate it into other languages – suggestions were made to follow up with Rachel Loftin (USEPA) and with a community college in San Diego that had contacted Mr. McKinnon. It was suggested that the CRP be translated into 6-8 languages to allow for wide-scale access across the state.
- Page 6, 1st full paragraph: A participant noted that in his experience, the local air district had never made contact with him insofar as resolving a complaint (e.g., emissions from a paint spray booth, problems with an auto body shop). It was noted that the stakeholder group spent six-months working on the CRP, which explains what will be done in response to local complaints, and copies could be provided to those who had not been part of the discussion. In brief, local complaints should be directed to the air district first, and ARB would only get involved if a response isn’t provided within 10-days. Mr. McKinnon noted that there may have been inconsistencies in the past, and reference needs to be made to the CRP so people know what to

expect and what to do next, as appropriate (cf. the bottom of page 7). As the existence of the CRP is important to the public participation process, ARB needs to be more explicit about how it can be used (e.g., reference the CRP earlier in the document or provide a side bar explanation of the time frame for complaint resolution).

- Page 6, 3rd full paragraph: What can people do in response to recurring problems (e.g., emissions from a refinery) that inspectors can't observe directly? Is "community monitoring" a possible solution? Mr. McKinnon noted that these issues were covered in previous discussions of the CRP, but some participants expressed their dissatisfaction with the revisions made in the 4th draft. A request was made to include language to indicate that agencies "may" work with communities to collect information, using text from the CRP. It is important for CBOs to have the opportunity to be involved in addressing local issues (e.g., illegal chemical dumping in Wilmington).
- Page 7, 2nd full paragraph: Whom do you contact about odors from composting facilities? Issues related to composting facilities should be directed to the Integrated Waste Management Board in Cal/EPA. If specific information is known about whom to contact, efforts should be made to footnote it in the PPG.
- Page 7, 2nd full paragraph: Is it appropriate to use the phrase "...meet a community standard not otherwise expressed in law..."? The suggestion was made to delete the above phrase and to replace it with 1st sentence in the following paragraph (i.e., In order to determine...). Moreover, the complete citation of Health and Safety Code section 41700 (No Person Shall Discharge Pollutants) could be included as a side bar for clarification. It was also noted that action might be taken to "abate a nuisance" if air districts choose to take discretionary action. To close this discussion, the group agreed to delete the phrase and consider replacing it with the phrase "to abate a verified ongoing nuisance."
- Page 7, general: Is the dust from stockpiles of ocean sludge dredged as part of the effort to expand the Port of Los Angeles considered to be a nuisance? It was suggested that the inquiry be directed to the local air district, and to ask them if they consider this to be a nuisance, and to find out what, if any, action needs to be taken. It is important to note that periodic reviews are made by air district staff to determine the extent of on-going complaints, and that a selected number of calls about the problem need to be made in order for it to be considered a "nuisance."

- Page 7, last paragraph: in the 1st sentence, the “local air district” should be listed ahead of the “ARB.” (No objections were noted.)
- Page 9, 1st paragraph: last sentence (“Anyone wishing to obtain...”) is confusing. A suggested change was offered for consideration, as well as for a sentence in the 2nd paragraph (“To find out about pending new permits...”
- Page 10, 1st paragraph: Change “...**Health and Safety Code** or by...” to “...**Health and Safety Code** and...” (No objections were noted.)
- Page 11, 2nd full paragraph: Change “a SRP” to “the SRP.” (No objections were noted.)
- Page 11, general: What about the hazards posed by as yet unidentified toxic compounds? Mr. McKinnon noted that at this point, there are too many potentially harmful compounds to track, but there is a list of the compounds that are under review by the state (cf. OEHHA’s web site). To date, 10 compounds have been identified as toxic air contaminants (TACs), and another 187 other hazardous air pollutants (HAPs) could also be referenced. It was mentioned that health effects data are not available for many compounds.
- Page 12, 1st full paragraph: Put “Hazardous Air Pollutants” in bold. (No objections were noted.)
- Page 12, section header: Change “make decisions” to “establish rules and regulations.” (No objections were noted.)
- Page 13, general: Can citizens take challenges to court? It was noted that the issue is addressed on pages 16-17 of the PPG.
- Page 13, 3rd full paragraph: A question was asked, based on written comments provided by the San Diego County APCD, about the need to provide written responses to specific questions posed at public workshops conducted by the ARB. It was noted that ARB staff respond to questions on an “issue-basis” and not individually. Issue-based responses are published in the Final Statement of Reasons (FSOR) for a regulation, which is available to the public. A participant indicated that people need to know where they can find responses to their questions since written responses are not mailed to commenters after a workshop. In response, it was stated that comments provided at workshops are incorporated into subsequent revisions, and that commenters are put on the mailing list that the revised document is sent to. The suggestion was made to add more text on the OAL process, and to rework the last sentence of the present paragraph.

- Page 14, general: How do I get involved (in air quality issues affecting my community)? It was suggested that interested parties attend public meetings and get on the appropriate notice list for items of interest. Mr. McKinnon suggested that a side bar explanation be put in the PPG on how to get on an ARB notice list.
- Page 14, general: In what forum are Environmental Impact Reports (EIRs), prepared in the California Environmental Quality Act (CEQA) process, discussed? It was suggested that language be added to the paragraph describing Air Pollution Control Board Meetings.
- Page 15, 1st paragraph: Change the 2nd sentence to reflect that the role of district hearing boards is to “consider” if temporary relief from district rules and regulations for deserving stationary sources should be provided, and to provide it only if the required findings are made. (No objections were noted.)
- Page 15, last sentence: What is meant by “special arrangements” is unclear and needs described more fully. (No objections were noted.)
- Page 16, 3rd paragraph: change “venue” to a more commonly used word. (No objections were noted.)
- Page 16, 4th paragraph: Should the names of selected CBOs be included for people to contact? Mr. McKinnon offered that a complete list could not be developed and some CBOs would be left off the list. Moreover, that it was not appropriate for the ARB to refer inquiries about air quality issues to CBOs. As an alternative, people could be advised to contact City and County government agencies for CBOs in their area.
- Page 16, 4th paragraph: What is the intent of including the phrase “exhaust all administrative remedies”? Matters of this kind are complicated, and that people should seek advise/help, legal or otherwise, when attempting to challenge a hearing board decision. The use of this specific phrase, and what it implies, needs to be described more fully, possibly in a side bar explanation, or as suggested by one of the participants (i.e., to reorganize the existing paragraph and delete the sentence that reads “This procedure...”).
- Page 18, 4th full paragraph: A suggestion was made to note AB 1553 (Keeley, 2001) in the discussion of General Plans. The addresses of web sites directing people to the language in the original bill and to the guidelines being developed by the Office of Planning & Research (OPR) could be provided. (No objections were noted.)

- Page 19, 1st full paragraph: Regarding the role of Councils of Government (COGs), it was noted that public meetings concerned with Regional Transportation Plans (RTP) are a good forum for public participation. Text to explain COGs, RTPs, and opportunities for public participation would be sent to ARB for inclusion.
- Page 19, 5th full paragraph: Could some background information on CEQA be provided? It was suggested that a link to the Resources Agency be included to provide more information on CEQA.
- Page 20, 2nd full paragraph: It was suggested that people could also check the weather section of their local newspaper for selected air quality information.
- Page 22, general: The following question was asked: “Are all government records public information?” (No consensus was reached on this matter.)
- Page 23, general: What constitutes “access” to public information needs to be clarified. (No objections were noted.)
- Page 23: A conclusion to the document is needed. (No objections were noted.)
- Page 28, definition of RTP: Add the phrase “made up of elected officials” after “appointed commission.” (No objections were noted.)
- No comments were voiced in the meeting with respect to the material on pages 1, 2, 8, 17, 21, 24, 25, 26, and 27.

This concluded the discussion of the 4th draft of the PPG.

The next item was the addition of a “Frequently Asked Questions” (FAQ) section at the beginning of the PPG. Some stakeholders noted that having a list of questions in this format is very helpful in that it serves as a tool to get community groups to examine the document. The FAQ section would highlight questions that have been raised by community groups, in their own words. At this point, copies of the FAQ list prepared in October 2002 were distributed (in Sacramento). Mr. McKinnon expressed his concern that the FAQs were too limited in scope and too confrontational in their present form. As such, the questions (and responses to the questions) should be broadened and made neutral sounding. A brief discussion took place with regard to whether hours-of-operation are specified in an air permit, since off-hour emissions pose problems in some communities. It was noted that air districts limit emissions from a facility, but not when the emissions can occur. Discussion of the FAQs concluded at

1:15 p.m. in consideration of stakeholders from air districts who needed to attend a meeting at another location. In closing this discussion, Mr. McKinnon stated that all stakeholders would be contacted for comments on the FAQ list, and a subcommittee would be formed to oversee the revisions. If the PPG could be completed by mid-January 2003, it could be presented to the Board as part of the update on the EJ program at the ARB hearing on January 23rd.

Before adjourning, Mr. McKinnon asked that the next meeting include an update on CHAPIS and an overview on how the air quality permitting process is conducted at present. To schedule a meeting in February, the stakeholders would be contacted by email to assess their availability.

The meeting adjourned at 1:20 p.m.

List of Acronyms

APCD	Air Pollution Control District(s)
AQMD	Air Quality Management District(s)
ARB	(California) Air Resources Board
Cal/EPA	California Environmental Protection Agency
CBO	Community Based Organization(s)
CHAPIS	(ARB's) Community Health/Air Pollution Information System
CEQA	California Environmental Quality Act
COG	Council(s) of Government
CRP	(ARB's) Complaint Resolution Protocol
EIR	Environmental Impact Report(s)
FAQ	Frequently Asked Question(s)
OAL	Office of Administrative Law
OPR	(Governor's) Office of Planning and Research
PPG	(ARB's) Public Participation Guidebook
RTP	Regional Transportation Plan(s)
USEPA	U.S. Environmental Protection Agency