



Greenaction for Health and Environmental Justice Reaches Agreement with the San Joaquin Valley Air Pollution Control District to Enhance Meaningful Public Involvement in the District's Permit Actions

February 15, 2013

Greenaction is pleased to announce that we have reached an agreement with the San Joaquin Valley Air Pollution Control District to enhance meaningful public involvement in the District's permit processing actions. The District and Greenaction are pleased with the results of this process and believe it meets the mutual interest of both parties in enhancing public participation.

Expanding the ability of community members, including non-English speakers, to know about and participate in governmental agency decisions that affect their lives is an important precedent that we hope encourages governmental agencies everywhere to provide all people, regardless of the color of their skin, the language they speak or their economic status, meaningful opportunities to participate in government decision-making processes.

In October 2009, Greenaction filed an administrative civil rights complaint against the Air District on behalf of our members in the Spanish-speaking and Latino communities of Kettleman City and Avenal, California. Our administrative complaint alleged that the Air District, a recipient of federal funding, violated Title VI of the U. S. Civil Rights Act of 1964 by approving the Authority to Construct for the proposed Avenal Energy fossil fuel power plant without a public hearing or meaningful opportunities for public involvement in the decision-making process- a decision that we alleged had a prohibited discriminatory impact on the Spanish-speaking and Latino residents. The complaint also alleged that the siting of the power plant next to communities of color already heavily impacted by and suffering from pollution was discriminatory and in violation of Title VI.

Greenaction and the Air District agreed to engage in good faith in federal mediation conducted by the US EPA's Office of Civil Rights, resulting in this agreement to enhance meaningful public involvement in the District's permit processing actions. Furthermore, although not covered by the terms of the attached agreement, the District has stated its intention to continue a public process to solicit input from business representatives, community members, and environmental justice organizations on additional measures to enhance public participation.

Please see the attached Settlement Agreement/Public Statement for the full agreement.

Highlights of the Agreement between Greenaction for Health and Environmental Justice and the San Joaquin Valley Air Pollution Control District (APCD):

- **New Initial Project Notification/Request for Comment**

For those project proposals that trigger a Public Comment Notice, APCD will now provide the option to receive short, basic information about the opportunity to provide public comment on a proposal....

Translation of Basic Notices: All basic notices will be distributed in English and Spanish languages, on a single notice.

- **New Database/Listserv**

For all interested parties APCD will now maintain an interested party/community database listserv.

This will provide for anyone to sign up to:

- a) Always receive Public Notice information by email
- b) Have the choice to receive either the basic notice or the full notice package.

This database-listserv will include the ability to sign up for Public Notice information by email for different geographic ranges. The choices will include:

- o All District
- o Specific Regions

- **Facility-specific Notification**

APCD will maintain lists of parties interested in receiving notification of District permitting activities associated with any specific existing District-permitted facility. Interested parties will be able to specify whether they prefer the basic notice or the full notice package, and whether they prefer to receive the notices via email or mail.

- **General Reference Materials**

In order to support public comment on the technical aspects of proposed permits APCD will develop and provide the following general reference materials translated into lay language (in English and Spanish or other languages as requested) and made available online or by mail if requested:

- a. Explanations of what a Human Health Risk Analysis is and how it is conducted
- b. FAQs about common project technical details