

State of California
AIR RESOURCES BOARD

ASSEMBLY BILL 617 COMMUNITY AIR PROTECTION PROGRAM –
COMMUNITY SELECTION

Resolution 18-37

September 27, 2018

Agenda Item No.: 18-7-3

WHEREAS, California's air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

WHEREAS, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

WHEREAS, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions, such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

WHEREAS, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) declaring that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, section 39650, et seq., of the Health and Safety Code establishes the policy of the State to control emissions of toxic air contaminants, based on the best available scientific information, and directs the Board to establish airborne toxic control measures (ATCM);

WHEREAS, Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes 2017) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

WHEREAS, AB 617 is a significant step in transforming California's air quality programs to address air pollution disparities at the neighborhood level and includes the following requirements:

- Establishment of a uniform statewide reporting system of annual emissions of criteria air pollutants and toxic air contaminants from stationary sources;
- Development of expedited schedules for implementation of best available retrofit control technology for certain industrial sources no later than December 31, 2023;
- Establishment and maintenance of a statewide clearinghouse that identifies the best available control technology and best available retrofit control technology for criteria air pollutants, and related technologies for the control of toxic air contaminants;
- Development of a monitoring plan by October 1, 2018;
- Development of a statewide strategy for reducing emissions of criteria air pollutants and toxic air contaminants by October 1, 2018, with an update at least every five years;
- Selection of initial communities for community air monitoring systems and community emissions reduction programs on an annual basis by October 1, 2018, with annual review and consideration of additional communities as appropriate;
- Implementation of community-level air monitoring in communities selected in the first year by July 1, 2019;
- Adoption of community emissions reduction programs in communities selected in the first year by October 1, 2019;
- Grants to community-based organizations for technical assistance and to support community participation in Program implementation;
- Increased penalties for violations of emissions control limits, with ongoing adjustments for inflation;

2018 Community Recommendations

WHEREAS, statute requires the California Air Resources Board (CARB or Board), by October 1, 2018, to engage stakeholders through a robust public process to set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select initial communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

WHEREAS, CARB released a *“Draft Process and Criteria for 2018 Community Selections”* on February 7, 2018, establishing a process for air districts and communities to identify communities with high cumulative exposure burdens to recommend communities for CARB’s consideration;

WHEREAS, hundreds of communities were nominated by community members or recommended by air districts for consideration;

WHEREAS, the air districts conducted public outreach including community meetings, regional workshops, and surveys to understand local air pollution issues, identify heavily-burdened communities, and inform their recommendations to CARB;

WHEREAS, utilizing available data, staff conducted a statewide assessment of the cumulative exposure burden in communities throughout the State, as well as considered local assessments and priorities provided in community nominations and district recommendations;

WHEREAS, CARB staff discussed the criteria and process for community identification and selection in public venues, including CARB Board meetings in March and June, the April and July meetings of the Community Air Protection Program Consultation Group, and CARB workshops during summer 2018 in Richmond, Wilmington, and the San Joaquin Valley;

WHEREAS, staff released the *“2018 Community Recommendations Staff Report,”* (Staff Report) as listed in Attachment A, containing recommended communities for the first year of the Program for Board consideration and public comment on August 24, 2018;

WHEREAS, staff are recommending the communities listed in Attachment B to the Board for selection in 2018 for the deployment of community air monitoring and/or the development of community emissions reduction programs;

Public Outreach Efforts

WHEREAS, CARB staff has participated in over 200 meetings and community events, has consulted with community members, the Scientific Review Panel on Toxic Air Contaminants, the air districts, the Office of Environmental Health Hazard Assessment,

environmental justice organizations, affected industries, and other interested stakeholders, during the development of the community identification process;

WHEREAS, CARB staff held four initial informational meetings in Oakland on October 17, 2017, Sacramento on October 18, 2017 (also webcasted), Los Angeles on October 23, 2017, and Fresno on November 9, 2017;

WHEREAS, CARB staff held three technical summits on initial concepts for implementation of the Program; in Oakland on February 22, 2018, Bakersfield on February 27, 2018, and Riverside on February 28, 2018;

WHEREAS, CARB staff held three public workshops regarding the proposed Program implementation requirements and community selection process contained in an initial draft of the Community Air Protection Program Blueprint (Blueprint) in Fresno on June 9, 2018 (also webcasted to Modesto and Bakersfield), Wilmington on June 26, 2018, and Richmond on July 9, 2018;

Board Findings

WHEREAS, in consideration of the Staff Report, written and oral testimony presented by community members, the air districts, industry, and other stakeholders, the Board finds that:

The Blueprint and the associated 2018 Community Recommendations Staff Report was developed through a collaborative public process through which CARB staff engaged with the Scientific Review Panel on Toxic Air Contaminants, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, the air districts, and other interested stakeholders, including through public workshops in the north, central, and southern California, consistent with and fulfilling all relevant consultation and public process requirements of AB 617;

The Blueprint identifies a broad suite of new statewide actions CARB and the air districts will undertake to further reduce cumulative exposure burdens in heavily burdened communities throughout the State, and the Staff Report selects communities that will implement some of those actions, as required by AB 617;

Many communities throughout the State experience disproportionate cumulative environmental and health impacts from air pollution;

Community emissions reduction programs and community air monitoring systems are necessary to address these inequities;

The Staff Report selects communities with high exposure burdens for toxic air contaminants and criteria air pollutants that will be the first set of communities to deploy community air monitoring systems and/or community emissions reduction

programs, based on prioritization of locations with sensitive receptors and disadvantaged communities, consistent with the requirements of AB 617;

The initial communities selected for the first year of Program implementation will serve as the foundational communities that will be built upon as additional communities are selected in the future as required by AB 617;

Environmental Analysis

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, staff has determined that the proposed Staff Report is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Section 6 of the Staff Report; and

WHEREAS, a written comment was received that raises significant environmental issues associated with the proposal, staff prepared a written response to that issue as set forth in comment 24-5 of Attachment C, and the Board has reviewed and considered the written response along with the environmental analysis included in the Staff Report.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the response to environmental comments set forth in Attachment C to this resolution;

BE IT FURTHER RESOLVED that the Board selects the communities listed in Attachment B for the first year of the Program for the deployment of air monitoring systems and/or development of community emissions reduction programs, as noted in Table 1.

BE IT FURTHER RESOLVED that the Board finds that the proposed community recommendations are exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

BE IT FURTHER RESOLVED that CARB and the air districts must proceed quickly to implement State measures to deliver emissions and exposure reductions and develop community emissions reductions programs within selected communities, in parallel with Program development.

BE IT FURTHER RESOLVED that the Board directs CARB staff to continue outreach activities and consult with community members, environmental justice organizations, air districts, affected industry, and other stakeholders to implement the Program and provide periodic updates to the Board.

BE IT FURTHER RESOLVED, that the Board strongly supports the BAAQMD's plan to accelerate adoption of refinery BARCT rules to reduce emissions in fence-line communities (Rule 6-5 Particulate Emissions from Refinery Fluidized Catalytic Cracking Units, Rule 8-5 Storage of Organic Liquids, and Rule 8-8 Refinery Wastewater Systems) with rule development to start in the first quarter of 2019 and a completion goal for all rules by December 2020.

I hereby certify that the above is a true and correct copy of Resolution 18-37 as adopted by the Air Resources Board.

Cristina Granados, Clerk of the Board

September 27, 2018

Identification of Attachments to the Board Resolution

Attachment A*: “2018 Community Recommendations Staff Report” released on August 24, 2018.

Attachment B: List of Staff Community Recommendations.

Attachment C*: Supplemental Responses to Comment on the Environmental Analysis Prepared for the Community Air Protection Blueprint.

*Attachments A and C are NOT attached to the proposed resolution; they are simply described on this page.

**ATTACHMENT B
LIST OF STAFF COMMUNITY RECOMMENDATIONS**

Table 1 identifies staff community recommendations for deployment of air monitoring and/or development of community emissions reduction programs.

Table 1: 2018 Community Recommendations

Community	Air District	Monitoring	Emissions Reduction Program
Richmond	Bay Area	X	
West Oakland	Bay Area		X
Calexico El Centro Heber	Imperial County	X	X
South Sacramento - Florin	Sacramento	X	
Barrio Logan West National City Logan Heights Sherman Heights	San Diego	X	
Shafter	San Joaquin	X	X
South Central Fresno	San Joaquin	X	X
East Los Angeles Neighborhoods, Boyle Heights	South Coast	X	X
Muscoy San Bernardino	South Coast	X	X
Wilmington West Long Beach Carson	South Coast	X	X