

January 20, 2016

Floyd Vergara  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95812  
By email: [fvergara@arb.ca.gov](mailto:fvergara@arb.ca.gov)

**Re: 2030 Target Scoping Plan Timeline**

Dear Mr. Vergara:

The California Air Resources Board's AB 32 Environmental Justice Advisory Committee, in partnership with environmental justice organizations from throughout the state, formally requests that the timeline for the 2030 Target Scoping Plan be extended to allow for meaningful stakeholder engagement. As this Plan will shape our state's climate policies for the next 15 years and beyond, it is of upmost importance to ensure the voices of all stakeholders are allowed significant time to be heard.

**Background**

The current AB 32 Environmental Justice Advisory Committee (EJAC) was convened by the California Air Resources Board (ARB) on December 7, 2015. At that time, members of the EJAC questioned the timeline for the 2030 Target Scoping Plan. ARB staff told the EJAC that the Environmental Impact Review (EIR) for the Plan would begin in March 2016 to facilitate final Plan adoption by ARB in September 2016.

The EIR process that was established by the California Environmental Quality Act (CEQA) is quite extensive. In this case, the EIR must fully categorize and evaluate the impacts of policies within the 2030 Target Scoping Plan. Any changes to the policies within the Plan once the EIR is complete, if deemed significant under CEQA guidelines, would require a supplemental or subsequent EIR. The EJAC believes that starting the EIR before a draft 2030 Target Scoping Plan is released and at least two rounds of public comment are received limits the ability of ARB staff to make changes to the draft Plan without triggering another EIR, which would delay the overall process.

**U.S. EPA's Clean Power Plan**

EJAC member Katie Valenzuela Garcia made an informal request to ARB staff to extend the timeline for the 2030 Target Scoping Plan shortly after the December 7, 2015 EJAC meeting. ARB staff denied that request, citing that the 2030 Target Scoping Plan needed to be completed by September 2016 to ensure California's compliance with the U.S. EPA's Clean Power Plan.

The EJAC does not believe that California's compliance with the U.S. EPA's Clean Power Plan regulation requires final adoption of the 2030 Target Scoping Plan. ARB

staff has already begun stakeholder meetings on the Clean Power Plan. California's compliance rests on changes to the Cap and Trade Regulation; the 2030 Target Scoping Plan cannot authorize those changes independent of further legislative or administrative action.

However, if the ARB determines that the 2030 Target Scoping Plan and our Clean Power Plan compliance are linked, the EJAC asks that ARB staff request an extension. The U.S. EPA is very clear that a two year extension is permitted to allow for adequate stakeholder engagement. In the preamble to the U.S. EPA Clean Power Plan Final Rule dated October 23, 2015, EPA states that meaningful engagement of vulnerable communities is of high importance to the agency. The Final Rule goes on to describe what documentation is necessary to obtain an extension on the September 6, 2016 deadline:

**§ 60.5765 What must I include in an initial submittal if requesting an extension for a final plan submittal?**

(a) You must sufficiently demonstrate that your State is able to undertake steps and processes necessary to timely submit a final plan by the extended date of September 6, 2018, by addressing the following required components in an initial submittal by September 6, 2016, if requesting an extension for a final plan submittal:

- (1) An identification of final plan approach or approaches under consideration and a description of progress made to date on the final plan components;
- (2) An appropriate explanation of why the State requires additional time to submit a final plan by September 6, 2018; and
- (3) A demonstration or description of the opportunity for public comment on the initial submittal and meaningful engagement with stakeholders, including vulnerable communities, during the time in preparation of the initial submittal and the plans for engagement during development of the final plan.

The current timeline for the 2030 Target Scoping Plan is too short to allow for meaningful outreach and dialogue between ARB staff and stakeholders. Given EPA's focus on outreach to vulnerable communities, it is in California's best interest to take advantage of this allowance in the Final Rule to conduct a meaningful stakeholder engagement process.

**Proposed Timeline**

The EJAC proposes the following timeline for the 2030 Target Scoping Plan:

April 2016: First Draft Plan Released  
May –June 2016: Public Workshops  
July 2016: Public Comment Deadline on First Draft Plan

September 2016: Second Draft Plan Released (Initial Clean Power Plan Submitted)  
October – November 2016: Public Workshops  
December 2016: Public Comment Deadline on Second Draft Plan  
January 2017: ARB Staff Creates Final Draft Plan, Begins Draft EIR. Cap and Trade rule making begins.  
March 2017: Draft EIR Released  
April – May 2017: Public Hearings on Draft EIR  
June 2017: Public Comment Deadline on Draft EIR  
August 2017: Final Plan and EIR Released  
September 2017: ARB Certifies EIR and Adopts Plan (Final Clean Power Plan Submitted)

This timeline would allow adequate time for significant public feedback, and be conducive for both the 2030 Target Scoping Plan as well as California's development of our compliance strategy for the U.S. EPA Clean Power Plan, if ARB determines that the 2030 Target Scoping Plan and our Clean Power Plan compliance are linked.

### **Conclusion**

The EJAC greatly appreciates the opportunity to voice our opinions on the 2030 Target Scoping Plan and other measures California will take to ensure we meet the ambitious goals of AB 32. It is our understanding that the 2030 Target Scoping Plan is not linked to our compliance for the Clean Power Plan. However, if ARB disagrees, an extended timeline for our Clean Power Plan is allowed and imperative to ensure adequate stakeholder engagement. We respectfully request that ARB extend the timeline for the 2030 Target Scoping Plan development.

Sincerely,

Michael Blair  
South Oak Park Community Association

Cesar Campos  
Central California Environmental Justice Network

Martha Dina Argüello\*  
Physicians for Social Responsibility

Colin Bailey\*  
The Environmental Justice Coalition for Water

Gisele Fong\*  
End Oil

Tom Frantz\*  
Association of Irrigated Residents

Kevin Hamilton\*  
Central California Asthma Collaborative

Shrayas Jatkar  
Coalition for Clean Air

Richard Marcantonio  
Public Advocates, Inc.

Luis Olmedo\*  
Comite Civico Del Valle

Matthew Read  
Breathe California

Mari Rose Taruc\*  
Asian Pacific Environmental Network

Katie Valenzuela Garcia\*  
Oak Park Neighborhood Association

Monica Wilson\*  
Global Alliance for Incinerator Alternatives

\*EJAC Member

---

## Excerpts from the U.S. EPA Clean Power Plan Final Rule, dated October 23, 2015

### **From the preamble (page 10 of final rule):**

Climate change is an environmental justice issue. Low-income communities and communities of color already overburdened by pollution are disproportionately affected by climate change and are less resilient than others to adapt to or recover from climate change impacts. While this rule will provide broad benefits to communities across the nation by reducing GHG emissions, it will be particularly beneficial to populations that are disproportionately vulnerable to the impacts of climate change and air pollution. Conventional pollutants emitted by power plants, such as particulate matter (PM), SO<sub>2</sub>, hazardous air pollutants (HAP), and nitrogen oxides (NO<sub>x</sub>), will also be reduced as the plants reduce their carbon emissions.

These pollutants can have significant adverse local and regional health impacts. The EPA analyzed the communities in closest proximity to power plants and found that they include a higher percentage of communities of color and low-income communities than national averages. We thus expect an important co-benefit of this rule to be a reduction in the adverse health impacts of air pollution on these low-income communities and communities of color. We refer to these communities generally as “vulnerable” or “overburdened,” to denote those communities least resilient to the impacts of climate change and central to environmental justice considerations... Effective engagement between states and affected communities is critical to the development of state plans. The EPA encourages states to identify communities that may be currently experiencing adverse, disproportionate impacts of climate change and air pollution, how state plan designs may affect them, and how to most effectively reach out to them. This final rule requires that states include in their initial submittals a description of how they engaged with vulnerable communities as they developed their initial submittals, as well as the means by which they intend to involve communities and other stakeholders as they develop their final plans.

**§ 60.5760 What are the timing requirements for submitting my plan?**

(a) You must submit a final plan with the information required under § 60.5745 by September 6, 2016, unless you are submitting an initial submittal, allowed under § 60.5765, in lieu of a final State plan submittal, according to paragraph (b) of this section.

(b) For States seeking a two year extension for a final plan submittal, you must include the information in § 60.5765(a) in an initial submittal by September 6, 2016, to receive an extension to submit your final State plan submittal by September 6, 2018.

(c) You must submit all information required under paragraphs (a) and (b) of this section according to the electronic reporting requirements in § 60.5875.

**§ 60.5765 What must I include in an initial submittal if requesting an extension for a final plan submittal?**

(a) You must sufficiently demonstrate that your State is able to undertake steps and processes necessary to timely submit a final plan by the extended date of September 6, 2018, by addressing the following required components in an initial submittal by September 6, 2016, if requesting an extension for a final plan submittal:

- (1) An identification of final plan approach or approaches under consideration and a description of progress made to date on the final plan components;
- (2) An appropriate explanation of why the State requires additional time to submit a final plan by September 6, 2018; and
- (3) A demonstration or description of the opportunity for public comment on the initial submittal and meaningful engagement with stakeholders, including vulnerable communities, during the time in preparation of the initial submittal and the plans for engagement during development of the final plan.

(b) You must submit an initial submittal allowed in paragraph (a) of this section, information required under paragraph (c) of this section (only if a State elects to

submit an initial submittal to request an extension for a final plan submittal), and a final State plan submittal according to § 60.5870. If a State submits an initial submittal, an extension for a final State plan submittal is considered granted and a final State plan submittal is due according to § 60.5760(b) unless a State is notified within 90 days of the EPA receiving the initial submittal that the EPA finds the initial submittal does not meet the requirements listed in paragraph (a) of this section. If the EPA notifies the State that the initial submittal does not meet such requirements, the EPA will also notify the State that it has failed to submit the final plan required by September 6, 2016.

(c) If an extension for submission of a final plan has been granted, you must submit a progress report by September 6, 2017. The 2017 report must include the following:

- (1) A summary of the status of each component of the final plan, including an update from the 2016 initial submittal and a list of which final plan components are not complete.
- (2) A commitment to a plan approach (e.g., single or multi-State, rate-based or mass-based emission performance level, rate-based or mass-based emission standards), including draft or proposed legislation and/or regulations.
- (3) An updated comprehensive roadmap with a schedule and milestones for completing the final plan, including any updates to community engagement undertaken and planned.