

Sarah Sharpe
07-11-4

November 14, 2007

Mary D. Nichols
Chairwoman
California Air Resources Board
1001 I St
Sacramento, CA 95812

Re: CARB Staff Report: "Accelerating San Joaquin Valley Air Quality Progress"

Dear Chairwoman Nichols and Board:

We the undersigned organizations representing public health, environmental and environmental justice organizations write to express our serious concerns with the CARB staff's report: "Accelerating San Joaquin Valley Air Quality Progress", which is being presented to your board on Thursday, November 15. While we applaud the California Air Resources Board ("CARB") for their commitment to cleaning the air in the San Joaquin Valley through the recent emissions inventory adjustments and State plan improvements, we are concerned that the outcomes of the CARB staff report are not sufficient to satisfy the initial intent of the Board resolution from the June 2007 Fresno hearing. CARB staff has not sufficiently completed the task assigned to them, and have missed opportunities for additional measures that could allow an amendment to the plan to ensure clean air more quickly in the San Joaquin Valley.

We have participated in CARB's San Joaquin Valley Taskforce established at the June hearing in good faith because we believed it was created in order to resolve the serious concerns that many Valley residents and air advocates expressed when your board approved the bump up to "Extreme" status. We expected the outcome of this process to deliver significant and quantifiable improvements to the San Joaquin Valley SIP and to provide thorough analysis of the recommendations presented in the ISSRC report and were encouraged to see the CARB Final Resolution 07-20 specifically document these expectations.

Through the Taskforce process our determination to find enough reductions to warrant a reclassification to Severe has proven to be fruitful and we are very encouraged by CARB staff's estimate that the attainment gap has decreased significantly from 202 tons of NOx per day by 2017 back in January to 49 tons per day by 2017. We believe this is a direct result of the work of the Taskforce and SIP development community during the months after the Board decision to approve the plan. This shows that with a little more time and determination, we can find the solutions that we need to get to attainment by 2017. We are so close to accomplishing our task; we believe we would be selling our region short by giving up now. ***Specifically, we respectfully request that in your meeting on Thursday, November 15, 2007 the Board will direct staff to continue to convene the current SJV Taskforce in order to create a plan that gets the San Joaquin Valley to attainment by 2017. In addition, we request that the Board hold its public hearing to discuss this matter in the San Joaquin Valley and at a time that allows for Valley residents to participate in order to continue the spirit of better communication with the San Joaquin Valley as outlined in the CARB resolution creating the Taskforce.*** This hearing must occur before the Board directs staff to send the amended plan on to EPA for approval because

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many Valley residents –many of whom attended CARB Community Meetings- are interested in participating further in this process but will be unable to travel to Sacramento during the work day.

The health of Valley residents depends on CARB's appropriate use of their oversight role and leadership. For this reason, we suggest that the following improvements be made to the 2007 SIP before it is submitted to the EPA for approval.

- **The State must revoke the decision to bump up the San Joaquin Valley Air Basin to Extreme Status.**

We continue to believe that this region can attain federal health-based air quality standards long before the 11-year delay created by “bumping up” to Extreme status. Unfortunately, the State Plan for the San Joaquin Valley 2007 SIP was not designed to reach this goal, instead relying on a large percentage of “black box” undefined measures under section 182(e)(5) of the federal Clean Air Act (“CAA”). We believe that with the additional measures included in the State plan, the many inventory adjustments to the District's Air Quality Management Plan, and some additional measures for stationary sources, the need for the Black Box can be eliminated. Further, CARB continues to fail to exercise its authority to review and ensure the District's Air Quality Management Plan (“AQMP”) is strengthened. After the release of the Staff's Recommendations on November 7, it was clear that some of the additional measures that the District could and should take that were offered by the International Sustainable Systems Research (ISSRC) group have not been thoroughly analyzed and considered by staff (see Attachment A). Our expectations were for CARB to find out “What are the opportunities to accelerate clean air in the Valley?” Instead, CARB wrote a report that seems to respond to the question, “How does the San Joaquin Valley Air District measure up to other districts in the state?” While this may be a worthy investigation, CARB needs to respond to the first and more important question if it is to make a genuine attempt to obtain clean air in the Valley as soon as possible. We suggest that the Board direct staff to go back and continue their analysis with both questions in mind and come back with recommendations for quantifiable improvements that need to be included in the SJV SIP before submitting it to EPA for approval.

If CARB delays attainment of health-based air quality standards for ozone, Valley residents will continue to pay with their health including: decreased lung capacity in our children, increased incidence of asthma, emergency room visits, and premature death.

- **The use of the “Black Box” is no longer necessary.**

ISSRC has offered sufficient additional stationary source measures (including the required use of existing technologies) to close the 49 t/d by 2017 gap. We believe that the use of the Black Box is incorrect, since technologies such as low-NOx burners, ultra-low NOx burners, and SCRs, are successfully being used in many applications and could be further applied to District sources to close the attainment gap. Additionally, we believe that additional inventory adjustments in the future may narrow the current gap even further.

ISSRC's analysis has raised doubts that the local air district and CARB staff seriously considered all available reductions. These include additional NOx reductions from Valley air pollution sources including:

- ✓ **Glass-melting furnaces** – achieve lower emission limits by using Selective Catalytic Reduction (SCR) technology on existing operations. Currently, a San Joaquin Valley glass-melting furnace is applying SCR.
- ✓ **Industrial Dryers and Dehydrators** – control smaller units with low-NOx burners, as done by the South Coast control measure for similar units (CMB-01).
- ✓ **IC Engines** – require lower limits and earlier compliance schedule, similar to South Coast Rule 1110.2, which can be achieved using SCR retrofits, Tier 4 engines, and electrification.
- ✓ **Solid Fuel Boilers** – improve District rule to same level as Sacramento AQMD rule for biomass fuels and apply limits recommended by the ARB audit of District rules.
- ✓ **Small Boilers < 2 MMBtu/Hr** - improve district rule to same level as the South Coast rule, which tightens emission limits and work by forced attrition.
- ✓ **Composting (green and biosolids), Dairies and other agriculture sources**– control VOC emissions from these sources. This action would have benefits beyond ozone, including greenhouse gases, odor, and toxic air containment reduction.
- ✓ **Construction Equipment** – add SOON Incentive Based Program to the Ozone SIP
- ✓ **Clean Air Days** - Requirements can be set so that poorly controlled sources (IC engines, off-road engines, and such) will not be allowed to operate on potential high pollution days. There might be as few as 20 high pollution days in the SJV by 2017 with present adopted control measures. Clean Air Days provide a reasonable means to achieve reductions from dirty diesel equipment sufficient to close the remaining gap, as demonstrated in ISSRC analysis including the September 2007 “Clearing the Air” Report.
- **CARB's Proposed Use of “Black Box” Measures in the 2007 SIP Lacks Sufficient Detail.**

The flexibility provided in section 182(e)(5) of the Clean Air Act allowing non-attainment plans to rely on new technologies that will be developed in the future is not the open-ended planning exemption that the District and CARB seem to assume. As EPA has already explained to CARB in the context of the 1-hour ozone plan approvals, reliance on future measures still requires a plan to show how the agencies intend to develop these future control technologies and convert them into specific measures. *See* 62 Fed.Reg. 1150, 1179 (Jan. 8, 1997). EPA has explained that

in order to ensure that the measures are successfully developed and adopted pursuant to the requirements of section 182(e)(5), the SIP “must”:

- (1) define the future measures with respect to the affected source categories;
- (2) identify the expected reductions from each category;
- (3) identify the most likely control technologies and techniques to be employed;
- (4) provide the agencies’ working schedules for development of the new technologies and adoption of control measures;
- (5) provide evidence of adequate resources committed to the activities; and
- (6) outline the opportunities for the public to be informed and involved in the process.

Id. The most recent version of the 2007 SIP provides us little confidence in the efficacy of CARB complying with the Clean Air Act to push along development of “black box” measures.

We also remind CARB that the “black box” is intended to address limitations in technological – not economic – feasibility. To the extent emissions reductions are achievable through technology that is currently available; it is legally inappropriate and simply bad policy to resort to a “black box” based on the claim that development is necessary to lower the cost of existing technology. We believe that through discussions in the Taskforce meetings and the ISSRC report, it has been made clear that some of the technologies that could advance us toward attainment are currently available and in use. The Board should demand that CARB staff give an accurate and thorough report of these technological opportunities, and recommend that the District include them in their plan. Only by establishing technology-forcing standards will the agencies have a legally approvable plan that creates the appropriate market signal to ensure development of the needed control technology.

- **CARB’s commitment to the SJV through this Taskforce leaves room for improvement.**

While we appreciate the efforts of many CARB staff and Board members D’Adamo, Case and Chair Nichols to have more regular and open communication with the San Joaquin Valley, we have found this process to lack the consistency and substance that we expected. As mentioned in the Final Resolution 07-20 from the June 14th, 2007 CARB meeting, the Board directed “the Executive Officer to work with the District and stakeholders during the next six months to fully investigate additional measures, including operational measures that can feasibly be implemented to achieve emission reductions more quickly in the San Joaquin Valley.” As outlined above, we do not feel this task has been completed with the most thorough analysis possible.

In addition, as mentioned above, CARB’s Final Resolution 07-20 specifically directed staff to fully investigate Clean Air Days, however staff has failed to provide an evaluation of operational controls in this report as directed other than mentioning that “the District should encourage actions by Valley residents and businesses to reduce emissions on days with high ozone levels” in the Executive Summary of the CARB Staff Report. There is no discussion of whether Clean Air Days need to have mandatory elements to them, and how many additional reductions that may produce. We believe there continues to be an opportunity with Clean Air Days that has been disregarded by this Staff Report.

One of the most troubling issues is that the CARB staff report was only released to the public and the Taskforce members on November 6, leaving only a few days for comment before the report is to be presented to CARB. After initial review of the report, we still have many unanswered questions, but there is no further opportunity to resolve these matters because there are no further Taskforce meetings planned. We would like to reiterate that the process so far has been very fruitful, and we believe that abandoning the process now would be like giving up in the final 100 meters of a marathon.

Again, we respectfully request that the Board direct staff to continue to convene the Taskforce for a limited time period in order to create a plan that gets the San Joaquin Valley to attainment by 2017 before sending it on to EPA for approval. In addition, we request that the CARB public hearing to discuss this matter be held in a location in the San Joaquin Valley and at a time that allows for more public participation in order to allow for continued public engagement on this issue.

We look forward to continue working with staff and the Board in developing a viable plan to achieve clean air for the San Joaquin Valley.

Sincerely,

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Kevin Hamilton
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SJV LEAP

Sarah Sharpe
Nidia Bautista
Coalition For Clean Air

Daniela Simunovic
Brent Newell
Center on Race, Poverty and the Environment

Carolina Simunovic

Fresno Metro Ministry

Cc: California Air Resources Board members
Seyed Sadredin, SJVAPCD

ATTACHMENT A

International Sustainable Systems Research Center (ISSRC)

Suggestions to CARB Air Quality Task Force

for

Next Steps

November 9, 2007

Introduction:

The San Joaquin Valley Air Pollution Control District released a proposed Ozone SIP for its area of responsibility in February, 2007. This SIP demonstrated attainment in 2024 and asked for the SJV to be designated as an "Extreme" non-attainment area, which brings with it a federal attainment date of 2024. This initial SIP was modified to recognize CARB proposed mobile source control measures and then reviewed by the California Air Resources Board in June, 2007. In September, 2007 CARB modified the mobile source control strategies proposed in the state portion of the SIP to accelerate future emission reductions from mobile sources. At this same meeting, CARB created a taskforce to look for ways to accelerate the attainment date in the SJV. The taskforce met from September to November 2007 and CARB presented an initial report on taskforce activities on November 7.

The possibility of attainment by 2017 has been a key component of the SJV SIP debate. Figure 1 shows the projected daily 2017 NO_x emissions at each stage of the SIP development process from the pre-SIP stage until release of the CARB taskforce report.

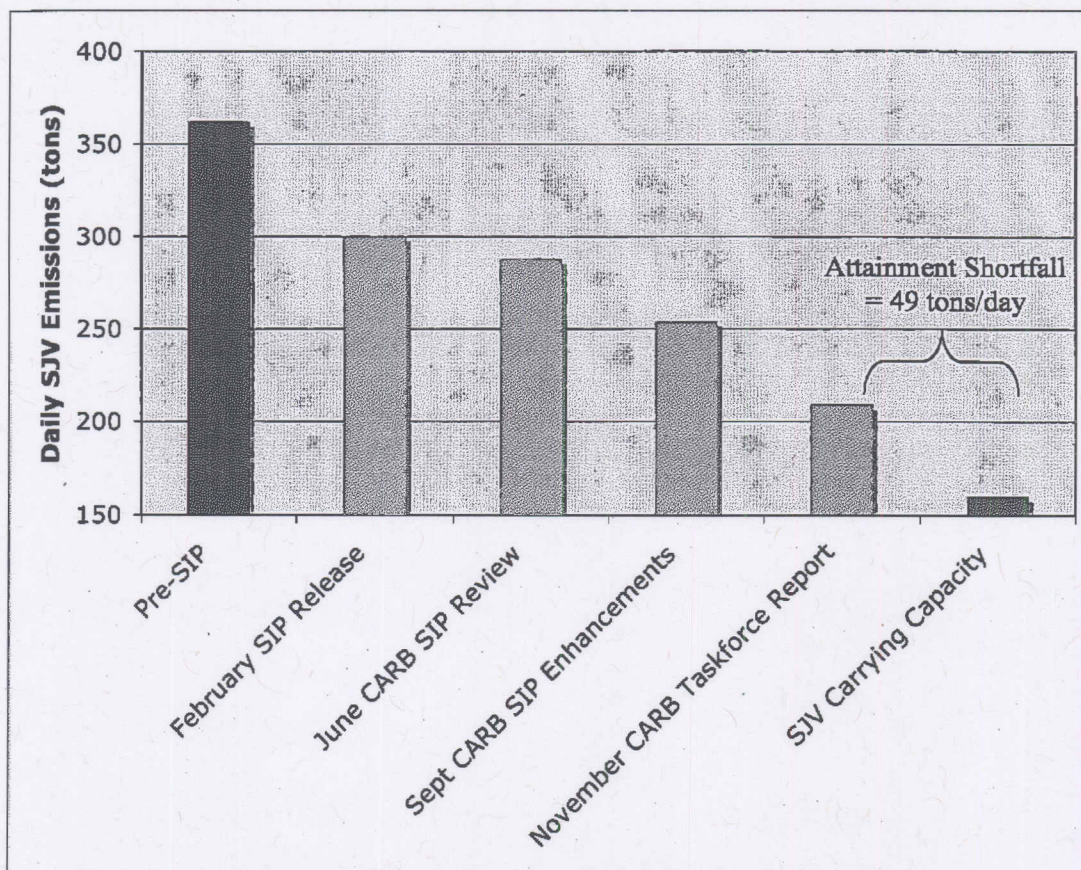


Figure 1: Projected 2017 Daily SJV NO_x Emissions

As can be seen, from Figure 1, the emission difference between the projected 2017 emission rate and the attainment emission rate (carrying capacity) has gone from 202 tons per day to 49 tons per day as a result of the activities of the taskforce and SIP development community during this time. As a result the Valley is now very close to a potential 2017 attainment. In response to these changes, the SJVAPCD director and the Central Valley Partnership Air Quality Working Group director have both declared that they expect the region to attain federal air quality standards by 2017.

Our comments below are meant to respond to the following basic question:

Can the San Joaquin Valley attain federal ozone standards by 2017?

Yes. ISSRC continues to believe that it is possible to submit an EPA approvable Ozone SIP for the SJV with a 2017 attainment date. This will require additional corrections to the SJV emissions inventory and the addition of control measures based on available and likely advancements in available control technologies.

The purpose of the comments provided in the rest of this document is to identify additional control opportunities that are appropriate to be included in the SJV Ozone SIP in order to provide a 2017 demonstration attainment, which everyone is working toward.

Adjusting for Inventory and Already Committed Reductions:

The CARB taskforce process identified several inventory adjustments that support an earlier attainment date. There are additional inventory adjustments that should be made in the SJV emission inventory that can help get us closer to a 2017 attainment date. These corrections are documented in Table 1.

Table 1: Adjustments to 2017 Inventory

Item	Approximate Emission Reduction Amount (tons/day)
Emissions from Open Burning, Smoke Management for Hazardous Materials reductions, and Space Heating, which is included in the Summer air quality emission inventory	5
Reduced emissions from the recent adoption by the SJVAPCD of a tighter NOx regulation, which are predicted by the SJVAPCD	1.6
Innovative strategy trip reduction program in the SJVAPCD Ozone plan, Table 8-1 and table 11-1 with District known incentives, table 11-1 (interpolated)	1.5
Total Reductions in 2017	8.1

The emissions from open burning, smoke management, and space heating should be removed from the inventory since burning is not allowed on high pollution summer days

and residential space heating does not occur on summer high pollution days since they tend to be the hotter days during the summer.

The SJVAPCD adopted a new rule addressing turbine emissions, which to our knowledge was not included in the CARB taskforce inventory adjustments. The emissions reductions from this enhanced rule should be included in the Valley's Ozone SIP commitment.

There are likely additional adjustments beyond those suggested above that can be quickly identified so that the inventory will more likely reflect reality. One member of the CARB air quality taskforce argued that many dryers and dehydrators are operated outside of the summer season and that the present summer emission inventory does not reflect this operational parameter, which would reduce the summer inventory. This inventory adjustment should be considered. The same member of the CARB taskforce also argued that more IC engines had been converted to electricity than is presently accounted for in the SIP emission inventory. These potential SIP emission inventory adjustments should be reviewed and included in the SJV SIP if appropriate.

Additional Control Opportunities:

There are potential control measures that could be added to the SIP to demonstrate an earlier attainment date. The taskforce has not had the opportunity to discuss the potential viability and emissions reductions expected from the stationary source control measures in meetings to date. As one of the primary objectives of the taskforce, these control measures should be reviewed by the taskforce to determine the emission reduction potential that could be achieved by 2017. The major items that would be fruitful to discuss further are listed in Table 2, along with the potential emissions reductions outlined by ISSRC.

Table 2: Potential Additional SIP Control Measures

Potential Control Measure	Comment	Potential Emission Reduction Amount (tons/day)*
Further NOx Control at Glass Production Facilities	SCR is presently being applied to at least one glass production facility. The potential for NOx reduction using SCR at all of these facilities should be considered for addition to the SJV SIP.	5.0
Further NOx Control at Dryers and Dehydrators	The South Coast Air Quality Management District has included a control measure for dryers (CMB-1) that if applied to these dryers and dehydrators could produce significant emission reductions.	7.4
Further NOx Control for Stationary IC Engines	Higher emission rates are allowed for agricultural engines in the SJV. If all IC engines are forced to meet the same standards as South Coast Rule 1110.2, which can be achieved with Tier 4 or SCR retrofits, then significant additional emission reductions can be achieved. Ongoing electrification and pump efficiency improvement programs are already achieving emission reductions, which are not reflected in District inventories.	11.7
Further NOx Control for	District Rule 4308 should be improved to reflect improved limits	?

Small Boilers	and forced attrition compliance of South Coast Rule 1146.2.	
Further NOx Control for Solid Fuel-fired Boilers	District Rule 4352 should be improved to reflect emission limits in Sacramento Metropolitan AQMD Rule 411, which has a NOx limit of 70 ppmvd @ 12% CO when firing on biomass fuels.	1.6
Further VOC Reductions at Agricultural Facilities	There are a number of advantages to controlling VOC emissions from agricultural operations including reduction of greenhouse gases, odor reduction, toxic air containment reduction, and reduced ozone.	5**
Add SOON Incentive Based Control Program to SIP	The SOON program is an opt-in program for construction equipment which uses incentives to replace old equipment. It is listed in the Sept. CARB Summary of Strengthened SIP Strategies as an additional action to be taken by the ARB/District in the amount of reductions indicated here, but was not discussed or cited in the taskforce report.	4
Clean Air Days	Clean air days provide a valuable component to the clean air process in the SJV. Requirements can be set that poorly controlled sources (IC engines, off-road engines, and such) not be allowed to operate on potential high pollution days. There might be as few as 20 high pollution days in the SJV by 2017 with present adopted control measures.	6-12***
Total Possible Additional Emission Reductions by 2017		40.7 to 46.7

*These emission reductions are estimated based on the present summer emissions inventory for these sources and will vary depending upon adjustments to the inventory and analysis of present control status at the sources.

**The emission shown here is the equivalent increase in NOx carrying capacity that might occur with control of these facilities.

***The achievable emission reductions depend upon control measures put into place and the range of sources included in the clean air days.

Action Item/Request to Board:

To date, the value of the taskforce has been of great consequence. However, one of the primary goals of the taskforce is identification of additional measures for reducing future emissions from stationary sources. This task has not been completed. Thus far, a comparison of rules relative to other districts has been completed. The next step is to evaluate potential additional measures and quantify possible benefits. It is recommended that the taskforce take a few weeks for technical review of at least the items in Table 1 and 2 in an open process, and to provide an analysis of the range of emissions reductions and feasibility of these measures.

Conclusion:

It appears that with corrections to the SJV emissions inventory and the addition of control measures based on available and likely advancements in available control technologies that it is possible to submit an EPA approvable SIP for the SJV with a 2017 attainment date.

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