



March 9, 2020

Chair Mary Nichols and Board Members
California Air Resources Board (CARB)
1001 I Street
Sacramento, CA 95814

**Re: Comments on AB 617 Community Emission Reduction Plans (CERP) for the
Wilmington/Carson/West Long Beach (WCWLB) Community**

Dear Chair Nichols and members of the California Air Resources Board,

For over a century, the residents of Wilmington, Carson and West Long Beach have subsidized the global economy with their health. Diesel particulate matter (DPM) is the most prevalent toxic air contaminant in the region due to the sheer number of ships, harbor craft, heavy-duty vehicles, locomotives and off-road equipment operating within the region.¹ Further, four of the state's 15 oil refineries (representing almost 40% of California's refining capacity) are located within or in close proximity to the WCWLB community.² Thousands of oil and gas wells are located near and in many instances directly underneath homes, schools, hospitals, parks, childcare centers and other sensitive receptors.³

Strong and effective implementation of AB 617 (C. Garcia) is the first step in bringing cleaner air to one of California's most polluted communities. Since its 2017 passage, Coalition for Clean Air (CCA) has been actively engaged with the AB 617 process at both the CARB and South Coast Air Quality Management District (SCAQMD) levels and has advocated for its funding and support in Sacramento. CCA acknowledges and appreciates the hard work by CARB, SCAQMD, the Community Steering Committee (CSC) members and advocates throughout this process. While there is much to applaud in this plan, the proposed WCWLB CERP leaves much room for improvement in terms of its ambitions and its commitments to the community.

¹ *Community Emissions Reduction Plan: Wilmington, Carson & West Long Beach*, SCAQMD (September 6, 2019), retrieved March 5, 2020, <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/cerp/compiled-wcwlb-submittal.pdf?sfvrsn=8>, 3b-5

² *California's Oil Refineries*, California Energy Commission, (2019), retrieved March 5, 2020, https://ww2.energy.ca.gov/almanac/petroleum_data/refineries.html

³ *Well Finder*, Geologic Energy Management Division, Department of Conservation, (2019), retrieved March 5, 2020, <https://maps.conservation.ca.gov/doggr/wellfinder/>

Our comments follow below:

General comments on the CERP:

- 1) The CERP correctly identifies the WCWLB community's top priority emissions and exposure concerns, and CCA appreciates community input being incorporated into the CERP.**

CCA agrees with the six priority community concerns identified in the CERP, as well as the process used to identify those concerns. The sources identified are among the largest sources of toxic air contaminants in both the local community and the region.⁴ Focusing the CERP on these concerns will directly address the WCWLB community's needs. Further, these concerns were identified through a collaborative process and included participation from both the CSC and the public at large. While we agree with the priority concerns, CCA urges CARB and SCAQMD to continue engaging with the WCWLB community to address concerns beyond the specified priorities in the CERP.

CCA also commends SCAQMD for incorporating community feedback into the proposed CERP's strategies. For example, the strategy of re-routing truck traffic away from sensitive receptors in the WCWLB community was recommended by CCA after it was initially proposed in the San Bernardino/Muscoy CERP.⁵ While the CERP could've been improved by including even more community requests, we appreciate what was included, and support using direct feedback from both the CSC and the public at-large in the drafting of the CERP.

- 2) The proposed CERP includes many CARB and SCAQMD actions that were already underway, are in the planning phases or are otherwise unrelated to AB 617. The CERP needs to demonstrate how it goes above and beyond current and planned actions to address the needs of the community.**

The proposed CERP includes projected emissions reductions from several CARB and SCAQMD proceedings as well as the strategies contained in the CERP itself. This responds to the CSC's request to "understand the broader constellation" of emission reductions efforts in the WCWLB community. However, the proposed CERP gives the impression that all these programs are part of the CERP even though many of these efforts are unrelated. The proposed CERP projects a "2,832 to 3,207 tons per year" reduction in oxides of nitrogen (NOx).⁶ However, the July 2019 Draft CERP,

⁴ *Community Emissions Reduction Plan: Wilmington, Carson & West Long Beach*, 3b-18

⁵ *Comments on AB 617 Community Emission Reduction Plans (CERP) Discussion Drafts and the WWLBC CERP*, Coalition for Clean Air, June 24, 2019, 5

⁶ *Community Emissions Reduction Plan: Wilmington, Carson & West Long Beach*, 5a-1

which only included emissions reductions from AB 617 incentives, projected a “40-50 tons per year” reduction in NOx.⁷ The CERP should be clear as to which reductions are related to the CERP itself and which reductions are related to separate actions.

3) The proposed CERP is overly reliant on incentives, which limits its effectiveness. There needs to be a stronger commitment for increased regulation and enforcement.

As with SCAQMD’s 2016 Air Quality Management Plan, the proposed CERP shows a strong preference for incentives over rules and enforcement. CCA supports using targeted incentives as part of the CERP’s implementation. Incentives should not, however, be prioritized over regulation. For example, creating strong Indirect Source Rules (ISR), mandating on-site mitigation and requiring (rather than just incentivizing) zero-emissions port and railyard equipment will yield real emissions reductions. Additionally, rules must be enforced to be effective. SCAQMD should include tougher penalties as authorized in Section 9 of AB 617 and greater enforcement efforts as part of its overall strategy. We appreciate and support recent comments from some SCAQMD Board Members and staff indicating increasing receptiveness towards stronger rules and greater enforcement.

4) CARB, SCAQMD and local government policy and programmatic decisions need to be consistent with the CERP and AB 617. Additionally, the CERP needs to demonstrate a clearer nexus with other state and local plans.

While we support the creation of a strong CERP, CCA remains concerned that policy decisions by CARB, SCAQMD and local governments could undermine the CERP. For example, on the same day it approved its Year 1 AB 617 CERPs, SCAQMD also halted a nearly completed rule in favor of voluntary modified hydrofluoric acid “safety enhancements” proposed in secret by the Torrance and Valero refineries.⁸ Prior to the CERP’s development, the Los Angeles Metropolitan Transportation Authority (LA Metro) capriciously endorsed expanding Interstate 710 over community objections and strong support for zero-emissions truck lanes.⁹ This project will have significant ramifications for the WCWLB community due to the

⁷ July 2019 Draft CERP, Chapter 5a – Actions to Reduce Air Pollution Emissions or Exposures – Overview, SCAQMD (July, 2019), retrieved March 5, 2020, <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/cerp/chapter-5a-draft-introduction-july-2019.pdf?sfvrsn=8>, 5a-1.

⁸ Tony Barboza, *Air board kills regulation of dangerous refinery acid in favor of oil industry plan*, Los Angeles Times, (September 6, 2019), retrieved March 5, 2020, <https://www.latimes.com/environment/story/2019-09-06/oil-refinery-acid-pollution-regulation>

⁹ Nicole Fish, *710 Freeway Expansion Decision Expected, Amid Residents’ Displacement, Pollution Concerns*, KCET (March 1, 2018), retrieved March 5, 2020, <https://www.kcet.org/shows/socal-connected/710-freeway-expansion-decision-expected-amid-residents-displacement-pollution>

increases in truck traffic through the region, as well as the inevitable congestion that will come with it

If the CERP is going to be successful, state and local governments need to create policies which are consistent with the CERP's commitments and strategies. The CERP should demonstrate how it interacts and builds upon other state and local initiatives which may affect air quality, such as local sustainability plans, land use decisions and planning policies.

CERP Reduction Strategies:

5) The CERP needs to take stronger action in reducing toxic air contaminants. Emissions projections from future rules should be shared with the CSC.

While the proposed CERP projects large reductions for criteria air pollutants like NO_x, reductions in toxic air contaminants are significantly lower. The only toxic air contaminant reductions directly associated with AB 617 implementation are .5-.6 tons per year in DPM.¹⁰ Yet, toxic air contaminants are the primary driver for negative health outcomes in the community. The CERP should take a more rigorous approach in reducing toxic air contaminants. This could include using the criteria required by the State Implementation Plan to ensure real emission reductions. Similarly, the CERP could commit to reducing frontline communities' scores in SCAQMD's Multiple Air Toxics Exposure Study (MATES.) SCAQMD staff have stated that some emission reduction projections are not currently available and as they are tied to future rule proceedings. The CSC has requested these projections are shared with the WWCLB community, and CCA supports this request. It should be noted that SCAQMD staff has committed to sharing this data.

Mobile sources

6) Recent actions by the Ports of Los Angeles and Long Beach undermine the CERP. Both CARB and SCAQMD should implement indirect source rules and other regulatory requirements.

The Ports of Los Angeles and Long Beach are the largest sources of emissions in the WCWLB community. Port operations contribute greatly to the extreme levels of toxic air contaminants – namely DPM, in the region's air. While CARB, SCAQMD and the ports have been successful in reducing emissions from the goods movement sector, more must be done to protect the health and lives of the local community members.

¹⁰ *Community Emissions Reduction Plan: Wilmington, Carson & West Long Beach, 5a-5*

Unfortunately, progress in reducing port-related emissions is slowing.¹¹ Worsening matters, both ports have approved a woefully inadequate \$10 truck rate. Not only will a \$10 truck rate fail to discourage the use of dirty diesel trucks, but its revenues will not be able to meet fleet turnover needs. Further, the process of developing a Memorandum of Understanding based on the ports' Clean Air Action Plan has, in the words of SCAQMD staff, "stalled".¹²

Given their role as the largest polluters in the region, CCA supports a strong regulatory approach with the ports. CCA actively supported CARB's Vessels-at-Berth rule, Advanced Clean Trucks rule, Omnibus rule and other regulations that will bring real and expedient emissions reductions. Further, CARB, SCAQMD and the ports must ensure the approximately 7,600 pre-2010 drayage trucks facing turnover are replaced with near-zero and, if possible, zero-emissions vehicles. CCA urges CARB and SCAQMD to both develop separate Indirect Source Rules and other regulatory requirements for the ports. Clean air should not be treated as a goal, as per the ports' Clean Air Action Plan. Rather, it must be a requirement.

7) While light- and medium-duty transportation are not part of the proposed CERP, CARB and SCAQMD should create a focused effort to increase passenger vehicle electrification within AB 617 communities.

Though the proposed CERP rightly focuses on freight-related emissions, AB 617 presents an opportunity to promote passenger vehicle electrification. The vehicles of low-income earners are significantly older than those of medium- and high-income earners.¹³ Older vehicles, which are designed to meet less stringent standards and are suffering from wear-and-tear, pollute more than newer vehicles. CARB and SCAQMD should work with local community benefit organizations to develop an outreach strategy targeting AB 617 communities for the Clean Cars 4 All program and other wrap-around services. Similarly, there must be a greater effort to expedite the transition to electric transit buses in AB 617 communities.

¹¹ Tony Barboza, *Slowdown in emissions reductions could explain stalled progress on smog, study finds*, Los Angeles Times, (April 30, 2018), retrieved March 5, 2020, <https://www.latimes.com/local/lanow/la-me-smog-slowdown-20180430-story.html>

¹² *Update on Development of MOU with Ports of Los Angeles and Long Beach*, SCAQMD, (February 21, 2020), retrieved March 5, 2020, <http://www.aqmd.gov/docs/default-source/Agendas/Mobile-Source/msc022120.pdf?sfvrsn=27>, 24

¹³ *U.S. households are holding on to their vehicles longer*, US Energy Information Administration, (August 21, 2018), retrieved March 5, 2020, <https://www.eia.gov/todayinenergy/detail.php?id=36914>

Enforcement

- 8) AB 617's Best Available Retrofit Control Technology (BARCT) requirements will not be fully implemented by 2023, violating both the intent and letter of the law.**

In addition to creating the Community Air Protection program, AB 617 requires facilities covered by California's cap and trade program to implement BARCT. These technologies are designed to reduce emissions from existing facilities. To this end, SCAQMD has tied much of the BARCT requirement to the wind down of its Regional Clean Air Incentives Market (RECLAIM) for NOx emissions. SCAQMD has projected that it will complete BARCT-related updates to its rules by 2022.¹⁴ Yet, AB 617 requires air districts to implement BARCT no later than December 31, 2023.¹⁵ It is very unlikely that BARCT will be fully implemented within a year. Due to this, CCA is concerned that AB 617's BARCT requirements will be violated. This is illegal, as agencies cannot pick and choose which laws to implement.

Other issues:

- 9) Several community concerns and proposed solutions were not included in the proposed CERP. These concerns should be addressed by CARB, SCAQMD or the appropriate government agency.**

Unfortunately, the CERP cannot address every single air quality issue facing the WCWLB community. Yet, the CSC and public brought up several concerns and solutions that have strong support in the community. These issues deserve further consideration by CARB, SCAQMD and the appropriate local governments. Such issues include but are not limited to creating a buffer zone between sensitive receptors and oil and gas operations, the use of modified hydrofluoric acid at refineries and longstanding land use policies. CARB and SCAQMD should develop a way in which these issues can be catalogued and addressed or referred to the appropriate entity.

Thank you for your consideration of our comments. CCA looks forward to continued engagement with the AB 617 process.

¹⁴ *Expedited BARCT*, CARB, (2020), retrieved March 5, 2020, <https://ww2.arb.ca.gov/our-work/programs/technology-clearinghouse/expedited-barct>

¹⁵ Assembly Bill 617, California Legislative Information, (July 27, 2017), retrieved March 5, 2020, http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB617

Sincerely,

A handwritten signature in black ink that reads "Christopher Chavez". The signature is fluid and cursive, with a long horizontal flourish extending to the right from the end of the name.

Christopher Chavez
Deputy Policy Director
West Long Beach Resident of the WCWLB Community Steering Committee