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March 20, 2017

Via E-Mail

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, California 95814

Re: 2016 AQMP for the South Coast Air Basin

Clerk of the Board:

This letter is submitted on behalf of the Ontario International Airport Authority ("OIAA") as the owner and operator of Ontario International Airport ("ONT" or "Airport") regarding the recent approval action by the South Coast Air Quality Management District ("SCAQMD" or "District") Governing Board to consider an indirect source rule ("ISR") for airports in the South Coast Air Basin ("SCAB" or "Basin"). The consideration of an ISR for airports (MOB-04) is included in the Final Air Quality Management Plan ("AQMP") for the District and is now before the California Air Resources Board ("CARB") for consideration and inclusion in its State Implementation Plan ("SIP").

The District's recent approval actions relating to consideration of an ISR for airports have significant legal impediments, including (i) the District's failure to discuss and analyze an ISR for airports in the draft AQMP and provide the legal authority the District is relying on for this type of measure; (ii) the District's failure to adequately analyze the potential environmental impacts of any regulatory measure consistent with the requirements of the California Environmental Quality Act ("CEQA"); (iii) the District's lack of legal authority over the many of the airport's tenants; and (iv) the failure to delineate emission baselines and annual emission reduction targets that appropriately take into account the limitations on regulation of airports. Because of these serious legal impediments, among others, we request that CARB *not* include the airport measure (MOB-04) in any SIP submittal.

OIAA is a relatively new Airport Authority and one of the few airports in the Basin that has significant growth potential during the AQMP planning horizon. One of OIAA's primary goals is to ensure that the communities of San Bernardino, Riverside, and east Los Angeles Counties have access to a fully operational airport like those provided for the communities of West Los Angeles and Orange County. Therefore, it is imperative that CARB not move forward with regulations or restrictions that may unnecessarily and inappropriately restrict the ability of OIAA to carry out its mission to serve the community. That said it is also important to emphasize that OIAA is eager to engage with SCAQMD and CARB in the coming months and years and looks forward to collaborating with the District to secure emission reductions from sources

within our control and jurisdictional authority in order to achieve our mutual goals. Unfortunately, the recently approved airport measure (MOB-04) may derail the cooperative and collaborative efforts of airports in the Basin to implement appropriate emission reduction measures.

Although the Draft AQMP included a proposed voluntary control measure for airports, which provided for the initiation of a working group to discuss airport emissions related issues and provide input in the development of mechanisms to implement the control measure; unfortunately, and after the close of the public hearing on proposed MOB-04, amendments to the airport measure were introduced, and ultimately approved by the District, which include drafting for Board consideration an ISR for commercial airports in the Basin. The District may not regulate ONT under an ISR because the authority to do so rests with the Administrator of the EPA. 42 U.S.C. 7410(a)(5)(B) and (C). Therefore, there is no potential authority for the District to indirectly regulate emissions at airports. Any attempt by the District to impose an indirect regulation on airport related emissions is an impermissible and unconstitutional intrusion into an area which is pervasively and exclusively controlled by federal law and federal authority. (*City of Burbank v. Lockheed Air Terminal, Inc.* (1973) 411 U.S. 624, 633). The approval of MOB-04, which sets in motion a path for consideration of an ISR for airports in the Basin, is therefore outside the District's legal authority. In addition, the District has not taken into consideration potential economic, legal or technological constraints that will need to be considered as part of any emission reduction strategy imposed on airports. The airport working group process should be initiated, but any regulatory path can be initiated *only* after discussions and analysis are completed consistent with the statutory and regulatory requirements and obligations of the District, including compliance with CEQA.

In summary, we encourage CARB to *not* include MOB-04 in any SIP submittal to EPA. The District must first engage in a proactive and transparent process relating to the formulation of any emission reduction measures specifically for airports, including the establishment of appropriate baseline and forecast emissions inventories. This is necessary *prior* to initiating any regulatory process. Additional careful coordination with ONT, as well as the commercial airlines and other aeronautical users, will be critical to ensuring that the inventories are accurate and that any control measures that are ultimately approved can be successfully implemented. In addition, SCAQMD staff should coordinate with both FAA and commercial airlines to ensure that the emissions inventories are based on an accurate understanding of existing and proposed aeronautical conditions.

In closing, we appreciate the opportunity to participate in the development of appropriate emission reduction strategies for airports in the Basin and look forward to working with both CARB and SCAQMD on developing reasonable local and state-wide emission reduction measures for airports.

Sincerely,



Kelly J. Fredericks, P.E., A.A.E.
Chief Executive Officer
Ontario International Airport Authority

cc: Wayne Nastri, Executive Director, South Coast Air Quality Management District
Jim Lites, Executive Director, California Airports Council
Alan D. Wapner, President, Ontario International Airport Authority
Jim W. Bowman, Commissioner
Ronald O. Loveridge, Commissioner
Curt Hagman, Commissioner
Lucy Dunn, Commissioner