



Jim Verburg
Senior Manager, Fuels

March 4, 2022

Submitted by email to: Ariel.Fideldy@arb.ca.gov

Ms. Ariel Fideldy
Air Pollution Specialist, Air Quality Planning and Science Division
California Air Resources Board
1001 I Street,
Sacramento, CA 95814

Re: WSPA Comments on Draft CARB 2022 State Implementation Plan Strategy

Dear Ms. Fideldy:

The Western States Petroleum Association (WSPA) appreciates the opportunity to comment on the California Air Resources Board (CARB) Draft 2022 State SIP Strategy,¹ which was released on January 31, 2022, and the Public Workshop on the Draft 2022 State Implementation Plan (SIP) Strategy on February 10, 2022. WSPA is a non-profit trade association that represents companies that export for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states, and has been an active participant in air quality planning issues for over 30 years.

In reviewing the Draft 2022 State SIP Strategy and CARB staff workshop presentations, WSPA has identified several concerns regarding the direction of the draft strategy. These concerns are discussed in detail below.

Concern 1 – Over-reliance on EV Technologies

To meet the State's emission reduction goals, it is important that a broad, technology-inclusive approach be reflected in the SIP. The proposed Draft 2022 SIP Strategy relies predominantly, if not exclusively, on zero emission vehicle (ZEV) technologies. This approach will leave the SIP vulnerable to not meeting California's emission reduction goals because unaddressed technical concerns about infrastructure and vehicle availability inherent in its ZEV-centric approach will cause the Mobile Source Strategy (MSS) to fall short or fail.

Concern 2 – No Clear Pathway to Meeting the Federal Ozone Standard

The Draft 2022 State SIP Strategy does not appear to be sufficient to attain the 70-ppb federal 8-hour ozone standard by 2037 in the South Coast Air Basin. As well as not demonstrating expeditious attainment the standard in other non-attainment areas. Further, the Draft 2022 State SIP Strategy does not assess the effectiveness (or lack thereof) in meeting the reduction commitments of the federally-approved 2016 State SIP Strategy² needed for the South Coast and San Joaquin Valley air basins to meet their 2023 and 2031 attainment dates for previous ozone standards.

¹ CARB Draft 2022 State Strategy for State Implementation Plan. January 31, 2022. Available at: https://ww2.arb.ca.gov/sites/default/files/2022-01/Draft_2022_State_SIP_Strategy.pdf. Accessed: February 2022.

² CARB Proposed 2016 State Strategy For the State Implementation Plan. May 17, 2016. Available at <https://ww3.arb.ca.gov/planning/sip/2016sip/2016statesip.pdf>. Accessed February 2022.

Throughout the development and discussion of the Draft 2022 State SIP Strategy, stakeholders have expressed repeated concern that the CARB's proposed pathway fails to provide the emission reductions necessary to achieve key attainment targets in the state. The South Coast Air Quality Management District (AQMD) commented that "[T]he lack of discussion of the 2023 8-hour ozone attainment dates in the South Coast Air Basin in the draft Mobile Source Strategy is very disturbing and likely unlawful."³

Unlike the 2016 State SIP Strategy,⁴ the Draft 2022 State SIP Strategy does not include projected emission reductions for the interim years between now and 2037. The lack of transparency regarding these key target dates is concerning in light of criticism that CARB is sacrificing potential near-term criteria air pollutant emission reductions in favor of a long-term strategy to achieve the State's greenhouse gas (GHG) goals. CARB's current strategy focuses nearly entirely on the deployment of ZEVs that rely upon uncertain vehicle/infrastructure availability and cost assumptions within its implementation timelines spanning from 2023 out to 2045, with emission benefits only being realized during the latter years.

The purpose of a SIP strategy is to achieve the National Ambient Air Quality Standards (NAAQS) within all districts as mandated by the Federal Clean Air Act, yet CARB recognizes that an additional 47 tons per day (tpd) of NO_x emission reductions will be required in the South Coast by 2037 beyond those identified in the Draft 2022 State SIP Strategy.⁵ By refusing to discuss the broader use of lower-emitting internal combustion engine (ICE) technologies and fuels, CARB is leaving potential near-term emission reductions on the table and actively delaying attainment in the South Coast.

Comment 3 – Significant Deviation from 2016 State SIP Strategy

The Draft 2022 State SIP Strategy does not appear to deliver the emission reductions which had been promised under the 2016 State SIP Strategy by abandoning key advanced technology measures that would reduce near-term NO_x emissions from ICE vehicles. Instead, the proposed strategy identifies policies at the expense of pathways that could attain the ozone standards set by the Federal Clean Air Act. CARB's narrow reading of the Governor's Executive Order N-79-20⁶ has led to a Mobile Source Strategy (MSS) and SIP Strategy centered nearly entirely around the adoption of ZEVs. In developing this strategy, CARB has side-lined the role of lower-emitting ICE vehicles and strategies that may be more feasible and achieve these emission reduction goals on an earlier timeline, without any justification as to why these policies were selected over others.

Ramboll's "Multi-Technology Pathways to Achieve California's Air Quality and Greenhouse Gas Goals: Heavy-Heavy-Duty Truck Case Study" (Attachment A) highlighted the inconsistencies between CARB's proposed 2022 strategy and its Clean Air Act obligation to make expeditious

³ South Coast AQMD Comments on CARB's Draft Mobile Source Strategy. October 20, 2022. Available at https://ww2.arb.ca.gov/sites/default/files/2020-11/SouthCoastAQMD_Comment-WorkshopDiscussionDraft2020MSS.pdf. Accessed February 2022.

⁴ CARB Proposed 2016 State Strategy For the State Implementation Plan. May 17, 2016. Available at <https://ww3.arb.ca.gov/planning/sip/2016sip/2016statesip.pdf>. Accessed February 2022.

⁵ CARB Draft 2022 State Strategy for State Implementation Plan. January 31, 2022. Available at: https://ww2.arb.ca.gov/sites/default/files/2022-01/Draft_2022_State_SIP_Strategy.pdf. Accessed: February 2022.

⁶ California Executive Order N-79-20. September 23, 2022. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>. Accessed: February 2022.

progress towards the ozone standard. Ramboll's analysis of multi-technology pathways, which include a combination of lower-emission (75% to 100% lower) vehicle technologies and fuel mixes (including lower carbon intensity liquid and gaseous fuels), demonstrated that there are surer and less costly paths to meeting near-term federal health requirements, while progressing on State climate goals and achieving greater emission reductions per dollar spent.

The case study showed that if CARB had implemented policies that encouraged the near-term adoption of zero-emission and low-NO_x heavy-heavy duty trucks (HHDT) as it committed to in the 2016 State SIP Strategy, **CARB could have reduced NO_x emissions from this major NO_x source by 22% by 2023, 63% by 2031, and 80% by 2037, in comparison to CARB's current ZEV-centric approach (<1% by 2023, 42% by 2031, and 71% by 2037).** It also showed that multi-technology approaches, which would require significantly less new infrastructure (whose cost and other impacts CARB has not completely understood) and vehicle costs, still match the NO_x emission reductions CARB has set for this major sector.

Regardless, the Draft 2022 State SIP Strategy noticeably did not include measures for lower-emission engine standards for light- and heavy-duty vehicles, which were pivotal to CARB's 2016 State SIP Strategy. Without such measures to address near-term NO_x emissions, CARB will continue to fail on its Clean Air Act obligation to achieve a 70% reduction in NO_x emissions from mobile sources in the South Coast by 2023, and an 80% reduction by 2031, as had been committed to under the 2016 State SIP Strategy.⁷

Next Steps and Recommendation

We will continue to review Chapter 7 and Appendix A of the Draft 2022 State SIP Strategy and will submit comments for CARB's consideration as needed for its CEQA analysis and subsequent State SIP Strategy documents. Our previous comments on the MSS have been included as Attachment B for reference. WSPA supports and recommends that CARB include greater scope for low-NO_x vehicle and equipment technologies in its 2022 SIP Strategy to meet its commitments and not simply act within the narrow reading of the Governor's Executive Order N-79-20⁸ that would lead to a failure to meet the emission reductions required for ozone attainment in areas throughout the State. We believe the current path that CARB is pursuing with solely zero emission vehicles is going to miss an opportunity for immediate emission reductions and significant air quality benefits from technologies that currently exist.

⁷ CARB Proposed 2016 State Strategy For the State Implementation Plan. May 17, 2016. Available at <https://ww3.arb.ca.gov/planning/sip/2016sip/2016statesip.pdf>. Accessed: February 2022.

⁸ California Executive Order N-79-20. September 23, 2022. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>. Accessed: February 2022.

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WSPA would welcome the opportunity to discuss these comments in more detail. Thank you for consideration of our comments in this letter. If you have any immediate questions, please feel free to contact me at (360) 296-0692 or via e-mail at jverborg@wspa.org.

Sincerely,



James Verburg

Sr. Manager, Fuels



Cc: Wayne Nastri, South Coast Air Quality Management District
Samir Sheikh, San Joaquin Valley Air Pollution Control District

Attachment A – Ramboll HHDT Case Study
Attachment B – Previous WSPA MSS Comment letters