

BLUE LAKE RANCHERIA

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September 20, 2018

California Air Resources Board
Via Online Submission Portal:

https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ict2018&comm_period=A

Re: Comments on California AB 617 Community Air Protection Program Concept Paper and Draft Blueprint

To All This May Concern,

On behalf of the Blue Lake Rancheria ("Tribe"), a federally recognized tribal government, I submit these comments on California AB 617 Community Air Protection Program (CAPP) Concept Paper and Draft Blueprint. As stated by the California Air Resources Board (CARB) the AB 617 legislation sets out a framework that includes:

- Community-level air quality monitoring
- A state strategy and community emissions reductions programs
- An expedited schedule for the installation of the cleanest controls on industrial facilities
- Enhanced requirements for reporting of emissions data
- Increased penalty provisions for polluters
- Grants to local community groups to support active engagement in developing solutions for their communities.

This framework holds promise achieving direct – rather than trickle-down – emissions reductions within communities. The Tribe respectfully submits the following recommendations to help implement the program.

An expedited schedule for the installation of the cleanest controls on industrial facilities

The Tribe recommends this mandate of AB 617 be treated as a separate initiative, to ensure sufficient focus from the state's air districts, communities that are impacted by these facilities, and other stakeholders. It is critically important that industrial facilities install the best available controls on an expedited schedule, and given the complexity of the efficacy of these technologies, we recommend a distinct effort to ensure the public benefits from this mandate.

Enhanced requirements for reporting of emissions data; criteria and toxics reporting

AB 617 requires transparent, state-wide, consolidated, no-fee, publicly accessible emissions reporting from stationary sources across the state.

The Tribe recommends CARB not confine this reporting to selected AB 617 communities. All air districts should be required to provide their emissions reporting data from stationary sources, including all notices of violations and site inspection / incident reports, to a central database. Examples of public-facing databases that fulfill a similar role include the US EPA Enforcement and Compliance History Online (ECHO) <https://echo.epa.gov/>.

The Tribe recommends adding stationary source notices of violation and other non-compliance / enforcement information to the metrics used for selecting AB 617 communities. Where stationary sources' emissions are not in

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compliance, this is clearly a key input into analyzing specific and cumulative air pollution impacts on a particular population/community.

The Tribe recommends that CA Health and Safety Code Section 44360 Air Toxics “Hot Spots” program include biomass power plants. The Tribe highly recommends including biomass power plants in a broader array of ‘air toxics hot spot’ designations and reporting requirements. Emissions from biomass plants are similar to emissions from coal plants, and the Tribe recommends that criteria/toxic emissions from biomass plants be treated with the severity applied to coal plants in terms of health hazards and air quality impacts.

Further, when a stationary source fails to pay any of its required fees, record of that default, payment extensions and penalty waivers granted by the air district(s), and cures for any defaults, should be reported through this same database. *The public is entitled to receiving the benefit of these mandatory fees.* These required fees support adequate permitting, enforcement, and compliance resources, and the public has a right to know if these fees are paid, if the air district(s) are enabling delayed payments and/or waiving penalties. It is also important to know when a stationary source may be falling behind, as it could impact the resources available to the local air district and it could have implications for the source(s)’ ability to operate in compliance, install and maintain pollution controls, and other financial and operational considerations.

Where facilities are conducting a health risk assessment, these assessments should be conducted by an objective, qualified third-party firm, and ideally the firm would be required to have certain qualifications, vetted and approved by CARB or other agency prior to conducting the assessment.

Increased penalty provisions for polluters

AB 617 requires “enhanced enforcement.” The Tribe particularly supports this provision of the legislation, and encourages a statewide review of air district enforcement actions to analyze whether enforcement is effective in achieving actual compliance and driving air pollution reductions. The Tribe recommends far more stringent enforcement of air quality regulations, and a particular focus on Title V permit emission limits, non-payment of required fees, strengthening particulate matter (PM) 2.5 regulation and enforcement, and more robust enforcement of major stationary sources.

Where compliance and enforcement issues are occurring, the model of an air district-led and convened ‘multi-jurisdictional task force’ approach – including air district(s), CARB, CaEPA, the state water control board – would certainly streamline enforcement activities, and reduce burdens on impacted / affected people to marshal and manage those various enforcement agencies and roles. Coordinating those enforcement agency silos into ‘enforcement sweeps’ is an excellent idea. In the Tribe’s experience, the various enforcement agencies are quick to draw a thick line around their jurisdictions and topics of concern (i.e. air *or* water) – when in reality pollution emissions often impact multiple sectors – air *and* water – and violate multiple laws and regulations – Clean Air Act and Clean Water Act– simultaneously. The Tribe has spent a great deal of effort coordinating between multiple enforcement agencies, and it is an enormous burden on a small staff.

Sincerely,

/s/

Arla Ramsey

Vice Chairperson