



625 Burnell Street • Napa, CA 94559-3420
Tel: (707) 259-8631
Fax: (707) 259-8638

September 11, 2014

Mr. Matthew Rodriguez
Secretary, California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Ms. Mary Nichols
Chairman, California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Re: CalEPA Identification of Disadvantaged Communities & ARB Interim Guidance

Dear Secretary Rodriguez and Chairman Nichols:

Napa County Transportation and Planning Agency (NCTPA) respectfully offers the following comments on the identification of disadvantaged communities (DACs) proposed by the California Environmental Protection Agency (CalEPA) pursuant to Health & Safety (H&S) Code 39711 and the Interim Guidance proposed by the Air Resources Board (ARB) for state agencies administering Greenhouse Gas Reduction Fund monies pursuant to H&S Code 39715.

While NCTPA strongly supports the goal of investing a minimum share of funds in and for the benefit of disadvantaged communities, we have serious concerns about using the CalEnviroScreen's 20% cutoff (Method 1) as the way to identify these communities. Method 1 does not take into account the City of Napa transit priority area as shown in the BAAQMD's Method 6 which is also in proximity to the City of Napa Priority Development Area (PDA). Under this approach, too many low-income and environmentally burdened communities in the Bay Area would be moved to the back of the funding line.

Current law clearly allows CalEPA to use population based metrics *or* environmental metrics when establishing its definition of disadvantaged communities. Yet, CalEPA's proposed Method 1 requires that in order for a census tract to be identified as a DAC, it must score relatively high on virtually all 19 criteria. Under this approach, many communities that are severely disadvantaged in terms of a few key health factors, such as income, air quality, asthma rates and low birth weight nonetheless fall outside of the top 20% threshold. Consider the following counterintuitive results of Method 1:

- Of the top 10 *most impoverished* census tracts in the Bay Area — where poverty rates exceed 70 percent— not a single one is included in CalEPA’s definition.
- Of the 46 census tracts that *are* identified by Method 1, 20 are census tracts where the poverty rate is actually less than 50 percent.

We respectfully urge you to consider the alternative put forward by the Bay Area Air Quality Management District as “Method 6,” as well as their recommendation to remove the pesticide variable as it is unfair that Bay Area residents exposed to pesticide are ignored simply because the exposure isn’t in an agricultural context. In addition, we agree that whatever tool is adopted ought to account for cost of living differences and that the use of “rent burden” is an appropriate way to make this adjustment given that the cost of living differences are largely due to the cost of housing. Lastly, we urge you to set the threshold for determining disadvantage at the top 30% rather than 20% or 25% so as to minimize overlooking disadvantaged communities whose scores might be on the cusp of the stricter thresholds.

We are aware of the extensive time and energy that OEHHA and CalEPA staff has spent creating and improving upon CalEnviroScreen over the last two years. Rather than asking that the CES be jettisoned altogether, Method 6 builds on that work.

What does Method 6 look like for the Bay Area? It includes 221 census tracts, home to approximately 938,000 Bay Area residents.

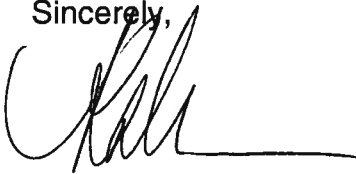
- 90% are transit priority areas where the region is trying to focus growth.
- 71% have 30% or higher concentration of households living in poverty.
- 62% are considered “rent-burdened,” where at least 15% of households are spending 50% or more of their income on rent
- Over 2/3rds are MTC Communities of Concern

The census tract within Napa identified as part of Method 6 contains a population that is very low income with over 95% of the households living below the 200% federal poverty level. Within this same tract, over 75% of the population has a disability and 99% are high-burden renters, spending more than 50% of their income on rent. Further, this census tract is in proximate access to the Downtown Napa-Soscol Gateway Corridor PDA which will take on a majority of the City of Napa’s future growth. This tract is similar to hundreds of others throughout the state that would be summarily dismissed by using Method 1 to define disadvantaged communities for the purposes of distributing Greenhouse Gas Reduction Fund revenues.

We respectfully encourage you to take more time to identify disadvantaged communities and the method for determining project benefit so that you can carefully consider public comments before you make a final decision. Given the millions of dollars in high-profile public funds at stake and the scores of worthy projects that will be vying for funding, it is imperative that state agencies develop the program guidelines in a transparent manner that allows for meaningful public input.

ARB's scheduled adoption of its interim guidance on September 18th — just two full days after the close of public comment— leaves little opportunity for ARB staff to consider these comments before finalizing their proposal. CalEPA has indicated a similarly rushed schedule with plans to finalize identification of DACs by the end of September. It is not clear to us why these decisions need to be made so quickly. For instance, the proposed schedule released by the Strategic Growth Council indicates that applications for funding will not even be *due* until April 2015, with funds expected to be awarded in June — *nine* months from now. As for the two public transit programs, no time frame has even been released for the program guidelines, suggesting a Notice of Funding Availability is very unlikely before early 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Miller', with a long horizontal line extending to the right.

Kate Miller
NCTPA Executive Director

cc: Rebecca Long, MTC