



September 24, 2020

VIA ELECTRONIC MAIL

Richard Corey, Executive Officer
Vernon Hughes, Acting Director with the Office of Community Air Protection
Trish Johnson, Staff Air Pollution Specialist
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: 7-Month Status Update on South Central Fresno CERP Implementation

To the California Air Resources Board:

The undersigned South Central Fresno residents, Community Steering Committee (CSC) members, and community-based organizations respectfully submit these comments and follow-up to the [letter submitted February 10, 2020](#).

Our comments below briefly describe some of the achievements and improvements identified in the implementation process since approval of the South Central Fresno Community Emission Reduction Plan (CERP) on February 13, 2020. We request that the California Air Resources Board (CARB) work with the San Joaquin Valley Air Pollution Control District (Air District) to ensure that the Fresno CERP and additional resolution items voted on in February adequately respond to the longstanding and documented needs of community residents, and that measures are implemented in accordance with the intent of the AB 617 program. We also request that these comments be reflected in the staff's status report of South Central Fresno's CERP implementation, and that an action plan to improve implementation for the items below is developed by CARB and the Air District.

1. Ongoing Efforts and Measures Being Implemented

Accessibility of the 617 process and decisions has been one of the longest standing concerns of community residents. We would like to recognize the Air District's great effort to conduct effective and accessible Zoom meetings, provide interpretation at meetings, and increase resident access to the digital meeting spaces over the transition to remote meetings in these challenging months. While the Air District has increased accessibility to CSC meetings in many ways, community residents remain unable to participate fully in meetings because meeting materials are not made available well ahead of time, or



translated to CSC members' preferred languages. Early provision of translated meeting materials must be ensured if discussion in CSC meetings is to be robust, generative, decisive, and inclusive of all.

We also appreciate the new model of rotating co-hosts of CSC meetings that the Air District has helped implement to address concerns about **CSC governance**. As advocates have said before: the vision, milestones, and measures of local 617 processes should be developed by CSCs as lead decision makers, with welcomed expert technical guidance and training from the Air District, which serves to support CSC decision making in this process. It is not acceptable, and goes against the spirit of 617, that the Fresno CSC has been relegated to giving piecemeal feedback to the Air District, instead of being able to craft and implement a true and complete vision of their CERP from the very beginning. Moreover, it's highly inefficient for a CSC to then be asked to improve an incomprehensive and unresponsive plan that needs considerably more work. The leadership, vision, and expertise of the community need to be honored, and need to be the foundation upon which all meetings, processes, and decisions composing the AB 617 program are based. For example, while it has been effective to create subcommittees for three CERP measures that are currently being implemented, the CSC members are still not being invited into the decision making conversations with the involved agencies (ie: the school districts and the city), and are only given updates once a plan is decided on by the Air District.

The Air District is also required by the resolution to “**conduct a review of stationary source rules** applicable to sources in the community and discuss current permitting and rule-making processes, as well as next steps in a transparent and expeditious manner with the community steering committee members by the end of 2020.” Community members have already expressed the need to update rules in specific response to the pollution burden in the South Central community. While the Air District has identified which stationary source rules are applicable to sources in the 617 community and presented this to the CSC, expeditious next steps to assess how these rules, permitting requirements, and thresholds will be strengthened in South Central has not happened. When advocates have repeatedly asked district staff what their process is for strengthening rules in the 617 area, they have merely been reminded that the district is updating rules through its ongoing SIP implementation. It is not acceptable that the Air District is using its ongoing rule updates through SIP implementation to meet this requirement in the resolution, instead of assessing how District rules applicable to the South Central area should be strengthened further to respond to the extreme pollution burden in the community. Furthermore, there is still a disconnect between the material the Air District presents to the CSC on its rules, and the actual concerns that are being voiced constantly by community members. Residents have repeatedly said that throughout the Air District's presentations, they still question what is tangibly being done in the community to stop the problems that are creating air quality issues.

Additionally, we are deeply concerned that all CERP actions, intended to be taken on by the Office of **Compliance and Enforcement** staff at the San Joaquin Valley Air District, have made no reportable or substantive impact on the Air District's conduction of field activities and enforcement action. Field activities include community-specific complaint responses, evaluating and addressing notifications (e.g.,



equipment breakdowns, agricultural burns, or flaring), facility inspections, surveillance operations, and other daily functions carried out by Enforcement staff. The rules are only as effective as is the enforcement of them. What still remains unaddressed is how District enforcement will be improved to fully meet the demands of the rule updates and the considerable need for reliable response.

Air District staff have reported that they are creating a tool to **track South Central progress of 617 implementation**, but it is unclear when this tool will be available. An accessible and continually updated tool to track progress is needed now which should include a timeline for the completion of goals as implementation presses on, and as the community remains concerned that some crucial CERP and resolution measures are already being left behind.

We extend our thanks to the Air District, City of Fresno, and the CSC subcommittee for working together to secure and initiate a fully funded **truck reroute study**, for which we hope to see a RFP soon.

2. Measures Not Yet Initiated

One of the most crucial outcomes of the February CERP hearing was the requirement to include **enforceable, quantifiable emissions reductions** in the South Central Fresno CERP. However, the CSC has been told that emission reduction targets do not apply to all measures within the CERP, and has seen that the only measures in the CERP with these targets are based on incentive funding. This requirement is falling silent, and there have been no updates on what possible new information is available to include these emission reduction targets for all measures.

Another greatly needed resolution item from the Fresno CERP hearing is the **Memorandum of Understanding**, intended to be developed in coordination with the Air District, city, and county agencies. It is crucial to have a cross-agency agreement in place due to the fact that the presence and work of the Air District and the AB617 community continues to be an afterthought in policymaking and zoning processes, and have not been at forefront when local agencies have made land use decisions.

The Air District had committed previously to creating a process for the **CSC to adjust the funding amounts of CERP measures**. An example of why this is so crucial is the measure regarding Air Filtration in Schools. The CSC has concluded that the original amount allocated to this measure is extremely underfunded, now that it is more clear that many schools' filtration systems are not able to support current standard filters.



We hope and expect that this perspective from the community is valuable as we coordinate next steps to continue improving upon 617 implementation. We look forward to working with you, South Central Fresno residents, and the Community Steering Committee to ensure AB 617 is implemented diligently, meaningfully, and honoring community residents' local expertise and urgent health burdens.

Sincerely,

Ivanka Saunders
South Central Fresno Resident & CSC Member
Policy Coordinator, Leadership Counsel for Justice and Accountability

Estela Ortega
South Central Fresno Resident & CSC Member

Eric Payne
South Central Fresno Resident & CSC Member

Genevieve Gale
South Central Fresno Resident & CSC Member

Kimberly McCoy
CSC Member
Project Director, Fresno Building Healthy Communities

Shayda Azamian
Policy Coordinator, Leadership Counsel for Justice and Accountability

cc: Samir Sheikh, Executive Director/APCO
Ryan Hayashi, Deputy APCO
Sheraz Gill, Deputy APCO
Jessica Olsen, Program Manager
San Joaquin Valley Air Pollution Control District