Attachment 1
WSPA Detailed Comments on
CARB Final Draft Community Air Protection Program
Blueprint and Appendices

Detailed Blueprint Comments

Action before analysis - The Blueprint makes statements directing air districts to take immediate actions to reduce emissions in candidate communities before they conduct any of the analyses required by statute. For example, the fifth bullet on page 11 requires a "Focus on immediate action in communities where the nature of the air pollution burden and contributing sources are well known." A similar statement occurs at the bottom of page 19: "Therefore, the selection of initial communities will also include a description of near-term actions to reduce emissions and exposure in disproportionately burdened communities throughout the State." Appendix C states on page C-19 that "The systematic development of targets and strategies should not delay action that can quickly deliver emissions and exposure reductions. *CARB encourages immediate implementation of any feasible activities identified in parallel with program development.*" (emphasis added) These statements encourage a scattershot implementation approach that bypasses critical statutory requirements intended to focus efforts and expenditure of resources for maximum benefit in eligible communities in the shortest possible timeframe.

Community monitoring data quality - If CARB plans to post monitoring data generated by community-based organizations alongside regulatory agency monitoring data in its web portal, as suggested on page 4, the intended use of the data should be specified and it should meet specified data quality and QA/QC requirements applicable to that use. CARB should specify these requirements both in Appendix E and in any documentation provided pursuant to grant funding that may be spent on community-based monitoring.

Technology Clearinghouse - CARB needs to provide more information on how the Technology Clearinghouse will differentiate BACT/BARCT relative to "next generation technologies." CARB should provide more discussion about how BACT and BARCT determinations are made for individual emissions units pursuant to the requirements of Health and Safety Code § 40920.6 (e.g., in consideration of energy, environmental, and economic impacts and other costs, a track record of application to similar sources, etc.). CARB should also discuss impediments to implementation of next generation technologies and why direct comparisons between next generation technologies and BACT/BARCT technologies are not appropriate (page 15).

Enforcement strategies - References to "enforcement strategies and enforceable agreements to help ensure rules and regulations achieve their expected reductions" (page 24) should be accompanied by additional language clarifying that violations and inadequate enforcement are not the only reasons a rule may not achieve its intended emission reductions. In fact, there are multiple reasons why a rule may not achieve the intended emissions reductions including, but not limited to, changes in markets,

inaccurate predictions of available technology, or poor performance of technology relative to initial predictions and assumptions.

Appendix B

Program sustainability - The description of the community selection process in Appendix B suggests that AB 617 will be an ever-expanding program. There are no explicit statements or requirements limiting the life span of community monitoring or emissions reduction programs. Even where CARB discusses a five-year timeframe for achieving emissions reduction targets, it does not state that the CERP will be complete and closed at the end of that timeframe. As we have indicated in our previous comments, this approach is not sustainable. If CARB intends to shift program resources from completed CERPs to other communities that meet the statutory selection criteria, then it should clearly state that intent in the Blueprint and the Appendices. Absent this clarification, some stakeholders will expect CERPs to continue to operate in perpetuity in every selected community.

Technical assessments for self-nominated communities - CARB is proposing to complete technical assessments for all self-nominated communities as part of the "statewide process", making them eligible for AB 617 programs without first determining if the self-nominated community meets the statutory selection criteria (i.e., the community faces a disproportionately high cumulative air pollution exposure burden relative to other communities on a statewide basis) (page B-4). This approach would not support effective allocation of program resources, particularly where the self-nomination is influenced by impacts other than air pollution. For this reason, self-nominations should be subject to the same information requirements imposed on the air districts for identifying candidate communities listed on page B-5.

Data sources for community assessments and recommendations - To the best of our knowledge, at least some of the information sources listed on pages B-8 and B-9 have not been subject to public or external peer review to determine whether they are scientifically valid or fit for the intended purpose. Similarly, CARB and the Department of Toxic Substances Control should include a process for external scientific peer review of the cumulative effects research program mentioned briefly on page B-9. At a minimum, this process should satisfy the peer review requirements at Health and Safety Code § 57004 before CARB posts a final report or guidance document in the online Resource Center, given that it is a scientific work product that will inform future regulatory decisions.

Minimum requirements for communities recommended for emissions reduction programs - The list of requirements starting at page B-10 includes information intended to establish that "emissions sources are well characterized in the community," that available air monitoring results are sufficient to inform community emissions reduction program development and that "sufficient data and resources are available to produce source attribution results for use in strategy development within the timeframes prescribed by AB 617." This information is critical to ensure that CERPs target the correct sources and will yield meaningful benefits in the community. However, CARB's 2018 Community Recommendations Staff Report does not include this required information for any of the communities selected for CERPs in year one. If CARB has obtained the required information and has completed a preliminary analysis to support its year one recommendations, that work should be evident in the materials released for public

review. This information is necessary both as justification for CARB's year one recommendations and as a guide for future community nominations and selections.

Additional selection criteria - As stated in our comments on the first draft Blueprint, CARB's proposed additional selection criteria – regional diversity and source diversity - are not required by the statute and may skew the selection process intended by the Legislature. For example, these criteria could divert program focus from some communities that face a disproportionately high cumulative exposure burden from a limited number of pollutants to other communities that face a lesser burden simply because they are a better fit relative to these arbitrary criteria.

Appendix C

Requirements for community emissions reduction programs - The 5th bullet on page C-4 specifies "Identifying applicable regulatory, enforcement, incentive, and permitting strategies to implement new action and the most stringent approaches for reducing emissions, with a focus on zero emission technologies where feasible." Several of these elements are not contemplated, much less required by AB 617, and should be presented as options to be considered rather than as minimum requirements. In addition, any consideration of "the most stringent approaches" and zero emission technologies should be accompanied by references to evaluation of technical feasibility and cost effectiveness, consistent with statutory requirements (e.g., Health and Safety Code § 44391.2(c)(2)). This bullet will invite demands from some stakeholders that a CERP must contain all of the referenced elements instead of those needed to reduce the high cumulative exposure burden in the community. Similarly, the 6th bullet appears to require land use and transportation measures in every emissions reduction plan, even if they are not relevant to a particular community or would not be achievable within a 5-year timeframe. CARB should preface this list with cautionary language indicating that it encompasses a broad menu of potential program elements from which air districts will select strategies and measures that best address the needs of particular communities.

Toxic air contaminant reductions - CARB asserts on page C-6 (and again in the first bullet on page C-7) that the focus for reducing exposures to toxic air contaminants will be on "identifying technologies and practices that offer the maximum level of emissions reductions achievable." Again, this statement is devoid of any reference to the statutory requirement for selection of cost-effective measures. It also ignores the design and operation of state air toxics law and regulations. For example, under South Coast AQMD Rule 1402, if a facility health risk assessment indicates a level of cancer risk below 10 in one million at the maximally exposed individual, the facility is not required to notify, much less take actions to reduce emissions. This language suggests that if there is *any* measurable concentration of a carcinogenic pollutant that it has to be reduced to the maximum extent achievable. Since AB 617 does not void or supersede existing air toxics laws or regulations, any measures targeting toxic air contaminants must be risk-based and consistent with applicable state and local requirements.

Community Steering Committee makeup - We support new references to inclusion of facility managers/workers in CSCs (e.g., C-4, C-9) and the reference on page 8 to business owners having "first-hand knowledge of the impacts of air pollution within their community and potential solutions." We agree the CSC should include those business representatives best suited to provide necessary information and perspective with regard to a particular facility. In many cases, this individual may be

the facility manager/worker, but not in all cases. For these reasons, CARB should also include the term "business representative" wherever it discusses the makeup of the CSCs.

Health based air quality objectives - We support CARB's re-ordering of Appendix C to elevate discussion of health-based air quality objectives and removal of the statement on page C-7 explicitly encouraging air districts to pursue PM 2.5 reductions below California Ambient Air Quality Standards. However, statements on page C-7 still appear to promote, at least indirectly, reductions of PM 2.5 beyond existing health-based standards to "help reduce the cumulative exposure burden within the community," despite the fact that there is no identified health benefit in achieving reductions below these levels. Federal and state ambient air quality standards are developed through rigorous regulatory processes designed to ensure that the promulgated standards will protect public health and are supported by a strong scientific consensus. Moreover, since AB 617 does not operate independently of these programs - the statute does not alter, suspend or supersede existing requirements - ***any*** potential measures that may be considered as part of a CERP must comport with existing statutory and regulatory requirements applicable to particular pollutants and sources. Resources that might be dedicated to the efforts CARB suggests would be better invested in reductions of toxic air contaminants that present health risks in excess of significant risk levels identified by air districts, or to develop CERPs in other communities that meet AB 617 selection criteria but do not meet existing health-based standards for air pollutants subject to AB 617.

It is also unrealistic to expect that pockets of PM 2.5 attainment can be achieved within a regional non-attainment area. This concept is also reflected in the Table C-1 Checklist ("Provide a description of health-based objectives, including: Reducing exposure caused by local sources to achieve healthful levels of PM2.5 within the community.") At a minimum, CARB should modify the text in the Appendix and the checklist to specify achievement of healthful levels of PM2.5 within the community "to the extent technically and economically feasible."

Natural factors influencing cumulative exposure burden - CARB's discussion of the localized health impacts of PM2.5 at page C-6 is an oversimplification of the challenges facing air districts in attaining federal and state ambient air quality standards. In particular, CARB fails to acknowledge that local emissions sources are not the only contributors to exposure burden in a given community. Weather patterns and topography can influence the transport of air pollutants from one community to another, leading to higher exposures in certain communities. CARB should clarify here that weather and topography can influence, and in some cases drive, elevated exposure burden from air pollutants independent of local emissions sources.

Community technical assessments - This section states that technical assessments will be based on best available data. However, CARB should also require identification of data gaps and mechanisms for obtaining all of the information required by Health and Safety Code § 44391.1(b)(2-4) *before* proceeding with an emissions reduction program. For example, identification and characterization of previously unknown or unquantified sources is essential to develop a useful community-level emissions inventory (page C-13) and to support accurate, reproducible source attribution analyses. This step is especially critical for year one communities since CARB's statewide emission reporting regulation will not be completed in time for submittal of emissions data from sources which do not currently report to the air districts. Omitting unregulated or minimally regulated sources that may contribute significantly to the

cumulative exposure burden in the community is a recipe for failing to achieve program emissions reduction targets.

Source attribution tasks - We support CARB's expanded discussion of source attribution tasks on page C-14. Among other things, this section emphasizes the importance of data adequacy to support accurate source attribution analysis. Data adequacy for source attribution must also inform CARB's threshold determination of whether a particular community is sufficiently well-characterized for selection as an emissions reduction program community. CARB continues to state that emissions reduction strategies in some communities can be based on broader source categories and that "more detailed source resolution may not always be necessary." This position suggests that even if individual source data are limited, some communities can proceed to emissions reduction programs. It is fundamentally incompatible with the required elements of an emissions reduction program, including but not limited to source attribution analysis that informs development of five-year emissions reduction targets and the source-specific measures necessary to achieve them (Health and Safety Code § 44391.2(b)(2-4)). For example, CARB states on page C-17 that "the technical assessment will have identified the mobile, stationary, and area-wide sources causing localized impacts within the community" and that the emissions reduction program "will identify source-specific technologies and control techniques that can reduce emissions of the identified pollutants and applicable precursors." It is not possible to establish "specific, quantifiable and measurable targets" that can be achieved in five years or corresponding source-specific measures if available data only support a coarse source-category-level analysis. We also recommend that CARB include an off-ramp in the CERP if it becomes apparent in the Community Steering Committee (CSC) process that available data are not sufficient to support source attribution analysis at the individual source level. The identified data gaps should be filled through a community monitoring program before the CSC proceeds to development of a CERP.

Planned rules and regulations - CARB states on page C-16 that "targets should commit to air quality benefits beyond existing reductions to occur from planned rules and regulations." This statement raises several questions. It is unclear how a CERP would account for planned rules and regulations in the community emissions baseline. If emissions reductions can be reasonably estimated from supporting documentation, then the planned rules and regulations should be considered in determining whether the community is subject to a high cumulative exposure burden relative to other communities on a statewide basis. However, CARB has not provided any information indicating that such analyses were considered in the community selection process. Moreover, the Blueprint documents should not require additional reductions based on the presumption that planned rules and regulations will not adequately address the high cumulative exposure burden in a given community. CARB must include a mechanism to account for emissions reductions associated with planned rules and regulations in determining the need for a CERP and in establishing the emissions baseline for a CERP. Failure to fully account for these reductions conflicts with CARB's proposal to include "planned" BARCT rules in CERPs, and would negate the anticipated emissions reduction benefits from the planned statewide regulatory measures referenced in the third bullet on page C-21 and detailed in Appendix F.

While it is possible to define an emissions baseline relative to rules and regulations that are adopted but not yet fully implemented, it is impossible to determine the emissions reductions that might accrue from air quality plans that have not been translated into regulations. Any estimates of potential emissions

reductions associated with planning documents would be highly speculative and would not be a technically defensible baseline for developing CERP targets.

Finally, air districts will need to account for routine fluctuations in annual emissions in the planning process and should not base reduction targets solely on the current or previous reporting year. This step will be especially important for any business which has maintenance schedules spanning long periods of time or for sources with emissions that fluctuate in response to economic expansions and contractions (e.g., mobile sources and some area sources).

Proximity-based goals - The discussion of proximity-based goals starting on page C-18 envisions measures that reach beyond what is feasible and what may be necessary from a source emissions reduction standpoint. For example, the concept of establishing "minimum setback requirements from significant sources" disregards the Air Toxics Hot Spots program and the operation of air district implementing regulations which rely on health risk assessments (HRA) to determine the need for emissions reductions from particular sources. The HRA considers proximity of the source to potential receptors, but also incorporates dispersion modeling and exposure assessment so risk estimates reflect pollutant concentrations at the receptor that are actually attributable to the source. Similarly, the notion of reducing fence line concentrations on page C-19 does not necessarily translate to reductions from the fenced source, especially in mixed use areas where multiple sources may be contributing to localized ambient concentrations. These concepts have no foundation in AB 617, but their presence in the Blueprint documents would obligate CARB and air districts to advocate that land use authorities implement measures to attain these narrative goals.

Emissions reduction program design and duration - CARB does not discuss the fate of CERPs after the five-year emissions reduction targets are achieved, but implies on page C-19 that the CERP may continue indefinitely. This approach will not be sustainable and will diminish program benefits in some communities. As noted above, if CARB intends to shift AB 617 resources to other eligible communities upon completion of a five-year CERP, then this policy decision should be explicitly stated so all stakeholders have a common understanding of how emissions reduction programs will be designed and when they will be completed.

Cost-effectiveness - We support new language on page C-20 stating that the statute requires emissions reduction programs to "identify cost-effective measures to achieve the targets." This same language should be cross-referenced elsewhere in the Blueprint documents where CARB specifies "implementing available technologies or control techniques that provide the greatest emissions reduction potential" (e.g., page C-17) or indicates a preference for deployment of zero emissions technologies. This analysis is not only required by the statute, but it is necessary to ensure that CERPs will maximize program benefits per dollar invested. CARB should require a similar approach for incentive-based strategies. On page C-33 CARB proposes as an annual implementation metric "The dollar amount invested and number of projects implemented in and/or benefitting the community if incentive strategies are part of the community emissions reduction program." This metric should not be limited to a simple project count – it should also quantify the incremental benefit per dollar amount invested for each project. This additional requirement would ensure that projects are not undertaken just to add to a project count, but because they will make a meaningful contribution to achieving emissions reduction targets and reducing exposure burden in the community.

Emissions and exposure reduction strategies - We note that the six categories of measures to be evaluated for an emissions reduction program are appropriately characterized as considerations (the district is required to evaluate applicability of each category to the problems in a particular community), rather than as minimum requirements (e.g., page C-20-21). As indicated in the cover letter to these comments, a distinctly different inference can be drawn from the Blueprint language. The language in the Blueprint should be harmonized with the language in Appendix C to ensure consistent interpretation by air districts and stakeholders. CARB must preserve flexibility for air districts to tailor measures to the sources that drive the impact in the selected community to ensure that CERPs will achieve emissions reduction targets in the prescribed timeframe. The text box on page C-19 also undermines this construct. This language suggests that "any feasible activities" must be immediately implemented, presumably even in the absence of information characterizing the nature and the extent of air quality impacts in the community and demonstrating which potential actions are the most cost-effective and technically feasible means of mitigating those impacts. This statement should be removed because it violates the systematic, science-based approach to program implementation required by the statute.

Consideration of Facility Emissions Reductions – AB 617 provides specific guidance for considering facility emissions reductions that is not adequately described in Appendix C. ARB references Section 44391.2(b)(3) in a footnote on page C-22, which requires a district first to determine whether a facility's emissions "cause or significantly contribute to a ***material*** impact" based on the available and enhanced AB 617 data (emphasis added). If the district makes such a materiality determination, then it may require the facility to "achieve emission reductions ***commensurate with*** its relative contribution" (emphasis added). In these cases, the statute requires community emissions reduction programs to include measures that materially reduce the community exposure burden and that reflect the degree of source contribution.

Changes to facility design and activity limits - CARB encourages air districts to consider retroactive changes in facility design (page C-18) and limits on facility activity levels (page C-21) but offers no criteria for determining whether these strategies would be appropriate for a given facility. Both strategies would undermine existing air quality permitting processes which are already designed to ensure that facilities do not emit criteria pollutants at levels which would adversely impact attainment of regional standards specified in the State Implementation Plan. Similarly, local air toxics rules ensure that existing facilities do not expose the public to levels of toxic air contaminants that pose a significant health risk and include risk-based permitting requirements for new or modified sources. Such unprecedented retroactive measures would violate long-standing statutory and regulatory protections allowing stationary sources to continue to operate provided they meet applicable, cost-effective criteria pollutant and local risk-based standards for new, modified and existing sources. Since AB 617 does not alter, suspend or supersede any of these existing requirements, ***any*** potential measures that may be considered as part of a CERP must satisfy existing statutory and regulatory requirements applicable to particular pollutants and sources.

Requirements to change facility design and operation independent of these requirements would eliminate regulatory certainty and may result in negative impacts that reach beyond the community and override any localized benefit (e.g., shifting production to other regions, facility shutdowns, lost jobs, diminished regional economic productivity, etc.). Trading greater socio-economic disadvantage for

incremental gains in air quality is likely to do more harm than good in terms of public health and welfare in affected communities. CARB should remove references to retroactive facility changes and activity limits.

Facility risk reduction audits - We support CARB's focus on risk-based decision making on page C-22 but cannot reconcile it with the concept on page C-6 that "there are no safe exposure thresholds for carcinogens." WSPA previously commented that this blanket statement should be removed from the document because it is not scientifically defensible.[1] In addition, the baseline for determining whether a facility should be included in the air district's review of risk reduction audits and plans should include any voluntary risk reduction plans (VRRP) undertaken pursuant to air district rules (e.g., SCAQMD Rule 1402). The air district reviews should not assume a-priori the need for facilities to implement additional reduction measures beyond those specified in their VRRP.

Application to sources outside of selected communities - CARB is proposing to extend at least some emissions reduction program requirements to sources "directly surrounding" the selected community (e.g., permitting and enforcement on page C-22). This new language effectively expands the scope of the CERP in every community and introduces new procedural complexities that will delay development and implementation of the program. For example, if these sources are subject to the same requirements as those operating within the community, then they should be allowed to participate in the CSC process. It is unclear why CARB would choose this approach over drawing community boundaries to include all of the sources driving the cumulative exposure burden in the community.

Land use planning - The range of potential measures identified for community-specific land use strategies retains recommendations such as minimum setback requirements and zoning code amendments to prevent or reduce permitting of incompatible land uses. As CARB now acknowledges in the Blueprint, these strategies should only be considered by the appropriate local land use authorities through the appropriate local land use management processes. Moreover, they should only be considered for proposed projects and should be uniformly applied to residential, commercial and industrial projects. Retroactive application of these strategies to existing land uses should be actively discouraged because they would be infeasible for such uses. The City of Paramount has recognized this challenge in recent updates to its zoning code. Paramount's approach balances the need to prevent future co-location of incompatible land uses while also preserving a path for existing uses to continue operating in a manner that reasonably addresses potential offsite impacts in the community. CARB should propose a similar approach.

CARB's list also retains the concept of terminating existing incompatible land uses. This approach would likely lead to closure of some businesses, regardless of their compliance with existing regulatory requirements, and without due consideration of adverse localized impacts including lost jobs and tax base or idled industrial properties presenting new hazards in the community. As discussed above under "Emissions and Exposure Reduction Strategies," CARB should clearly state that land use and transportation strategies are among the menu of options that can be considered in a community selected for a CERP, to the extent they are necessary to control emissions from the sources driving the

[1] Research is emerging in the published scientific literature indicating that historical assumptions about the linearity of cancer risk do not hold true for some chemicals.

high cumulative exposure burden. Some strategies will not be appropriate in a given community, and therefore these elements should not be presented as minimum requirements to be included in every community emissions reduction program. CARB should also clarify here, consistent with the expanded discussion in Section IX of the Blueprint, that land use measures are developed separately from CERPs. They must be evaluated, and when deemed necessary adopted, by the appropriate land use regulatory authorities through the appropriate land use management processes.

Incentive funding for deployment of clean technology - Page C-23 retains language indicating that incentive funding exists to support deploying the cleanest technologies (including "next generation" technologies) beyond what is required in regulation. While this statement may be true in the context of other state and local programs, it is certainly not true in the context of AB 617. Elsewhere in the Appendices, CARB describes the intent of AB 617 as achieving emissions reductions in the most highly burdened communities in the shortest possible timeframe (see for example Appendix F page 9: "The Legislature also recognized the importance of immediately reducing emissions in highly burdened communities …" and the reference on page F-10 to approval of supplemental Carl Moyer program guidelines to " … facilitate funding the types of projects that are most beneficial to communities …"), not to fund development or deployment of next generation or zero emissions technologies. The latter approach is a recipe for limiting immediate program benefits within currently selected communities and overall program benefits in other communities on a statewide basis and therefore is inconsistent with the intent of the statute. The statutory approach requires a program framework that is technology-neutral.

Specific mitigation strategies - The mitigation strategies listed on pages C-25-26 are presented as additional measures that should be incorporated into CERPs on top of the strategies described under the six broad categories listed on page C-20. This approach reinforces our threshold concern that the Blueprint departs from the systematic and science-based approach required by the statute. Emissions reduction programs cannot be designed to target the sources that monitoring data and source attribution analysis show are driving the high cumulative exposure burden in the community if they are required to include every conceivable emissions reduction measure without regard to the community technical assessment, incremental benefit or cost-effectiveness.

Environmental review for major projects - Language at the bottom of page C-26 obligates CARB to follow-up on all comment letters submitted for "major projects" (undefined) implemented in a named community. This approach assumes that all concerns leveled at a proposed project are valid and necessitate some resolution. It would lead to a de-facto redlining that would likely chill investments in many projects in selected communities. CARB and the air districts should exercise discretion and professional judgment in determining which comments warrant follow-up, as they do in all other policy and regulatory proceedings. At a minimum, CARB and the districts should grandfather projects approved ahead of the development of a CERP.

Implementation schedule - On page C-27 CARB is allowing each air district to use its own cost-effectiveness calculation methodology for evaluating emissions reduction strategies. As CARB is aware, there are variations among air district approaches, which is likely to lead to strategies in one community that may not be comparable to strategies in other communities, even if the source and emissions profiles would warrant similar approaches. CARB's Technology Clearinghouse should be expanded to

incorporate a methodology for calculating the cost-effectiveness of emissions reduction strategies and measures that is transparent, requires use of current data and employs best practices in evaluating technical and economic feasibility. **Enforcement plan -** The enforcement plan should be limited to actions that will ensure the CERP will be implemented as designed. While we appreciate new language clarifying that enforcement of air quality rules and regulations is the sole responsibility of CARB and the air districts (e.g., pages C-22, C-28-30), it is also important to communicate to stakeholders that AB 617 does not authorize broad new community-focused enforcement authority that reaches beyond the scope of the CERP. This section should state that complaints and alleged violations involving sources in the community that have nothing to do with pollutants targeted in the CERP are not subject to the CERP enforcement plan. In addition, the discussion of Enforcement Processes and Techniques starting on page C-29 references coordination of enforcement efforts involving "facility or equipment owners," which suggests a focus on stationary sources. CARB should clarify that the enforcement plan will cover all source types and individual sources subject to the CERP.

Enforcement history and compliance goals - The 3-year enforcement history (page C-30), which establishes the baseline for the enforcement plan will always be biased toward complex facilities subject to extensive regulatory requirements and dedicated inspectors, yet the high cumulative exposure burden in the community may have little or nothing to do with these facilities or their enforcement history. Appendix C also retains the requirement to include compliance goals in the enforcement plan. These goals could be interpreted as enforceable regulatory requirements by virtue of their inclusion in a CERP. While we do not object to the concept that the pursuit of reasonable goals can help reduce instances of non-compliance, CARB should state that sources will not be subject to enforcement actions if an air district does not achieve a goal/target in the enforcement plan.

Additional enforcement activities - While we continue to object to CARB's proposal to establish arbitrary performance metrics that have no bearing on source emissions or impacts in the community, CARB should at least clarify that some of the proposed metrics, such as number of complaints received, are only relevant to the extent they are verified by the air district (page C-33). Community complaints are common, especially in the vicinity of highly visible industrial sources, but frequently are not verified upon air district inspection. CARB should not encourage abuse of this process as a means of justifying more punitive measures for particular sources.

Air quality metrics – CARB states on page C-33 that "as new strategies are developed and deployed, it may take several years to see significant reductions in exposure that can be measured at the community scale." Based on the design of the emissions reduction program framework – particularly the five-year deadline for achieving reduction targets – it will be important for CARB to clarify that strategies which cannot show measurable reductions consistent with program targets in the required timeframe will not be included in emissions reduction programs. CARB should also clarify in the same section that monitoring results may show periodic increases in targeted air pollutants even after completion of an emissions reduction program due to factors beyond the control of individual emissions sources, including but not limited to seasonal weather patterns and regional pollutant transport.

Appendix D

Incentive actions - We support new language on page D-11 (and F-3) stating that "subsequent implementation (of current regulatory *and incentive actions*) will be conditional on the successful completion of applicable public processes, necessary financing approvals, technical feasibility analyses, economic competitiveness, safety, and environmental reviews." Considering these balancing factors in the design of new incentive-based measures, including use of incentive funding to deploy any available technologies such as zero emission equipment and infrastructure, is necessary to maximize program benefits locally and on a statewide basis. This same language should be incorporated in references elsewhere in the documents pertaining to incentive-based measures (e.g., pages C-23, F-11).

BARCT - We support new language on page D-14 stating that "the expedited schedule is designed to ensure a full review of existing applicable measures and, as appropriate, accelerated implementation of cleaner control technologies …" The Blueprint document should include similar language, and the discussion should be expanded in both documents to describe the full scope of the BARCT determination process required by Health and Safety Code § 40920.6. For example, the BARCT process requires a district to consider the availability, feasibility and incremental cost-effectiveness of candidate control options as well as the lead time required for permit modifications and other district review procedures (e.g., CEQA), contractor, material and delivery constraints, among other relevant factors. As noted in our cover letter, this process will inevitably extend beyond the AB 617 BARCT implementation deadline for some sources. CARB should cite the statutory requirements and specify that "implementation" means BARCT reviews for designated facilities should be in process by this date, but that actual installation and operation of new retrofit technology is likely to occur at a later date.

Appendix E

Concurrent development of monitoring plan and selection of communities for monitoring - Language in the last paragraph on page E-13 summarizes CARB's proposed requirements for the statewide monitoring plan:

> "*The plan must identify the selected method(s) and include a full description of the equipment that will be used (e.g., make, model, characteristics) and how it will be applied. The plan should justify the suitability of the method and equipment to meet the level of action required and include a description of how the selected method will achieve the data quality objectives. Limitations of selected air monitoring methods and equipment should be made clear to stakeholders and documented in the plan. Other method requirements or needs considered in the selection process should also be documented (e.g., maintenance requirements, operating costs, specific features). The plan should also identify and describe any additional equipment needed to meet air monitoring objectives, such as meteorological monitoring equipment."*

WSPA agrees this is a reasonable interpretation of the statutory requirements at Health and Safety Code § 42705.5(b). However, this discussion omits an important statutory requirement – the selection of communities for monitoring must be done concurrently with development of the statewide monitoring plan. While we acknowledge that this construction creates a procedural challenge, the statute clearly requires that the "findings and recommendations" in the monitoring plan inform CARB's community

selections, including for year one communities. It seems apparent from the publicly available information that CARB has recommended communities for monitoring without having completed the monitoring plan.

Timeframe for monitoring programs - We support additional language on page E-6 placing greater emphasis on defining "the necessary duration" of community monitoring programs. Additional specificity on appropriate timeframes for monitoring programs would help ensure effective deployment of program resources – it is not possible or beneficial to sustain exploratory community monitoring programs in perpetuity - and to manage stakeholder expectations. It is also not prudent to conduct rushed, poorly designed monitoring programs that could result in misleading or incomplete data. At a minimum, CARB should specify here and in the Blueprint on page 28 that any monitoring conducted in the context of an emissions reduction program should sunset with the CERP.

Applicability of monitoring criteria - New language on page E-7 indicates that "if criteria are not applicable, plans should indicate why the criteria are not relevant to the specific community air monitoring." CARB does not identify any hypothetical situations where one or more of the 14 proposed monitoring plan elements would not be relevant and it seems highly unlikely that an air district would be able to justify excluding any of them from a community monitoring program. Accordingly, we recommend removing this language.

Public education element - New language on page E-9 states that "the purpose of preparing an air monitoring plan with the community steering committee is to bring all parties to a common understanding of what air monitoring will achieve, potential limitations, what tools will be utilized to collect, review and interpret data, and how data will be used." We support a greater focus on educating CSC members and the public on these issues to avoid conflicting interpretations and misapplication of monitoring data, especially monitoring data generated by community-based organizations.

Appendix F

Technology Clearinghouse - In discussing Phase II of the technology clearinghouse, CARB states that "The market barriers for each next generation technology will also be provided to help identify opportunities for incentive programs, and provide the public with increased transparency on technology gaps and barriers associated with deployment of advanced technologies." The heightened emphasis on public education is helpful, and we support the steps CARB is taking to formalize that process for multiple AB 617 program elements.

Grant-based community monitoring projects - Grant-funded community monitoring campaigns should be subject to the same criteria and requirements specified in Appendix E for AB 617 monitoring programs developed by air districts in consultation with CSCs. This approach is necessary to ensure that any data generated from these programs is properly validated and interpreted, and that future use of the data will reflect the purpose for which it was generated and its inherent limitations.

Attachment 2
WSPA Detailed Comments on
CARB Final Draft Community Air Protection Program Blueprint
2018 CARB Community Recommendations Staff Report

Simultaneous monitoring and emissions reduction programs - As noted above in our cover letter and our comments on the proposed Blueprint and Appendix C, communities should not be selected for both monitoring and emissions reduction programs. If the information available for a candidate community is not sufficient to support the analyses required by Health and Safety Code section 44391.2(b)(2-4), then that community should only be selected for a monitoring program to generate the additional data necessary to fill the identified data gaps. If the available information satisfies the statutory requirements and supports immediate development of a CERP, any additional monitoring that may be necessary to track program progress should be incorporated in the CERP. It is not appropriate to start air districts and emissions sources down a particular emissions reduction path while simultaneously gathering new data that could lead the CERP in a different direction.

Scientific justification for community recommendations - We recognize that CARB may have sufficient data in some communities to support source attribution analysis, and that the technical assessments conducted for year one communities may demonstrate sufficient knowledge of individual sources to facilitate development of emissions reduction targets and measures that can achieve those targets in five years. However, CARB has not provided adequate information in its staff report to establish that the communities selected for CERPs are sufficiently well characterized to support such programs. Even where the supporting documents cite quantitative data, CARB still does not indicate how this information was used to prioritize and select AB 617 program communities from a larger universe of candidate communities. For example, the Table of Metrics in Appendix B (Table B-2) compares all of the nominated communities using a range of characteristics and quantitative measurements, but there is no explanation of how all of this information was synthesized and analyzed or how it supports CARB's community recommendations for year one. In addition, this table presents only the worst-performing census tract in a given community for a given metric. While this may be a directionally accurate representation of the level of exposure burden in some communities, it is not obvious or transparent that this approach will be representative for every community.

Community boundaries are not clearly defined - The "heat maps" included in CARB's 2018 Community Recommendations Staff Report for South Coast communities invite debate about where community lines should be drawn and can easily be interpreted to encompass additional communities beyond those recommended by SCAQMD. For example, the boundary for San Bernardino appears to encompass the City of Colton, which was not identified by SCAQMD as a year one candidate. The reason for this vagueness is not apparent, but we are concerned that it will lead to confusion, conflict and delays in the Community Steering Committee (CSC) process. This problem is compounded by CARB's proposal to defer to CSCs to define final community boundaries (page 9). The Blueprint Appendices also indicate that at least some program requirements will be extended to sources outside of designated community boundaries (e.g., application of the enforcement plan to facilities "directly surrounding" the community, page C-28). It is unclear whether representatives of

these sources would have the opportunity to participate in the CSC process, but they should be included if their operations may be impacted by a CERP. The air districts and CSCs already face an extremely challenging task in developing programs that can achieve measurable success in a five-year timeframe. Arbitrarily expanding community boundaries will create confusion about who should participate on CSCs, dilute program focus and delay actions that could benefit selected communities.

West Long Beach technical assessment – The source attribution analysis required at Health and Safety Code § 44391.2(b)(2) is foundational to determining whether a "high cumulative exposure burden community" is sufficiently well characterized to proceed to an emissions reduction program, and to designing a program that will target the sources driving the exposure burden, as the statute requires. In the interest of informing staff recommendations to the Board in these areas, WSPA contracted with a third-party air quality consulting firm (EcoCira) to conduct a review of available source attribution methodologies. This project is intended to evaluate the suitability of particular methodologies for varying source types and distribution patterns and to identify additional data needs to ensure source attribution analyses yield accurate results. The scope of work also included a hypothetical analysis for West Long Beach (WLB) to demonstrate a science-based approach to source attribution in an actual community. WSPA submitted this West Long Beach case study report to CARB staff on August 17, 2018. It is included in this submittal as Attachment 4. CARB subsequently identified West Long Beach, Carson and Wilmington as a proposed year one community for both AB 617 monitoring and emissions reduction programs.

As we indicated in our transmittal message, the EcoCira report concludes that WLB is a complex, challenging setting for source attribution analysis - the density and similarities among emissions sources in this community necessitates a high level of quantitative precision to ensure accurate source attribution. The monitoring data necessary to support such analysis does not yet exist for this community. CARB has also indicated that communities will be selected in the early years of AB 617 implementation in consideration of their utility as models for developing programs in other communities in later years. The challenges identified in this case study indicate that WLB is unique and would not be a useful model for programs in other communities.

South Coast AQMD has developed a new rule (Rule 1180) that will require additional monitoring of sources in the subject community. This additional data will be necessary to inform accurate source attribution and a future determination of the need for and proper design of an emissions reduction program for this community. Until this information is available and can be properly analyzed by SCAQMD and CARB, it would be premature to select this community for an AB 617 program. If CARB chooses to proceed with an AB 617 program in this community, it should be designated for monitoring only, and that program should be designed by SCAQMD to supplement gaps in monitoring already scheduled pursuant to existing district rules and monitoring programs.

The WLB case study also supports the need to include additional information in the AB 617 Resource Center to ensure a consistent and rigorous approach to source attribution analysis. A listing and description of available methodologies is not sufficient to ensure those methodologies will be properly employed in a given community. ARB should also include criteria for method selection

based on identified strengths, weaknesses and suitability for a given community, guidance on method application, and guidance on evaluation and interpretation of results.

Shafter technical assessment - The staff report states on page 20 that "The San Joaquin Valley has been the focus of numerous air quality studies, which lay the necessary foundation for development of an emissions reduction program in this rural community." While there have been air quality studies throughout the San Joaquin Valley, there are no studies of Shafter that adequately characterize the community-specific sources. Without proper source attribution analysis and understanding of localized air quality impacts, it would be impractical to develop a CERP for this community. Adequate community air monitoring data and source attribution analysis are necessary precursors to development of an effective CERP.

Oil and gas operations in Shafter - The staff report also states on page 20 that "Oil and gas operations, such as hydraulic fracturing are common in the area." Data available in the Division of Oil Gas and Geothermal Resources (DOGGR) well stimulation treatment (WST) map, which dates back to 2014, does not show any hydraulic fracturing jobs in the oilfields within 5 miles of Shafter, so the characterization of fracturing being "common" in this area is misleading and the reference to hydraulic fracturing should be removed. The report also states that "There are 2 oil and gas production facilities in Shafter." It is unclear what CARB considers an "oil and gas production facility" and therefore difficult to verify this statement. Therefore, the reference to the number of oil and gas operations should be removed.

Air pollution disparities - CARB introduces the term "air pollution disparities" for the first time on page 7 in lieu of the statutory terminology (high cumulative exposure burden). Unless CARB can provide additional context (e.g., a benchmark community against which other communities are assessed for potential air pollution disparities) it should replace this new terminology with the statutory language.

Attachment 3
WSPA Detailed Comments on
CARB Final Draft Community Air Protection Program Blueprint
Recommended Source Attribution Technical Approaches

Version 1.0.1 – August 22, 2018

General - The referenced document is simply a compendium of recommended methods and a brief description of each, along with reference materials and a placeholder for development and use of alternative methods. In its current form, this document is an inadequate treatment of one of the most important elements of AB 617 implementation. Among the deficiencies in the current document is a lack of source attribution implementation guidance to ensure a consistent and rigorous approach to source attribution analysis. A listing and description of available methodologies is not sufficient to ensure the identified methodologies will be properly employed in a given community. As noted in Attachment 2 in the context of the West Long Beach case study report, ARB should also include criteria for method selection based on identified strengths, weaknesses and suitability for a given community, guidance on method application, and guidance on evaluation and interpretation of results.

Validation of results - CARB should discuss the need to validate the results of any source attribution analysis. While models are useful tools, they incorporate assumptions and the results can be compromised by limitations in the available data. To address these uncertainties and ensure that modeling results are reliable (i.e., they can be replicated and substantiated), the air districts should be required to validate and verify the results of any source attribution modeling with monitoring information.

Method limitations - Table 1 oversimplifies the limitations of many of the listed methods. For example, Chemical Mass Balance (CMB) can only delineate contributions from primary sources (i.e. direct emissions) and lacks the ability to apportion secondary sources (e.g. secondary PM formation). Another example is that Community-Specific Air Quality Modeling would need hyper-local meteorological information and proper characterization of boundary conditions in the community of interest. These requirements are much more comprehensive than the basic information presented by CARB. (Source Apportion page 4)

Pollutant transport - Any community emissions inventory should also include an assessment and accounting of emissions emanating from outside the community boundary including regional pollutant levels. Without a full accounting of the emissions coming in from outside of the community it is impossible to identify which sources are driving the exposure burden in that community. This problem is especially pronounced when analyzing regional pollutants like PM. (Source Apportion page 6).

Multiple lines of evidence - Community emissions inventories, back trajectory, and/or pollution roses should be used in combination with other source attribution techniques to determine source contribution. These techniques are useful for estimations but have too many sources of error and uncertainty to be used in isolation to determine relative source contributions. Modeling will be

necessary prior to identification and implementation of emissions reductions in any community where there are multiple sources of emissions. (Source Apportion pages 6, 10)

Attachment 4
Eco Cira Technical Report
AB 617 Source Apportionment Case Study:
West Long Beach, CA

August 15, 2018

EcoCira AB617 WLB
Case Study (Complet

Attachment 5
WSPA Comments on Final Environmental Analysis Prepared for the Proposed Final Draft Community Air Protection Program Blueprint and on Initial Community Selection

Comments on the Final EA - CARB's notice of the September 27, 2018 meeting to consider the Final Draft Community Air Protection Blueprint (Blueprint) states that the changes from the Draft Environmental Analysis (EA) to the Final EA did not contain significant new information that would trigger recirculation pursuant to CEQA Guidelines 15088.5 "and therefore, CARB staff will not be accepting additional comments on the Draft Environmental Analysis during this comment period." *Notice of Public Meeting to Consider Assembly Bill 617 Community Air Projection Program – Community Selection and Program Requirements*, p. 3. However, it is well established that, prior to the close of the final public hearing, the public may submit written comments, as well as verbal comments at that hearing. Such comments constitute part of the record and suffice to exhaust administrative remedies on issues raised in the comments, for purposes of judicial review. CEQA (Pub. Res. Code) § 21177, *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 926-928; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1201.

Revision and recirculation of a draft CEQA document is a separate issue. If recirculation is triggered, under CEQA Guidelines § 15088(f), the lead agency is required to prepare written responses to comments received on the recirculated CEQA document, in the same manner as on the original document. By contrast, no written responses are required to comments received after the close of the specified comment period. However, if CARB chooses not to consider the comments at all, "it does so at its own risk. If a CEQA action is subsequently brought, the [document] may be found to be deficient on grounds that were raised at any point prior to close of the hearing on project approval." *Bakersfield Citizens* at 1201.

These comments are submitted for inclusion in the record for both the Final EA and CARB's action to select the initial communities for Blueprint implementation (see comment 3, below).

Programmatic CEQA Review Does Not Excuse CARB From Considering Reasonably Foreseeable Consequences of Program Adoption - In Master Response 1 and responses to WSPA's comments, CARB asserts that its EA for the Blueprint is an early stage programmatic CEQA analysis and has addressed reasonably foreseeable compliance responses at an appropriately general level of detail. *Responses to Comments on the Draft Environmental Analysis Prepared for the Community Air Protection Blueprint*, pp. 8-9, 12-23. As stated in our previous comments, WSPA agrees that tiered CEQA review is appropriate here, that the degree of specificity required by CEQA is greater at the second tier or project level than at the first tier or programmatic level, and that a high-level analysis is appropriate for the first tier, programmatic action of Blueprint adoption. More detailed second-tier review will be required for future actions by air districts and other local agencies to implement the Blueprint program in general and Community Emissions Reduction Programs (CERPs) in particular.

Nevertheless, *"[w]hile proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for*

approval, CEQA's demand for meaningful information is not satisfied by simply stating information will be provided in the future." Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 431 (internal quotations omitted). Deferring CEQA analysis to a later tier is permitted only when the agency makes "no commitment" for the future at the first stage of the project, and there is an "understanding that additional detail will be forthcoming when specific second tier projects are under consideration." *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1172. Thus, while WSPA agrees that program-level analysis is appropriate, CARB does not respond to WSPA's comments regarding what is *omitted* from the EA, rather than its level of analysis. The EA evaluates environmental consequences of state-level regulatory actions but fails to consider reasonably foreseeable environmental consequences of future actions by air districts and other local agencies.

In response, CARB asserts that it is not committing to any action with potential environmental consequences, since those commitments will be made by air districts and other agencies in actions for which CARB is not responsible However, as discussed in WSPA's previous comments, in this first tier action CARB is committing to implementation and enforcement of the Blueprint and of CERPs that satisfy the minimum requirements specified in the Blueprint. Thus, while the specific details of later tier actions are left to other agencies, in this first tier action, CARB commits to *require action* from the air districts and, through the CERPs, potentially from other agencies. When air districts and other agencies conduct their project-level CEQA reviews, CARB's commitment will prevent them from adopting the no-project or no-action alternative. In CEQA terminology, the agencies must reject the no project alternative as legally infeasible. Courts have held that lead agencies engage in improper piecemealing "when the reviewed project legally compels or practically presumes completion of another action." *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 280. Here, CARB is both legally compelling and practically presuming other actions by air districts and other agencies. Moreover, CARB is "commit[ing] itself to the project. . . so as to effectively preclude . . . the alternative of not going forward with the project." *POET LLC v. State Air Resources Board* (2012) 218 Cal.App.4th 681, 721-722. That CARB is precluding other agencies, rather than itself, does not change the fact that the no project alternative will not be an option during second tier CEQA review. The elimination of an otherwise required aspect of future second tier CEQA review, and commitment to an outcome as a consequence of first tier CEQA review, is improperly categorically excluded from the Final EA. In response to WSPA's comments, CARB points to its own consideration of a no project alternative to the Blueprint in the first tier CEQA review but does not address preclusion of the no project alternative during second tier CEQA review.

We note that revised Blueprint Appendix C, specifying the minimum requirements for developing a community emissions reduction program, includes a new footnote 8 stating that "CARB acknowledges that there may be cases where a community emissions reduction program fails to meet certain procedural requirements but is still being developed in the spirit of these requirements." While the meaning of this footnote is unclear, CARB staff advised that it refers to the CEQA process. If the intent of this footnote is to implicitly reserve the ability to adopt no project alternative during second tier CEQA analysis, CARB should unambiguously say so, enabling air districts and other agencies, as well as the public, to understand their options. However, if that is the intent, it appears inconsistent with the overall thrust of the Blueprint and Appendix C specifying minimum CERP requirements.

CARB's responses also assert that potential environmental consequences of implementation actions by other agencies are too speculative for any analysis, even at the programmatic level. That assertion has no basis. CARB itself correctly emphasizes that only a high-level, general evaluation is necessary for first tier CEQA review. As noted in WSPA's previous comments, the form of analysis and degree of detail could be similar to that already included in the EA for CARB's own contemplated regulatory actions. Instead of extending that analysis to cover similar impacts from required actions by other agencies, however, the Final EA focuses only on "impacts from conceptual emission reduction strategies that CARB would directly implement, because these strategies are directly in CARB's control." Final EA, p. 10. By contrast, the Final EA categorically excludes impacts from implementation by agencies other than CARB, because "the programs developed by local air districts or activities approved by other State agencies or local jurisdictions in response to CARB's criteria, involve extensive decision-making processes that cannot be forecasted at this time with reasonable specificity." *Id*.

Yet, despite disclaiming its ability to do so, CARB has added two inserts to the Final EA that do forecast and reach program-level conclusions regarding the prospect of air districts implementing BARCT requirements pursuant to the Blueprint:

- "Deployment of BARCT rules could result in exposure of workers to hazardous chemicals resulting in toxic and adverse working conditions…. [discussing compliance with worker safety laws]. As such, increased use of BARCT rules would not be expected to result in the exposure of workers to hazardous workplace conditions." Final EA, pp. 61-62.

- "Increased deployment of BARCT regulations, though primarily required by AB 617 independent of the Draft Blueprint, could occur as a result of implementation of the proposed Draft Blueprint, and if so, could [result in population and housing impacts] … It would be anticipated that additional employment opportunities associated with BARCT regulations would not adversely affect housing availability in communities within the proximity of stationary sources requiring BARCT regulations." Final EA, pp. 76-77.

Whether or not these assertions are accurate, they demonstrate that CARB was able to examine, at the programmatic level, at least two purported CEQA consequences of BARCT deployment as a result of implementation of the Blueprint. However, no such high-level programmatic analysis is provided for other potential environmental impacts of increased deployment of BARTC regulations as a result of implementing the Blueprint.

Separately from its adoption of the Final Blueprint in reliance on the Final EA, for purposes of CEQA compliance, CARB proposes to rely on a CEQA exemption for its action to select the initial set of communities required to develop CERPs. *2018 Community Recommendations Staff Report*, p. 3. As the Staff Report explains, for that action CARB intends to rely on the "common sense" or "not a project" exemption in CEQA Guidelines 15061(b)(3): "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." CARB's position is that the mere listing of communities is an administrative action without material environmental consequences.

On the contrary, a "project" under CEQA encompasses actions with the potential to result in reasonably foreseeable indirect physical changes in the environment, as well as direct physical changes. CEQA Guidelines 15378. CARB's position ignores the fact that, as an indirect but certain (not just foreseeable) consequence of administrative selection for initial CERP development, the selected communities will be the first to experience any adverse environmental side-effects of implementation. Before the initial communities were identified, such impacts might have occurred in any communities, anywhere throughout the state. To the extent that uncertainty of environmental setting and context and/or uncertainty of time frame might impair CARB's ability to evaluate potential impacts on a statewide basis, such uncertainties are reduced or eliminated for those communities selected. Even assuming that the Final EA would suffice as CEQA compliance for the selection of the initial communities as well as for the Blueprint itself, CARB is not relying on the Final EA, but on the "not a project" CEQA exemption. Since the same potential for environmental impacts associated with implementation of the Blueprint and its CERP requirements, as acknowledged in the Final EA, is also a foreseeable consequence of the selection of communities that will experience those impacts, the CEQA exemption is inapplicable and improper.

WSPA's previous comments and comments above also apply to the determination of communities and locations where any such impacts may occur. To the extent that CARB may consider the record for its community selection action to be separate from the record for the Blueprint and EA, WSPA incorporates by reference its July 18, 2018 comments on the Draft EA and comments above, and requests that all of our comments be included in the record for CARB's community selection action.