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March 20, 2017

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Electronic Submittal Via: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: Comments on 2016 Air Quality Management Plan for Ozone and PM2.5 for the South Coast Air Basin and the Coachella Valley and 2016 State Strategy for the State Implementation Plan

I am writing on behalf of Delta Air Lines, Inc. ("Delta") to provide the California Air Resources Board ("CARB") with comments on the 2016 Air Quality Management Plan for Ozone and PM2.5 for the South Coast Air Basin ("Final AQMP") and the 2016 State Strategy for the State Implementation Plan ("SIP Strategy").

Delta supports the goal of the Final AQMP to improve air quality within the South Coast Air Basin, including providing the opportunity for affected stakeholders to discuss airport emissions related issues and identify actions that can further reduce emissions so as to assist in attainment of federal air quality standards, as needed. Nevertheless, Delta objects to the South Coast Air Quality Management District Governing Board's ("District Board's") decision to amend measure MOB-04 – Emissions Reductions at Commercial Airports ("MOB-04") by adding a sentence directing District Staff to develop an Indirect Source Rule ("ISR") for commercial airports.¹ This addition was included without adequate opportunity for public notice and comment and short-circuits the stakeholder process otherwise contemplated by MOB-04.

A. The District Board's Decision to Amend MOB-04 is Inconsistent with the Applicable Public Participation Requirements in the California Health and Safety Code.

The District Board's decision to direct District Staff to develop an ISR was made at the eleventh-hour. Affected stakeholders were not provided with a meaningful opportunity to evaluate and provide comments on the decision to amend measure MOB-04. The District Board's actions were inconsistent with California Health and Safety Code § 40466(b), which requires notice for public hearings in connection with AQMP revisions to "include materials relevant to the plan revision." The motion to amend MOB-04, which was not made until March 3, 2017, when the Final AQMP was approved and after the public hearing process had ended, does not meet this notice requirement.

In addition, the 30-day public hearing notice required for the State Board to adopt a SIP must include "each proposed plan or revision." 40 CFR § 51.102(d). The Final AQMP, containing amended MOB-04, was published only a few days ago. Therefore, notice is inadequate for the State Board to approve amended MOB-04.

¹ The text of the motion adopted by the District Board is available here:
<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/2016aqmpamend.pdf?sfvrsn=6>.

B. The District Board's Decision Serves to Undermine and Frustrate Meaningful Stakeholder Participation.

Regardless of whether proper rulemaking procedures were followed to amend measure MOB-04, the District Board's decision is counterproductive. It will undermine stakeholder efforts to evaluate options for airport emission mitigation measures. Prior to the District Board's decision to amend measure MOB-04 and require an ISR for commercial airports, District Staff had discussed – for many months – establishing a stakeholder group to evaluate options for airport emission mitigation measures. As envisioned by District Staff, this process would have included representatives from District Staff, airports and airlines.

The District Board's decision to amend MOB-04, made without meaningful discussion, bypasses stakeholder discussion on whether the District should proceed with an ISR process and, more fundamentally, whether and to what extent additional regulation of airport-related emissions will further the goals of reducing South Coast Air Basin emissions while continuing to support the region's growth. The District Board's decision appears to limit the engagement of the stakeholder group by answering the key question before the group has been given the opportunity to complete a meaningful review. Nowhere in the record does the District Board explain why the decision was made to truncate and displace the stakeholder process.

Delta understands and recognizes the significant and difficult responsibility CARB and the District have in developing and implementing clean air regulatory measures. Delta respectfully urges CARB to reject the late amendment to MOB-04 and to direct the District to work cooperatively with affected stakeholders, and allow the stakeholder group to engage in an open and meaningful review of options for airport emission mitigation measures.

Delta reserves the right to supplement or revise these comments as this rulemaking process moves forward. In providing these comments, Delta is not waiving its rights to challenge, contest or participate in development of future District or CARB rulemakings affecting operations in California.

Delta appreciates your consideration of these comments. If you or your colleagues have questions or require additional information concerning the issues raised in this letter, please feel free to contact me at 404-715-9921.

Sincerely,

Christine H. Boucher