California Council for Environmental and Economic Balance
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July 23, 2018

Karen Magliano
Director, Office of Community Air Protection
Air Resources Board
Submitted electronically to http://www.arb.ca.gov/lispub/comm/bclist.php

RE: ARB AB 617 Draft Community Air Protection Blueprint

Dear Director Magliano,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we appreciate this opportunity to comment on the Air Resources Board (ARB) Draft Community Air Protection Blueprint ("Draft Blueprint") and implementation of AB 617. The historic passage of AB 617, which CCEEB supported, provides the state and California communities with the tools and resources needed to make meaningful reductions in emissions and exposures of localized air pollutants, particularly toxic air contaminants (TACs or "air toxics") and particulate matter (PM). However, successful implementation will depend on close coordination among State, regional, and local partners, transparent data and technical assessments, strong and neutral facilitation of public participation and engagement, and effective allocation of public and private funding. The combined programs being implemented under AB 617 will amount to hundreds of millions, if not billions, of dollars in investments in overly burdened communities, creating the largest air quality effort of this generation. CCEEB recognizes the many challenges involved in developing AB 617 programs, and offers these comments in support of the goal of AB 617 "to reduce emissions of toxic air contaminants and criteria pollutants in communities affected by a high cumulative exposure burden." *See Health & Safety Code (H&SC) Section 44391.2 (b).*

What follows are our key comments on the Draft Blueprint:

1. **ARB and the air districts must first focus on meeting the statutory requirements of AB 617** before consideration of expanding to new program areas. This helps ensure that the significant resources to be expended on implementing AB 617 achieve real and meaningful emission and exposure reductions in communities that have been identified as experiencing high cumulative exposure burdens, as well as other legislatively mandated goals.

2. **AB 617 does not create new or additional jurisdictional authority for ARB or the air districts.** As such, program success will depend on the ability of agencies to forge effective partnerships with local and regional entities and to develop new tools, incentives, and measures that augment and complement existing regulations.

3. **AB 617 clearly defines roles and authorities to carry out the programs, but is also meant to be inclusive; "community" is defined so as to encompass all who work, live, and reside in a designated neighborhood or area.** Businesses and "affected sources" should be treated as equal and valued partners, along with other stakeholders, rather than as targets or problems to be solved or eliminated.

4. **Community Steering Committees will play a critical consultation role in the development of plans and actions by ARB and the air districts** but are not in and of themselves decision-making or oversight bodies; rather, these roles are filled by the appropriate agency boards.

5. **Emission reduction targets for designated communities must be based on feasible and cost effective measures, taking into account the relative contribution of different sources to ambient conditions.** CCEEB agrees with the proposed five-year planning horizon, as it strikes a balance between breadth (i.e., how many communities can be prioritized for action) and depth (i.e., how much time and resources can be expended in any one community). However, it should be understood that the five-year planning horizon is just a guideline; actual engagement with the community to achieve emission reduction targets may take more or less time.

6. **More detail is needed about technical guidance and protocols that form the basis of the Draft Blueprint**. While we understand from staff that these documents will eventually be available as part of the Online Resource Center, CCEEB believes this additional background is needed to understand how the Draft Blueprint will be implemented. We strongly urge that sufficient time be given for public review and comment on technical guidance documents and protocols before approving the final Blueprint.

7. **Alignment of resources across agencies is needed. ARB should reduce duplication of effort.** This particularly applies to community air monitoring, where multiple efforts at ARB, the air districts, community-based organizations, public health departments, and researchers may be happening concurrently, potentially creating inconsistency and confusion.

8. **The Draft Environmental Analysis (EA) in Appendix G does not conform to the Draft Blueprint, and omits analysis of foreseeable impacts from implementation of the Blueprint.** We recommend that staff revise the EA to address reasonably foreseeable impacts, or modify the Draft Blueprint to allow for greater flexibility in how air districts will implement emission reduction programs.

What follows is a more detailed discussion of these key points. We have also attached an Appendix A, which offers specific suggestions or questions on the Draft Blueprint and ARB appendices, Appendix B, a resubmittal of our letter on the proposed concepts for an emissions reporting regulation at ARB (dated June 29, 2018), and Appendix C, a resubmittal of our letter regarding the ARB AB 617 Concept Paper (dated March 29, 2018).

Focus on Statutory Requirements in Initial Years

AB 617 mandates several comprehensive program initiatives at ARB and the air districts, laying out aggressive timelines for action. CCEEB believes the agencies should focus on achieving legislative requirements before considering additional program elements that go beyond the statute. Expanding the scope of work in these initial years dilutes needed resources to implement AB 617 programs effectively, and detracts from development of core programs intended to expeditiously reduce community emissions and exposures. CCEEB strongly recommends that any additional action be considered only after the core program elements have been successfully implemented. It should be realized that adding elements that go beyond AB 617 could create financial burdens in programs that already struggle to generate the revenue necessary to effectively move forward. What follows are a few specific examples.

AB 617 Statutory Requirements	Activities in Blueprint beyond AB 617
Air monitoring in priority communities, deployed by the air districts *H&SC § 42705.5 (c)*	Air monitoring operated by community-based organizations and monitoring in communities not yet selected and approved for inclusion in AB 617 programs
ARB assesses air district implementation of AB 2588 risk reduction audits and emission/risk reduction plans *H&SC 44391.2 (b)(3)*	Permit audits[1], whether programmatic or for an individual facility
ARB develops a Clearinghouse for BARCT, BACT, and related technologies to control air toxics (no time specified) *H&SC § 40920.8 (a)*	Including advanced technologies that do not meet BARCT/BACT definitions or do not significantly reduce air toxics (i.e. technology transfers)
ARB develops a uniform statewide emissions reporting system for major stationary sources, as defined in statute *H&SC § 39607.1 (a)(2)*	Requiring "clustered" sources and "all permitted" sources in priority communities to report annual emissions
ARB and air districts reduce emissions in communities based on monitoring or other data *H&SC § 44391.2 (c)(5)*	Improve health outcomes, such as rates of disease or emergency room visits, based on the tracking of health data

[1] CCEEB asks that staff clarify what is meant by "permit audits" as we are unfamiliar with this term. We also ask staff to explain what criteria would be used to audit a permit or permit program, for what purpose, and with what intended outcome.

Identification of High Cumulative Exposure Burden

In terms of identifying communities, AB 617 specifies that ARB must designate communities affected by a high cumulative exposure burden by October 1, 2018, with new communities identified every year thereafter. *See H&SC § 44391.2 (b).* CCEEB reiterates here our comment from March 29, 2018, in which we emphasize the primacy of risk-based air pollution data that indicates the level of exposure and relative burden. *See discussion starting page four of Appendix C.* We recommend that staff expand on the six factors described on page 11 of the Draft Blueprint, as the proposed assessment criteria appear incomplete. Important to achieving the intent of AB 617 is a demonstration that a community is burdened "above and beyond" the exposure levels experienced by other communities within the air basins. Additionally, the assessment must describe if existing programs are underway to address the measured impacts, i.e., a "gap" analysis. Such an assessment was partially described in staff's previous Concept Paper, and should be carried forward and expanded upon in the Draft Blueprint.

Clearly Articulate Agency Authorities and Roles

Importantly, AB 617 does not create new sources of jurisdictional authority for either ARB or the air districts. Early in the process, ARB should develop a matrix explaining the various authorities and responsibilities of regulatory agencies, local lead agencies, planning departments, and public health departments. ARB could also include resources available to communities through different public entities, such as grant funding or technical assistance. This information sets the stage for community discussions on potential emission reduction measures.

Partnership with Local Government and Local Lead Agencies

CCEEB readily acknowledges that issues such as legacy land use decisions largely drive cumulative and disproportionate impacts in disadvantaged communities. To address these concerns, ARB and the air districts must set realistic expectations and clearly define authorities, leverage the advisory function of the agencies by providing enhanced air emissions data to communities and local decision makers, and forge effective partnerships where significant emission reduction opportunities exist at sources beyond ARB or air district authority. However, ARB must allow local lead agencies to *lead,* taking care to partner with local government while not interfering with local land use and development authority, as granted to them by the State. *See Government Code Sections 65000-66037.* Some of the steps described in Appendix C, page 23, appear potentially disruptive, e.g., asking air districts to "direct meetings with staff or elected officials," "direct meetings with facility owners and/or equipment operators," and, "formation of an integrated permitting group with land use permitting agencies to review proposed projects." If done out of step with local partners, these actions could become political, making the air districts appear as if they were lobbying for specific siting outcomes, coercing project proponents, or undermining the authority of local lead agencies.

When working in sync with local decision makers and other agencies, ARB and the air districts can *support* effective measures on land use and transportation. For example, partnerships with local government can result in targeted receptor-side actions that leverage air district data, such as adoption of local building ordinances to place new affordable housing, schools, or park away from criteria and toxic air pollutant sources.

Air District Authority over Permitted Sources Is Unchanged

In terms of air district permitting, CCEEB must raise concerns about ambiguous or unclear language in the Draft Blueprint and caution against attempts to use New Source Review (NSR) or Title V permitting as a surrogate for local land use decisions on siting. For example, under "Implementation Strategies" listed on page 15, it is unclear what a "permitting audit" is, which agency would conduct such an audit, for what purpose, and using what criteria. Federal and State law govern how permits are issued or modified and cannot be usurped by AB 617. Similarly, Appendix C, page 18 states that the emissions reduction program must evaluate "[a]ctivity limits and other operational requirements," but does not clarify who would conduct that evaluation, for what purpose, or what legal authority an air district has under AB 617 to restrict activity at permitted sources.

As discussed, NSR and Title V permits are regulated by the federal Clean Air Act under a strict legal framework. Unless a permit is modified or amended at the request of the permittee – usually in an attempt to modernize equipment – these permits cannot be retroactively amended or altered. Furthermore, emissions associated with permitted sources in non-attainment areas are mitigated at a ratio greater than one-to-one, and equipment operators must stay below permitted levels or risk non-compliance with their permit or regulatory requirements. AB 617 does nothing to change this legal framework, nor does it expand air district authority over permitted sources.

Air District Authority over BARCT Determinations is Unchanged

In terms of Best Available Retrofit Control Technology (BARCT), CCEEB emphasizes here the authority of the air districts to make BARCT determinations. Additionally, and as mandated by H&SC § 40920.6, any rule or regulation for BARCT must satisfy specific requirements defined in the section. These requirements include, among other things, identification of one or more control options, cost-effectiveness and incremental cost-effectiveness of proposed control strategies. Findings must then be presented at a public hearing where the findings of these requirements are considered as part of the adoption of the proposed control option.

H&SC § 40406 defines BARCT as "an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source." While technology can be identified through other recent BARCT determinations, as compiled in ARB's Clearinghouse, each responsible air district must still evaluate specific environmental, energy, and economic impacts for each class or category of sources affected by its BARCT requirements. We reiterate here our past concerns regarding the Clearinghouse moving beyond the scope of AB 617, and recommend that statutory

authorities and requirements for BARCT be explicitly incorporated into the Draft Blueprint. *See Appendix C, starting page 11.*

Develop Inclusive and Transparent Public Process and Partnerships

AB 617 requires air districts to consult with "the state board, individuals, community-based organizations, affected sources, and local government bodies in the affected community" before adopting a community emission reduction program. *See H&SC § 44391.2 (c)(2).* CCEEB presumes that the convening of Community Steering Committees (CSCs), as described in the Draft Blueprint, is meant to satisfy this requirement. As such, CCEEB asks that ARB make the inclusive nature of the CSCs clear throughout the Draft Blueprint. Accordingly, we have provided suggested language in the appendix where the Blueprint seems ambiguous. We believe this is important so as to clearly set expectations about the makeup of the CSCs and to counter public comments from some individuals and groups calling for the outright exclusion of the regulated community.

CCEEB understands the historic mistrust between community-based environmental advocates and the regulated community. However, besides the legal requirements mandating an inclusive consultation process, we believe that AB 617 marks a turning point for the state and that the success of AB 617 will largely depend on the ability of all parties to foster effective partnerships. To this end, CCEEB suggests that ARB and the air district recruit experienced, independent and neutral facilitators and communication experts who can help guide stakeholder discussions and foster a safe environment for sharing perspectives and information. Ideally, these experts could help develop tools, training, and guidance that can be used as a model for later-year communities.

Finally, we appreciate the mention in Appendix C, page 8, that the CSCs must comply with Bagley-Keene Act and Brown Act requirements. CCEEB believes that open meetings and transparent public engagement help support trust and credibility in the process.

Community Steering Committees Play a Critical Consultation Role

CCEEB appreciates the "bottom-up" approach outlined in the Draft Blueprint, which relies on the input and expertise of CSCs to guide development of community air monitoring and emission reduction plans. However, we again remind ARB that AB 617 envisioned a "consultation" role for communities and others, and recommend that expectations be clearly articulated early in the process. AB 617 places decision-making authority solely with the boards of the air districts and the ARB. The CSCs are an important part of that decision-making process, but the boards are the ultimate arbiters. This is good governance consistent with California statute that defines the roles and quasi-legislative decision-making authority of the boards. Agency boards are appointed in statutorily defined public processes, and operate according to statutorily mandated procedures. These procedures are a necessary part of the regulatory process, which includes AB 617 decision-making. In the appendix to our comments, we

highlight language in the Draft Blueprint that is ambiguous about the role of the CSCs and decision-making responsibilities of agency boards.

Develop Targets Based on Feasible and Cost-Effective Measures

AB 617 makes clear that emission reduction measures must be cost effective. *See H&SC § 44391.2 (c)(2).* Additionally, the Health & Safety Code requires that regulatory agencies consider a number of factors in any rulemaking, all of which apply to regulatory actions under AB 617. These statutory requirements should be clearly articulated in the Blueprint and as background to the CSCs and public stakeholders, so as to inform community proposals and public input into emission reduction plans.

Setting quantitative emission reduction targets is an important aspect of AB 617, and one area that warrants greater public discourse. CCEEB believes that program goals and targets must be developed using a bottom-up approach that is based on community assessments and inventories, source apportionment, and evaluation of existing rules and regulations for sources shown to be contributing to ambient conditions. In terms of the latter, ARB's concept paper (released February 7, 2018) included a useful outline of steps air districts should take to evaluate the adequacy of existing regulations (see page 18). CCEEB recommends that these evaluation steps be incorporated into the Draft Blueprint and possibly expanded in the Online Resource Center as part of the discussion of the technical assessment (see page C-11).

Quantitative emission reduction targets should rightfully be the cornerstone of program tracking for AB 617. However, we note that AB 617 is not intended to bypass the scientific review inherent to all health-based air standards, nor does it mandate an absolute elimination of health risks from air pollution. Thus, ARB and the air districts must make an evidence-based case for any target they adopt. CCEEB strongly disagrees with the discussion in Appendix C, page 13, which suggests targets should go below state or federal PM2.5 standards; regional standards do not comport with localized exposures and health impacts. Moreover, AB 617 provides no authority to require such an effort and can be counter to existing permitting programs (see permitting discussion above).

In terms of AB 2588 and control of air toxics – for which there is no state or federal standard, but rather, air districts set regional risk limits – CCEEB recommends that ARB expand its discussion of risk reduction audits in Appendix C, page, 19, to describe the recent changes to risk assessment guidelines by the Office of Environmental Health Hazard Assessment (OEHHA). As implemented by the air districts, these changes significantly increase the stringency of the AB 2588 Air Toxics Hot Spot Program and other air toxic control measures, by as much as a factor of three or more, depending on the pollutant. Facilities and sources across the state are implementing major risk reduction projects to achieve these new risk limits; these efforts should be described and accounted for as part of air district review of existing rules and programs.

<u>Zero Emission Technology Is Not a Surrogate for Real Emission Reduction Targets</u>

The Draft Blueprint places a high priority on zero emission technologies, but without any evaluation of which control strategies maximize emission and exposure reductions. CCEEB is very concerned by any blanket endorsement of a single technological pathway (e.g. zero emission versus ultra-low NOx), and instead believes that community emission reduction plans should maximize local health benefits within the existing regulatory framework. At a minimum, ARB and the air districts should provide public stakeholders with estimated emission reductions for different alternatives, being honest about the cost and air quality tradeoffs between zero-emission strategies and those that prioritize ultra-low NOx or PM strategies. For example, investments in ultra-low NOx heavy-duty vehicles can achieve as much as four times the NOx reductions as the equivalent investment in zero-emission heavy-duty vehicles.

More generally, sections of the Draft Blueprint and appendices seem to reflect ARB's climate objectives rather than the statutory goals of AB 617, which are to maximize immediate and cost-effective reductions in criteria and toxic pollutants to improve public health. CCEEB reminds staff that ARB and the air districts have other complementary programs meant to spur advancement of zero emission technologies, and that funding in these state and local programs amounts to hundreds of millions of dollars, independent of AB 617 implementation. CCEEB is concerned that AB 617 not be diluted by separate climate goals that do little to reduce community exposures to criteria and toxic emissions, or mandates that require local businesses, public and private utilities, and transit agencies to deploy technologies that are not cost effective or not yet proven in real-world conditions.

Provide Technical Background for Public Review and Comments

CCEEB asks staff to release drafts of technical documents and protocols in the Online Resource Center as soon as possible, and before finalizing the Draft Blueprint. This background is critical to the AB 617 programs and must be developed through a transparent public process. As such, we request staff provide sufficient time for public review and comment on these documents since this information is essential to program implementation. We further note that it is difficult to provide full comments on the Draft Blueprint without these significant details. We provide some examples below.

> <u>QAQC, Technical Guidance and Data Validation for CBO-Operated Air Monitoring</u>
>
> ARB has committed to incorporating air monitoring data from community-based organizations (CBOs) into its AB 617 programs, going so far as to directly fund deployment of several of these networks through its "Air Grants." However, unlike the monitoring conducted by regulated sources complying with air district rules and guidelines, it is not clear what technical specifications will be required of CBO-operated networks. It's also unclear how the data from these CBO-operated networks will be used. Similarly, it's unclear whether the Community Air Monitoring Plan Elements described throughout Appendix E apply to CBO-operated systems, or only those operated by the air districts. AB 617 speaks only of systems deployed by the air districts,

and only requires that data gathered from air district systems be reported to ARB. *See H&SC §§ 42705.5 (c) and (e).*

CCEEB recommends that Appendix E be restructured so as to clarify what guidance and resources are meant to apply to air district-operated systems, and what is meant to apply to CBO-operated systems. Additionally, we ask ARB to convene technical working groups to work with stakeholders on developing minimum technical requirements and guidance for ARB-funded systems or those being incorporated into AB 617 programs. These requirements should include necessary Quality Assurance and Quality Control (QAQC) protocols, and steps ARB will take to both audit CBO-operated systems and validate data generated to ensure the transparency and accuracy of data used for AB 617 purposes. Once guidance and requirements have been developed, ARB needs a process to communicate these requirements to partner CBOs and educate groups on proper implementation of its technical protocols.

Certification of Sensors and Applicable Uses

CCEEB is aware of interagency discussions related to the development of a certification system for air sensors, which would be linked to data quality indicators and applicable uses. We look forward to seeing more details as this work develops.

Assessing Baseline Conditions, Source Apportionment, and Tracking Progress

ARB has not yet released "a methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities" as required by AB 617. In addition to this source apportionment methodology, ARB needs to better describe what metrics will be used by air districts to track trends and progress in annual reports. *See H&SC §§ 44391.3 (b)(2) and (c)(7).* These are key to the successful implementation of emission reduction strategies in targeted communities, and must be developed quickly to support planning efforts at the air districts. As with the other efforts described above, it is critical that these methodologies are subject to public review and input.

Align Resources to Maximize Benefits and Avoid Duplication of Effort

CCEEB supports the use of ARB "Air Grants" to fund community capacity building so that communities can effectively engage in AB 617. We further recognize that ARB and its partners at the air districts face aggressive (but arbitrary) implementation deadlines under AB 617. While we understand that programs must be developed and implemented expeditiously, we see opportunity to better coordinate agency actions and align the delivery of public resources in priority communities. Moreover, CCEEB is concerned that staff is proposing funding allocations ahead of ARB's approval of community selections, which raises questions about whether there will be available and adequate funding to support participation in prioritized communities. For example, as proposed by staff, the Bay Area will receive about 24 percent of all funds, San

Diego will receive 13 percent, San Joaquin Valley will receive 17 percent, and South Coast will receive 28 percent (18 percent goes to other regions or to efforts across multiple regions). However, it is unclear how the Board will balance initial year selections across regions and air districts, and whether this will reflect staff's proposed funding allocations to the regions. We further note that proposed grants are not proportionate to community burdens as expressed by CalEnviroScreen (e.g., South Coast has 68 percent of the top census tracts, but only 28 percent of grant funds).

Other questions arise over this early allocation of Air Grants. For example, all but four of the 29 proposed grants include air monitoring operated by community-based organizations, and a full 96 percent of funding is going to applicants whose projects include air monitoring. Yet it isn't clear which of these state-funded networks will align with communities selected for initial year AB 617 monitoring deployed by the air districts. In at least one proposed community – the City of Richmond – ARB has chosen to fund monitoring conducted by multiple CBOs, which duplicates efforts by the BAAQMD under AB 617 and the district's Rule 12-15. For these efforts, the CBOs in Richmond will receive $1 million in state funds, or 10 percent of all funding available statewide. At best, this situation creates potential conflicts and redundancies between CBO efforts and those of the air districts.

We also note that nine of the proposed 29 grants are going to institutions, foundations, or environmental NGOs, rather than community-based organizations. Although these recipients are applying for projects within DACs, funding being directed to them totals $2.8 million or 28 percent of all available funds.

ARB's Draft Environmental Analysis Does Not Analyze the Reasonably Foreseeable Impacts of the Actions Required to Implement the Draft Blueprint

CCEEB agrees ARB's Draft Environmental Analysis (Draft EA) is appropriately framed as a programmatic CEQA evaluation to be followed by more detailed, project-level CEQA review of individual actions undertaken by ARB, the air districts, cities, counties, and other agencies. However, we are concerned that ARB has framed the Draft EA too narrowly. The Draft EA analyzes only reasonably foreseeable consequences of implementing ARB's own proposed regulations in Draft EA Table 2-1, but does not analyze the multitude of actions by local air districts and other agencies required to implement the Draft Blueprint.

CCEEB recognizes that the Draft Blueprint commits ARB to a much larger scope of work than just this list of its own new regulations. In adopting this program, ARB will commit itself to achieving outcomes that require regulatory or approval actions by air districts, cities, counties and other agencies. For actions under the jurisdiction of other agencies, the Draft EA states that those agencies will later perform project-level evaluation of those actions. Moreover, ARB states that, because community emission reduction plans will be developed in the future, it is unable to predict any impacts associated with implementing the plans. But the Draft Blueprint will require new local regulations for pollution control, incentives to promote accelerated

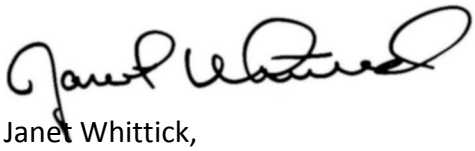
equipment turnover to cleaner technologies, and engagement with local agencies on land use and transportation strategies. We urge ARB to consider the potentially adverse environmental consequences of those actions by other agencies as they are foreseeable and can be analyzed.

Further, CCEEB is concerned that, by separating review of the ARB regulations covered in the Draft EA from review of future implementation actions by air districts and other agencies, the CEQA review of the Draft Blueprint has been improperly piecemealed. In addition, even if it was proper for ARB to limit the scope of the Draft EA impact analysis to its own regulations and exclude the environmental consequences of using incentive funding, new air district regulations, and land use and transportation strategies, those additional actions are still reasonably foreseeable and required by the Draft Blueprint. As such, they should have been included in the cumulative impact analysis. We urge ARB to follow the requirements under CEQA and evaluate the full scope of the Draft Blueprint.

CCEEB appreciates the commitment of ARB staff, the air districts, and other public stakeholders to an open and transparent public process for developing AB 617 plans and programs, and we are grateful for the opportunity to provide our comments. We are particularly encouraged by the progress made on the statewide framework, despite the aggressive timelines laid out by AB 617. Should you or your staff have questions or wish to discuss our comments in greater detail, please contact Bill Quinn or Janet Whittick of CCEEB at (415) 512-7890 or via email; Bill is ext. 115 or billq@cceeb.org and Janet is ext. 111 or janetw@cceeb.org.

Sincerely,

Bill Quinn,
CCEEB Chief Operating Officer and Project Manager of the South Coast and Bay Area Air Projects



Janet Whittick,
CCEEB Policy Director and ARB Consultation Group Member

cc: Richard Corey, ARB
Veronica Eady, ARB
Jack Broadbent, BAAQMD
Wayne Nastri, SCAQMD
Samir Sheikh, SJVAPCD
Alan Abbs, CAPCOA

CCEEB Appendix A: Suggested Language Changes to Draft Blueprint and Questions for Clarification

Blue Text is suggested addition. ~~Red Text~~ is suggested deletion.

Page 1, paragraph 2: "…of the total known cancer risk from toxic air contaminants in the State…"

Page 4, paragraph 3: "…CARB and the air districts to work with local residents and affected sources to identify…"

Page 5, paragraph 5: "…new regulations, focused incentive investments, enforceable agreements, and engage with local land use authorities…"

Page 6, paragraph 1: "…how it engages with community groups and businesses…"

Page 13, paragraph 1: "e.g. regulations, enforcement, incentives, and enforceable agreements…"

Page 21, paragraph 1: "Air districts will also continue to implement regional plans for ozone and fine particles, AB 2588 Air Toxics Hot Spots programs, along with local risk reduction measures for specific sources…"

Page 23, paragraph 3: "…making the data accurate, accessible, transparent, and understandable."

Page C-3, paragraph 1: "…in partnership with community residents, ~~and~~ community-based organization, and affected industry…"

Page C-3, second bullet: include assessment of existing rules and regulations, and expected future reductions based on state actions described in appendices D and F.

Page C-3, fifth bullet: "Identify cost effective and applicable...strategies to ~~implement the most stringent approaches for~~ reduce~~ing~~ emissions, with a focus on ~~zero emission technologies where feasible~~ maximizing immediate health benefits."

Page C-3, last paragraph: "collaborate closely with communities, affected industry, and the air districts…"

Page C-5, first bullet: how will "healthful levels if PM2.5" be determined, and by whom?
Page C-9, first bullet: "Community meetings provide an informal opportunity for community residents to engage with the air district ~~members of the steering committee~~ to share the needs of the residents…" Air districts must manage and be accountable for the public process; residents should have direct communication with the air districts.

Page C-9, fifth bullet: Links to non-agency data should come with appropriate disclaimers.

Page C-13, fourth paragraph: "~~Reducing PM2.5 concentrations beyond what the federal or State PM2.5 standard require can deliver additional health benefits. In communities where PM2.5 levels are already at or below the standards, air districts may want to consider establishing targets to further improve PM2.5 levels if doing so would reduce the cumulative exposure burden.~~ Air districts must ~~also~~ identify whether there are any ~~other~~ localized criteria air pollutant nonattainment issues within the community such as lead, PM2.5, or PM10 that needs to be addressed."

Page C-15, first paragraph: "…the community emissions reduction program will identify source-specific technologies and control techniques that can reduce emissions of the identified pollutants and applicable precursors, with a focus on ~~zero emission technologies where feasible~~ maximizing immediate health benefits to achieve program targets…"

Page C-24, third bullet: "Cost-effectiveness~~, if applicable,~~ calculated in accordance with the air district's cost-effectiveness methodologies." Because all measures under AB 617 must be applicable, cost effectiveness should always apply.

Page C-24, final bullet: "The perspective of the community steering committee~~.~~ and other public comments." Air district must consider all public input, not just that of steering committee members for whom it selects.

Page C-25, final bullet: please clarify what "enhanced community participation in enforcement efforts," means in practice, and how this should be done while adhering to evidentiary standards for enforcement actions at the air districts.

Page C-30, first paragraph: "…monitoring data ~~if it is available in~~ characterizing the community…" CCEEB believes that all AB 617 communities should have monitoring data in order to make statutorily required assessments of cumulative exposure burden and source identification and apportionment.

Page C-34, first bullet: "Characterized health-related emission and exposure reduction benefits of any strategies under development or implemented."

Page C-39, Incentive-Based Strategies: CCEEB suggests that adequacy of funding be assessed to in help inform administrative and legislative decisions related to air quality incentives.

Page D-1, paragraph 2: what is a "climate super pollutant" and how is this related to local air impacts in a selected community?
Page D-2, second bullet: what "resources on health data" are being developed to inform local beyond data already collected by county health departments?

Page D-2, fourth bullet: what “future actions” and associated data collection is envisioned? Is it limited to transportation projects? This bullet is ambiguous.

Page D-3, second paragraph: “This is an ongoing process that will begin achieving emissions reductions in the near-term and providing benefits that support community-level actions~~, with a focus on zero emission technologies where the technologies are now feasible~~.”

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June 29, 2018

Greenhouse Gas and Toxics Emission Inventory Branch Chief
Air Resources Board
Submitted electronically to Ctr-report@arb.ca.gov

RE: Concepts Presented at May-June 2018 Workshops on Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting

Dear David,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we submit the following comments on the Air Resources Board (ARB) concepts, as presented during workshops held in May and June 2018, for a Proposed Regulation for Criteria Pollutant and Toxic Air Contaminant (TAC) Emissions Reporting ("proposed regulatory concepts"). CCEEB supports the goal of consistent statewide emissions reporting as part of AB 617 implementation, and believes that this effort will help improve data transparency and public accountability for emission sources.

However, we also recognize the need to follow the language in the statute of AB 617 as ARB undertakes the significant challenges inherent in harmonizing its proposed regulatory concepts with the many different air district rules already in place. Existing emissions reporting rules exist pursuant to the air districts' historic authority to require emissions reporting from stationary sources within their jurisdiction.[1] Partnering with the individual air districts to synchronize reporting rules is critical. We commit to working with you, your staff, the air districts, the California Air Pollution Control Officers Association (CAPCOA), and other interested stakeholders on identifying and addressing potential issues with the proposed concepts, and avoiding duplicative or conflicting agency requirements.

Our main comments are as follows:

[1] Cal. Health & Safety Code section 41511.

- **Phasing the implementation of program components should be done so as to ensure consistency between and accuracy of ARB and air district rules.** State reporting requirements should become effective only after ARB has demonstrated that its regulation is aligned with the air districts and that it is not creating overlapping or conflicting mandates. We note that Health and Safety Code Section 39607.1 only requires ARB to develop a uniform statewide system of annual reporting of emissions for stationary sources as defined in §§39607.1.a (2)(A)-(C).

- **Enforcement of dual reporting programs needs to be better understood.** It is unclear how an ARB-adopted reporting regulation will be enforced in conjunction with all air district reporting rules, and whether air district rules could need to be amended in order to be consistent with State requirements. To help minimize confusion over who has authority to enforce, CCEEB asks ARB staff to consider delegating enforcement to the air districts.

- **Applicability should result in community-level data necessary for robust source apportionment and community inventories, while being realistic in terms of additional workloads for air districts and ARB.** For example, adding "elevated" sources of air toxics sources, as well as "all permitted sources" in AB 617 communities and "clustered" sources, would increase the number of reporting facilities by many hundreds over the course of the program.

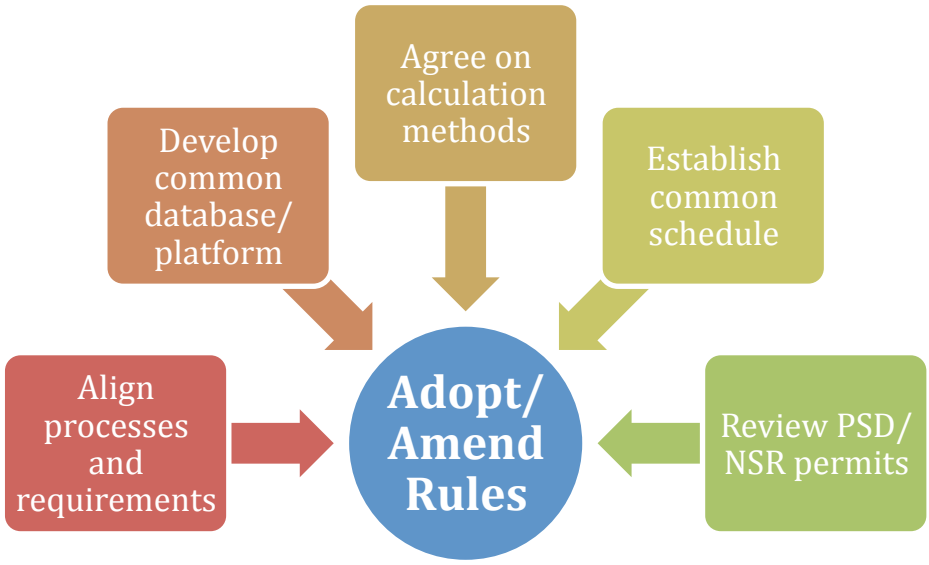
- **CCEEB supports convening technical working groups consisting of interested stakeholders and air district partners**. In particular, aligning sector-specific reporting methods across air districts and potential new requirements for clustering of facilities, should this additional phase of the program be implemented, will be technically challenging to develop and necessitate clear understanding of source operations. Technical working groups provide a venue to discuss pertinent issues.

What follows is a more detailed discussion of these points.

Phasing Implementation Can Help Resolve Duplicative or Overlapping Requirements

One of the objectives of statewide reporting under AB 617 is to provide the public with transparent and consistent emissions reporting data. CCEEB supports this objective, and commits to working with ARB towards a program where air districts are applying consistent calculation methods and then transmitting data to a common statewide platform, rather than co-reporting by facilities to both an air district and to ARB. (We leave open the possibility for air districts to opt to have facilities report directly and only to ARB, with ARB submitting the data to the air district.) Conversely, efforts must be made to align air district and ARB requirements and schedules and avoid having "two sets of books" that show different values for a source or facility.

CCEEB recommends removing the somewhat arbitrary distinction between Phases 1 and 2, as outlined in workshop presentations, and instead focus on developing consistency between ARB's proposed regulatory concepts and air district rules. As harmonization is achieved for each component of the program, then ARB can move forward with adopting State requirements, with the air districts working to concurrently amend their rules and facility permits as needed. An example of such a process could look like this:



This phasing-in of harmonized program components is appropriate for annual toxics reporting,[2] source-specific requirements, and general requirements. Over the interim, sources would report "business-as-usual" to air districts, and air districts would continue to submit reported data to ARB, as required under AB 197. Facilities and sources facing new reporting requirements under AB 617 could be brought into air district programs until such time as ARB establishes consistent statewide reporting requirements.

Emissions reporting schedules present another challenge to ARB's proposed regulation, should it move forward before harmonizing with air district rules. Air district deadlines impact a number of operations, such as budgeting, planning, and compliance audits for rules and permitting, and facilities have staffed and designed data collection procedures with these deadlines in mind. For example, in the Bay Area, annual toxics reporting is aligned with federal EPA requirements and due at the end of June of each year for the prior year's emissions. This would only give the BAAQMD about a month to validate, reconcile, and approve data in accordance with the proposed August 1 deadline for submittals to ARB. This would leave very little time for administrative review of errors or to settle disagreements should a facility question BAAQMD calculations. Rather than

[2] CCEEB notes that regional air districts are in the process of implementing revised guidelines from the Office of Environmental Health Hazard Assessment for AB 2588 Air Toxics Hot Spots Program health risk assessments. As part of this work, individual air districts are updating facility emissions reporting for TACs.

setting its own deadline in the hopes that air districts comply—and without any authority to mandate the timely submittal of facility data by air districts—ARB should first work to align schedules with the air district and only then adopt new reporting requirements for facilities and sources.

Over time, ARB will need an ongoing process to work with CAPCOA and the air districts on periodic updates to calculation methods and other program requirements in order to maintain and sustain uniform reporting systems, while taking into account new information about sources and emissions. Such a process should be developed up front as part of ARB's regulatory concepts.

Identifying and Addressing Potential Compliance and Enforcement Issues

Just as it is critical to apply consistent emissions calculation methods and requirements, it is equally important that ARB align any proposed regulation with air district rules in terms of compliance and enforcement so as to avoid creating "double jeopardy" for reporting entities or inadvertently placing reporting entities into compliance traps where they can comply with one but not both sets of requirements. Moreover, changes in reported emissions have the potential to create unintended compliance issues with federally enforceable permits, particularly Title V permits that consolidate all permitted limits at a facility. Additionally, facilities have an increasing interest in the accuracy of emission reports as the data becomes publicly available, as they will be held accountable for emissions.

Some initial questions we ask staff to consider:

1. If a facility has an error in its reported data, would it be subject to enforcement by both ARB and the air district, or just to the agency to which the data was originally submitted?
2. If ARB and an air district have different requirements—whether in rules or guidance documents—but a shared submittal process (e.g., facilities report to the air district, which then submits data to ARB) which rule would supersede the other? Could a facility be found in violation by one agency when it was in compliance with the other?
3. Facilities often work with air districts to correct or refine already reported data. If ARB has a single annual submission, how would updates be processed? Would a facility be considered in violation by ARB if an air district later revises its emissions calculations?
4. If a facility submits its data to the air district on time, but the air district fails to submit the data to ARB by its deadline, could the facility be found in violation of ARB's requirements?

For CCEEB members, compliance assurance is a major operational consideration, and one taken very seriously by reporting entities. Having a clear compliance pathway at every phase of the program is critical. CCEEB recommends that ARB consider contracting

with the air districts through Memorandums of Agreement (MOAs) to delegate enforcement of its reporting regulation, once adopted, similar to the approach used for its oil and gas field methane control regulation, landfill methane control regulation, semiconductor operations regulation, and certain mobile diesel regulations. We believe the MOA-approach reduces the potential for overlapping enforcement authority, and is more efficient given that ARB staff is already envisioning using air districts to validate and verify data being reported by facilities.

CCEEB asks staff, regardless of its ultimate approach to harmonizing enforcement authorities, to develop reasonable and achievable compliance pathways and schedules, and to give due consideration to potential compliance challenges that could occur during the program's initial years or as new phases of the program are implemented. This could include holding joint meetings with the Enforcement Division to better clarify how ARB would address compliance concerns and questions, including the retroactive assessment of *daily* penalties for *annual* reporting programs. This is an issue that CCEEB has raised with ARB in the past, and believes could be compounded once an AB 617 reporting regulation is adopted.

Applicability Issues

CCEEB suggests that ARB assess air district guidelines for Air Toxics Hot Spots Program prioritization and base its definition of "elevated" on the least stringent threshold, so that a facility prioritized by any one air district would be prioritized by ARB. CCEEB notes that prioritization scoring varies across air districts, although all use CAPCOA guidance as a starting point for prioritization procedures. However, given the conservative nature of prioritization scoring, we believe that differences amongst various air district procedures will be minimal, and that an appropriately large universe of facilities will be subject to ARB's proposed reporting requirements.

CCEEB notes that the proposed applicability requirements for "all permitted sources" in AB 617 communities and "clustered" sources are not specifically mandated under the Health and Safety Code Section 39607.1. We believe that ARB should first develop the required uniform statewide system of annual reporting for stationary sources, as defined, before delving into territory beyond the reach of the statute.

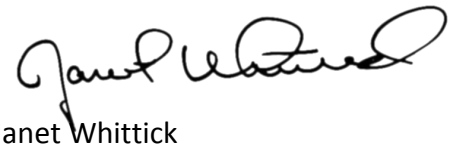
Process and Schedule for Developing Technical Details of an ARB Regulation

CCEEB believe the rulemaking process outlined by staff may be premature, but supports the convening of technical working groups that can help staff develop uniform reporting methods. We urge ARB to reconsider the need to adopt a regulation by the end of the year, as there is no statutory requirement to do so. Rather, we encourage ARB to expend it resources to develop a comprehensive statewide approach before drafting regulatory language, working with the air districts as closely as possible.

Finally, to the extent possible, we ask staff to clarify expected timing of implementation for the different program phases, such as new requirements for "elevated" sources, supplemental data and "all permitted sources" in AB 617 communities. This will help potentially affected businesses to participate in rule and program development, and plan in advance for compliance.

We thank you for the time and effort you and your staff have given to understanding the complex regulatory, administrative and technological challenges involved in moving towards a statewide reporting system, and to the outreach made to engage stakeholders and air districts. CCEEB feels we are moving in a positive direction, and hopes that these comments help support your work. Please contact us should you wish to discuss our suggestions in more depth (billq@cceeb.org or 415-512-7890 ext. 115 and janetw@cceeb.org or ext. 111).

Respectfully,



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March 29, 2018

Karen Magliano
Director, Office of Community Air Protection
Air Resources Board
Submitted Electronically

RE: AB 617 Community Air Protection Program Framework Concept Paper

Dear Director Magliano,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we submit the following comments on the AB 617 Community Air Protection Program Framework Concept Paper ("Concept Paper"). CCEEB supported the passage of AB 617, and shares with the California Air Resources Board (CARB) the belief that this is the most significant piece of air quality legislation in the past thirty years. We are committed to working with CARB, the state's air districts, and legislative leaders on successful design and implementation of AB 617 so as to achieve real and meaningful risk reductions in communities highly burdened by local air pollution.

Our main points regarding the Concept Paper are as follows:

- **Standardized guidance on data interpretation is needed.** CARB and the air districts should work with stakeholders to develop and provide guidance on how to interpret the data collected by AB 617 community monitoring programs.

- **Community identification and prioritization should be based on air pollution data** that indicates the level of exposure from ambient air.

- **CARB must implement applicable mobile source elements** and be part of the process as air districts develop Community Emissions Reduction Plans (CERPs).

- **Measures in the CERPs must be cost effective and consistent with the Health & Safety Code.** The Technology Clearinghouse, meant to describe appropriate tools and measures for the statewide strategy and CERPs, should be consistent with Health and Safety Code requirements for Best Available Control Technology, Best Available Retrofit Control Technology, and AB 617, including tests for cost effectiveness and technological feasibility, as required by law and determined by responsible air districts.

- **Program Goals should be clearly articulated.** CARB should provide guidance on how air districts, with community partners, affected sources, and local government, can establish program goals and quantify results so as to determine program success.

- **The State must establish equitable and sustainable sources of funding for program success.** CARB should acknowledge the funding needs of the air districts responsible for implementation of AB 617 community monitoring and the CERPs, and work with the districts and public stakeholders to identify and secure sustained and equitable sources of program funding.

What follows is an in-depth discussion of these key points, along with additional comments related to specific sections of the Concept Paper, as well as a few comments on the *DRAFT Process and Criteria for 2018 Community Selections* document.

CAP Program Concept Paper – Comments by Section

Section 1. Preface

AB 617 seeks to reduce high cumulative exposure burdens in prioritized communities. While efforts taken as part of the Community Air Protection (CAP) Program should be expected to reduce disparities between highly burdened and non-highly burdened communities, it is important to recognize that the goal is to reduce risk from exposures, not to eliminate all relative differences. For example, two communities could have relative differences in ambient air concentrations, yet both communities could be non-burdened and not warrant action under AB 617. To clarify intent, CCEEB recommends the following change to page 1:

> "~~The bill recognizes that~~ While California has seen tremendous improvement in air quality, some communities still ~~suffer greater impacts than others~~ experience high cumulative exposure burdens and more needs to be done."

Section II. Public Health Imperative for AB 617

CCEEB recommends that CARB provide meaningful context for health risks from exposure to criteria and toxic air pollutants. At a minimum, we suggest the following changes to page 3:

> "Ozone levels have dropped over 40 percent in the South Coast region since 1990 and diesel particulate matter, which accounts for over two thirds of the

> total known statewide air toxics cancer risk ~~in the State~~, has dropped nearly 70 percent over this same period. ~~Additionally, California is on its way to exceeding its 2020 GHG emissions reduction target~~. Statewide cancer risk from airborne toxics is estimated to be about [NUMBER], whereas total lifetime cancer risk in the United States from all causes is about 40 percent[1] or 400,000-in-a-million."

In addition to expanding useful risk communication, CCEEB believes that greenhouse gas programs, which are meant to control *global* pollutants, are outside the scope of AB 617 and should not be unintentionally conflated with local health impacts caused by direct exposure to criteria and toxic emissions.

Section III. Guiding Principles

CCEEB generally supports the ten Guiding Principles, and suggests the following changes to clarify intent and align the principles with AB 617 requirements.

In order to recognize that some measures could reduce exposures and emissions (e.g., altering truck routes or traffic patterns), we suggest:

> "Implement community-focused actions to reduce emissions of and exposures to criteria air pollutants and toxic air contaminants in order to improve public health in disadvantaged communities most impacted by air pollution."

In order to be consistent with AB 617 consultation requirements[2], we suggest:

> "Develop a strong collaborative relationship between local community groups, air districts, CARB, affected industries, local governments, and other stakeholders."

In order to be consistent with AB 617 requirements for the statewide strategy and Community Emission Reduction Programs (CERPs),[3] we suggest:

> "Support investments that are cost effective and technologically feasible to advance the deployment of ~~the~~ clean~~est~~ mobile and stationary source technologies within impacted communities in order to maximize emissions reductions ~~including a focus on zero emission technologies where feasible~~."

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[1] https://www.cancer.org/content/dam/cancer-org/online-documents/en/pdf/reports/california-facts-figures-2017.pdf. The American Cancer Society estimates lifetime cancer risk is 41 percent for US men and 38.1 percent for US women (2017).

[2] See Sections 42705.5(b) and 44391.2(c)(2).

[3] See Section 44391.2(c)(2).

Section V. Identification and Selection of Communities

CCEEB agrees that many types of data will be needed to identify and prioritize communities with "high exposure burdens" and "high cumulative pollution exposure burden[s]."[4] As such, when identifying communities, emphasis must be placed on risk-based air pollution data that indicates the level of exposure.[5] Ideally, use of other criteria related to more general population characteristics should be applied either as a second screen to prioritize communities already identified for high exposure levels, or as a separate analysis to show how different communities can benefit from the program.

We recommend that CARB articulate a hierarchy of available evidence to help guide air districts and public stakeholders and ensure consistency since some data will be more directly relevant in assessing exposure burdens. For example:

[4] AB 617 on *Identifying and Prioritizing Communities:*

For Community Monitoring: "the state board shall select, concurrent with the monitoring plan, in consultation with the districts and based on an assessment of the locations of sensitive receptors and disadvantaged communities, the highest priority locations around the state to deploy community air monitoring systems, which shall be communities with high exposure burdens for toxic air contaminants and criteria air pollutants." *Health and Safety Code, Section 42705.5(c)*

For Community Emissions Reduction Programs: "On or before October 1, 2018, the state board shall prepare, in consultation with the Scientific Review Panel on Toxic Air Contaminants, the districts, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, and other interested stakeholders, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden." *H.&S.C. Section 44391.2(b)*

[5] CCEEB makes a distinction between mass emissions for criteria pollutants – typically expressed as pounds or tons per day or per year – and exposure estimates for toxic air contaminants (TACs) – typically expressed as lifetime cancer risk or Health Index value. Mass emissions for criteria pollutants can be compared to health-based ambient air standards set by the federal EPA or the state air board. Risk estimates for TACs are set by the air board for statewide programs or by air districts for stationary source rules, following risk assessment guidelines developed by the Office of Health Hazard Assessment. For air toxics, mass emissions fail to indicate the potency level of the chemical emitted or the duration of exposure, both of which affect health risks. CCEEB believes the appropriate metric should be used for each pollutant.

Use of Reported Public Health Data
Public health and socioeconomic indicators may be appropriate for assessing potential community vulnerability to air-related impacts, but any data used must be clearly correlated to air emissions. CCEEB recognizes the many challenges in aligning currently available reported public health data with air emissions. Care must be taken since county and zip code data is not granular enough to indicate air impacts within a community, and health endpoints may be overwhelmed by the influence of independent and more predominant factors to disease outcomes.

An example of this problem can be seen by looking at the correlation analysis for CalEnviroScreen done by the Office of Environmental Health Hazard Assessment, which shows a clear lack of correlation between air quality indicators and health outcomes. This lack of correlation should *not* be interpreted as evidence that no causal relationship exists, but rather that the data we have is not robust enough to show the expected association. (Please see Appendix A.) This limitation with existing statewide data is one of the reasons why CCEEB believes that air quality data should be prioritized over other types of data that may be less informative in terms of selecting the most highly burdened communities.

The most scientifically sound and straightforward approach to evaluating health impacts is to look at estimated health risks due to air pollution exposures. A common form of this approach is used in evaluating health benefits from air quality management plans. Another more novel and detailed form was used by the BAAQMD in its CARE modeling,[6] which itself was based in part on U.S. EPA's Environmental Benefits Mapping and Analysis Program.[7]

Use of CalEnviroScreen Ranking
CARB and air districts should avoid double counting that could arise if using criteria that replicate indicators already embedded in CalEnviroScreen (CES). This includes, but is not limited to, data on public health outcomes, total cancer risk, and socio-economic factors.

Balancing Air Quality Data
Page 6 of the supplemental document *DRAFT Process and Criteria for 2018 Community Selections* lists sources of air quality data to be included in community evaluations. However, several of the proposed data sources are duplicative in that they estimate emissions from the same sources, whereas similar data for other source types may be missing or less robust. CCEEB recommends that CARB provide guidance on how to

[6] See http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CARE%20Program/Documents/ImpactCommunities_2_Methodology.ashx?la=en.
[7] See https://www.epa.gov/benmap.

manage these overlapping lines of evidence to avoid double counting and bias, and address potential data gaps for source categories suspected of significantly contributing to community ambient air concentrations.

Enforcement Data Can Be Misleading

CCEEB strongly disagrees that notice of violations (NOVs) are useful data, since many NOVs result from ministerial or minor errors that do not result in excess emissions. We believe that the ratio of such "paper" errors compared to emissions-related violations is quite high. Moreover, use of NOVs would likely add a de facto bias in favor of communities with large stationary sources, which are frequently inspected and must comply with complex administrative and reporting rules, as compared to those with high concentrations of area or mobile sources but where the number of inspections could be far fewer. Similarly, a large number of enforcement actions could be indicative of a robust or focused enforcement program at work rather than a community with a high cumulative exposure burden. Because of this bias, CCEEB believes enforcement data would unintentionally skew community selection results.

At a minimum, CARB and the air districts should have wide latitude when considering enforcement data, relying on local knowledge of sources and information on compliance trends for the source types most commonly found in a given community.[8] Raw data on the number of NOVs issued or enforcement actions taken does not paint an accurate picture of enforcement issues within a community, or whether those enforcement issues are driving high exposures burdens.

Section VI. Strategies to Reduce Emissions and Exposures

CCEEB recommends amending the first paragraph to include state and district air toxics programs and making minor additions to clarify that planning efforts result in regulations to directly control emissions. We suggest the following for the discussion on page 9:

> "Identifying strategies for reducing criteria air pollutants and air toxics at the community level is critical for establishing a strong statewide framework for action. Existing air quality planning efforts such as the California State Implementation Plan Strategy, Mobile Source Strategy, California Sustainable Freight Action Plan, Short-Lived Climate Pollutant Reduction Strategy, and Climate Change Scoping Plan, will be the foundation for further reducing emissions and exposure within communities across the State. Air districts also

[8] For example, compliance with ARB's Truck and Bus Rule is 69 percent in total, but only 50 percent for small fleets with only one to three trucks. This type of analysis could be more important for communities with a large number of small fleets than the total number of NOVs issued. See CARB's 2016 Enforcement Report.

have ongoing planning efforts that will further reduce emissions within their respective air basins and drive adoption of rules and regulations to control stationary source emissions. Additionally, both CARB and air districts directly regulate toxic air contaminants through the Air Toxics Hot Spots Program and air toxic control measures, with further environmental review and mitigation of risk required by lead agencies under CEQA. "

Multi-Layered Suite of Strategies

Major sources in non-attainment areas are subject to all feasible control measures, expedited BARCT implementation under AB 617, and recently updated air toxics rules that substantially increase the stringency of those programs. The analysis presented on page 18 of the Concept Paper provides a useful starting point for air districts in determining what gaps exist in current regulations, and could help identify opportunities where enforceable agreements can achieve additional or accelerated reductions beyond agency rules. We suggest the following change on page 10:

"Regulatory actions along with focused enforcement to ensure effective implementation of both new and existing regulations within specific communities. Whenever feasible, the strategy should consider enforceable agreements as a means to achieve reductions."

Focused use of incentive funds will be another important mechanism to achieve emission reductions. Incentives can be used to advance both the development and deployment of cleaner technologies, and can help equipment owners and operators reduce emissions. We suggest the following change to clarify the roles of incentives on page 10:

"Coordinated incentive funding to provide investments in cleaner technologies and accelerated engine and equipment turnover, along with needed infrastructure and other complementary elements to support complete and sustainable technology solutions."

CCEEB agrees with the multi-layered approach described in the Concept Paper, which recognizes that each community "will require a different combination of strategies based upon the nature of each air quality challenge…" However, we believe that the approaches listed on pages 10-11 should represent a menu or suite of available options rather than "a minimum starting point," and that each CERP will be different. We suggest the following change on page 10:

"~~While~~ Each community will require a different combination of strategies based upon the nature of each air quality challenge; the strategies outlined below provide~~s~~ a ~~minimum starting point for~~ menu of options that can be used in an assessment of appropriate actions."

Section VII. Criteria for Community Action Plans

CARB should amend Section VII and specify how it will implement the applicable mobile source elements as part of the Community Emissions Reduction Plans (CERPs). CCEEB recommends that this be addressed, noting that AB 617 specifies that, "[t]he [community emission reduction] programs shall result in emissions reductions in the community based on monitoring or other data," and that, "[i]n implementing the [community emission reduction] program, the district and the state board shall be responsible for measures consistent with their respective authorities."[9]

In discussion at the Riverside AB 617 Technical Workshop on February 28, 2018, staff stated that CARB will not propose community-specific measures as part of the CERPs, but would instead rely on implementation of existing statewide programs to reduce mobile and area sources. While CCEEB agrees with this approach as it relates to regulatory actions—and generally believes that regulations should be applied consistently statewide or regionally—we believe that CARB must be "at the table" as the districts develop and implement the CERPs, and be responsible for measures consistent with its authority. Such measures could include focused enforcement and inspections, compliance assistance to local businesses, and prioritization of incentive funds in AB 617 communities. We ask staff and the Board to reconsider CARB's role in AB 617 and add steps CARB will take to participate in the development and implementation of the CERPs.

VII.A. Health-based Air Quality Goals

CCEEB appreciates the discussion on page 14 that describes the multi-factorial nature of diseases associated with exposure to air pollutants, and the independent contribution that structural determinants of health have on disease outcomes. CCEEB believes that health-based air quality goals should be based on reductions in emissions from the highest contributing sources of risk in a community, and that goals should be quantifiable whenever possible.

However, CCEEB recommends that CARB provide greater detail on what an end goal would look like, and how air districts can work with public stakeholders to establish achievable emission targets, based on community monitoring and other data, source apportionment, and community inventories developed for AB 617 purposes. Clearly articulated program goals, along with required AB 617 analyses—including but not limited to those mentioned above—will form the basis for selecting appropriate and feasible timeframes for action.

[9] H.&S.C. Section 44391.2(c)(4) and (5) and (6).

Section VIII. Criteria for Community Air Monitoring

VIII.A. Community Air Monitoring Objectives and Methods
As CARB develops the statewide plan for community air monitoring, CCEEB hopes to work with staff and other stakeholders to identify and define appropriate technologies and techniques to achieve the various objectives of each community. We suggest that staff develop a simple framework or matrix that describes how different monitoring approaches match different objectives, including information on the following aspects:

- Objective(s) to be addressed
- Pollutants and sources to be measured
- Suitable technologies and techniques for monitoring
- Spatial coverage
- Duration of monitoring
- Timing period of measurements taken
- Who manages equipment, sampling and data
- Uses of data
- Costs for deploying and maintaining
- Limitations of the system

Different approaches to air monitoring will require different standards for data, and result in different quality data. Additionally, poorly designed studies or systems, inadequate or inappropriate data collection and data management, and other issues related to quality control and quality assurance could arise. To ensure data integrity, CCEEB recommends that staff work with stakeholders and technology experts to develop clear standards and QAQC protocols for any AB 617 community monitoring system, and that these systems be operated by air districts that can regularly conduct QAQC audits and provide accountability that all QAQC steps are being properly taken.

VIII.B. Community Air Monitoring Plan Elements
CCEEB recommends the following additions to Table 1 on page 26, which outlines the thirteen proposed elements for air monitoring plans:

> [Add element] Develop and advance sensor and monitoring technology, working towards common platforms and open source systems.
>
> "Develop quality control procedures and conduct regular QAQC, reporting results to the public as part of annual reporting."
>
> "Manage, validate, and store data"
>
> "Communicate results and provide access to stored data"

VIII.C. Community Engagement
CCEEB supports the establishment of a community steering committee in each community selected for air monitoring and CERPs, and appreciates the approach that CARB proposes in the Concept Paper. Broad participation by communities, affected sources, local government, and other interested groups in the planning stage should help foster collaborative and innovative approaches, leverage local knowledge about sources of emissions and sensitive receptors, and minimize uncertainties or challenges later on during implementation phases. It is important for the long-term success of AB 617 that initial community programs are seen as inclusive, effective, fair, and equitable, with the greatest degree of buy-in among all community stakeholders.

CCEEB believes the steering committees should be advisory bodies, where air districts, CARB and other responsible parties can discuss ideas and proposals. However, decision-making authority can and must rest with the governing boards of the air districts, which will ultimately be accountable for the success of community plans, and the state air board in its oversight of district AB 617 programs.

Section IX. Additional Implementation Elements

While this section addresses the funding needs of communities wishing to engage in AB 617 programs, it misses discussion of funding needed for the air districts to implement these same programs. This is a vitally important implementation element; we recommend that a subsection be added to Section IX that addresses it. CCEEB is committed to working with the districts, CARB, and other public stakeholders to identify and secure sustained program funding, and believes that the current lack of ongoing funding must to be explicitly acknowledged so that it can be appropriately addressed.

IX.C. Statewide System of Annual Emissions Reporting
Page 32 of the Concept Paper states that the statewide reporting framework is meant to "support air district and community needs." CCEEB recommends that CARB consider the needs of reporting entities, which strongly support user-friendly and consistent reporting programs and calculation methodologies that result in the most accurate data possible. In addition to regulatory needs for emissions reporting, such as payment of fees and compliance with district permits and rules, stationary sources have a vested interest in ensuring that publicly available emissions data is both accurate and consistent from agency to agency. CCEEB recommends that CARB add a discussion of stationary sources to subsection IX.C and that it make the following change to page 31:

> "New requirements under AB 617 will work hand-in-hand with efforts underway as part of AB 197 and include: consistent annual reporting of criteria air pollutant and toxic air contaminant emissions for specified large facilities."

IX.D. Technology Clearinghouse

AB 617 directs CARB to establish a Technology Clearinghouse "that identifies the best available control technology and best available retrofit control technology for criteria air pollutants, and related technologies for the control of toxic air contaminants."[10] In regards to the community plans, AB 617 states that the CERPs must "achieve emissions reductions for the location selected using cost-effective measures" identified through CARB's assessment of available BACT, BARCT, and T-BACT technologies.

CCEEB is concerned that staff are moving well beyond the stated purpose of AB 617, in that staff propose including "forward-looking information on the next generation of ultra-low or zero emissions technologies to support continued emissions control technology advancement."[11] In presentations at the recent AB 617 Technical Workshops, staff illustrated what is meant by next generation technology by showing the transition from an internal combustion engine to a fuel cell, and from a power plant to battery storage. Neither of those scenarios are BACT, BARCT or T-BACT under Health and Safety Code requirements, nor would they be cost effective under AB 617 for purposes of the CERPs. CCEEB is not clear why technology switching, such as staff's examples, would be proposed for the clearinghouse. We recommend that staff remove those references from the Concept Paper, and convene a technical working group to advise staff on appropriate BACT, BARCT and T-BACT technologies that should be included.

Under the Background on page 33, CCEEB recommends replacing "facility" and "facilities" with "source" and "sources" since district permits are for sources, not facilities. We also recommend that this subsection clarify that allowable emissions limits or thresholds are based on maximum feasible control for a source.

IX.F. Resources for Community Air Monitoring

CCEEB hopes that CARB will build on ongoing work at EPA's Office of Research and Development and South Coast's AQ-Spec Laboratory, while avoiding redundancies in activity and focus.

Under the subsection *Leverage Advanced Air Monitoring Technology* on page 37, CCEEB recommends removing the example of methane monitoring. Methane emissions have no direct local health impacts; instead, monitoring is conducted to better characterize GHG emissions and identify GHG hotspots. CCEEB does not believe this is germane to AB 617 and should be removed.

Under the subsection *Support Community Science* on page 38, CCEEB recommends that CARB provide technical support beyond the online resources described. Towards this

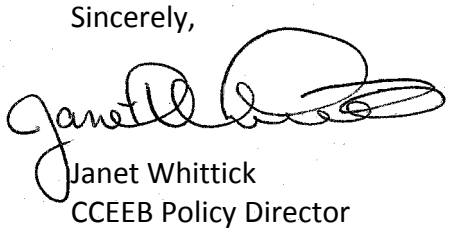
[10] AB 617, Section 3.
[11] Page 32.

end, we suggest CARB commit to directly advising community-based organizations on how to design air quality studies and deploy air sensor and monitoring networks, including steps needed for effective QAQC. CARB should also consider providing communities with information and resources so that communities can build effective partnerships with public agencies, academic and research institutions, nongovernmental organizations, and other groups that can support community-monitoring efforts.

CCEEB appreciates the opportunity to provide these comments on the Concept Paper, and looks forward to continuing our work with CARB, the air districts, legislative leaders, and other public stakeholders on developing and implementing AB 617. We further wish to acknowledge the tireless efforts of you and your staff, along with Assistant Secretary Eady, in ensuring an inclusive and robust public participation process, especially given the aggressive timelines set forth by AB 617.

Should you or your staff have any questions or wish to discuss our comments in more detail, please contact me at janetw@cceeb.org or (415) 512-7890 ext. 111.

Sincerely,



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Sensitivity Analysis of
CalEnviroScreen 3.0 Indicators

October 2017

Table 1. Spearman's correlation coefficients (ρ) between indicator CES 3.0 raw scores.*

			Ozone	PM2.5	Diesel	Pesticides	Toxic Releases	Traffic	Drinking Water	Cleanup Sites	Groundwater Threats	Hazardous Waste Sites	Impaired Water Bodies	Solid Waste Sites	Asthma	Low Birth Weight	Cardiovascular Disease	Education	Linguistic Isolation	Poverty	Unemployment	Housing Burden
Pollution Burden	Exposures	Ozone	1																			
		PM2.5	0.39	1																		
		Diesel	-0.17	0.40	1																	
		Pesticides	0.08	-0.10	-0.37	1																
		Toxic Releases	0.08	**0.60**	0.47	-0.23	1															
		Traffic	-0.09	0.26	0.49	-0.30	0.39	1														
		Drinking Water	**0.58**	0.42	-0.06	0.17	0.14	0.00	1													
	Environmental Effects	Cleanup Sites	-0.11	0.13	0.25	-0.01	0.17	0.15	0.01	1												
		Groundwater Threats	-0.32	-0.05	0.15	0.08	0.00	0.11	-0.13	0.45	1											
		Hazardous Waste Sites	-0.13	0.11	0.32	-0.03	0.22	0.25	-0.03	0.46	0.39	1										
		Impaired Water Bodies	-0.29	-0.22	-0.08	0.12	-0.13	-0.02	-0.19	0.11	0.22	0.12	1									
		Solid Waste Sites	0.02	0.02	-0.06	0.18	0.07	0.00	0.12	0.31	0.29	0.29	0.17	1								
Population Characteristics	Sensitive Populations	Asthma	0.11	0.15	0.22	-0.04	0.07	0.01	0.02	0.14	0.11	0.09	-0.07	0.08	1							
		Low Birth Weight	0.09	0.20	0.22	-0.11	0.15	0.11	0.07	0.08	0.00	0.09	-0.09	0.03	0.34	1						
		Cardiovascular Disease	0.39	0.20	0.04	0.06	0.07	-0.07	0.20	0.05	-0.03	0.02	-0.13	0.09	**0.72**	0.24	1					
	Socioeconomic Factors	Education	0.18	0.32	0.24	0.02	0.21	0.10	0.23	0.20	0.10	0.13	-0.11	0.19	**0.56**	0.35	0.48	1				
		Linguistic Isolation	-0.02	0.34	0.43	-0.13	0.32	0.28	0.10	0.23	0.14	0.19	-0.09	0.09	0.30	0.28	0.19	**0.72**	1			
		Poverty	0.21	0.26	0.21	-0.02	0.11	0.06	0.19	0.19	0.13	0.12	-0.11	0.16	**0.56**	0.33	0.44	**0.83**	**0.60**	1		
		Unemployment	0.30	0.19	0.05	0.02	0.03	-0.04	0.20	0.06	0.02	0.01	-0.08	0.10	0.47	0.27	0.45	**0.53**	0.27	**0.61**	1	
		Housing Burden	0.04	0.21	0.34	-0.19	0.22	0.26	0.07	0.16	0.11	0.15	-0.08	0.08	0.38	0.28	0.22	**0.58**	**0.53**	**0.71**	0.41	1

*Spearman's correlation coefficient measures the degree to which two indicators tend to vary together. Values near -1 mean the indicators are strongly inversely related. Values of 1 mean the indicators are positively correlated. Values of 0 mean there is no clear relationship between the indicators. Strong and moderate correlations are shown in bold. Pairs with missing values were omitted from the analysis.

Table 1. Spearman's correlation coefficients (ρ) between indicator raw scores.*

			Ozone	PM2.5	Diesel PM	Pesticides	TRI	Traffic	Cleanup sites	Groundwater threats	Impaired water bodies	Waste sites	Age	Asthma	Low Birth Weight	Education	Linguistic isolation	Poverty	Race/ ethnicity
Pollution Burden	Exposures	Ozone	1																
		PM2.5	0.44	1															
		Diesel PM	0.10	**0.71**	1														
		Pesticides	0.07	0.05	-0.07	1													
		TRI	-0.01	0.16	0.17	0.00	1												
		Traffic	0.04	0.39	**0.62**	0.12	0.23	1											
	Environmental Effects	Cleanup sites	-0.03	0.34	0.48	0.10	0.37	**0.62**	1										
		Groundwater threats	-0.15	0.21	0.36	0.15	0.24	**0.62**	**0.66**	1									
		Impaired water	-0.31	-0.07	0.06	0.26	0.05	0.24	0.22	0.34	1								
		Waste sites	0.07	0.11	0.04	0.15	0.27	0.25	0.37	0.42	0.16	1							
Population Characteristics	Sensitive Populations	Age	0.08	-0.22	-0.38	0.11	-0.06	-0.24	-0.22	-0.15	-0.05	-0.01	1						
		Asthma	0.11	0.03	-0.07	-0.06	0.20	-0.12	0.07	0.06	-0.09	0.09	0.05	1					
		Low Birth Weight	0.11	0.28	0.32	-0.16	0.02	0.22	0.15	0.08	-0.06	0.01	-0.12	0.06	1				
	Socioeconomic Factors	Education	0.21	0.30	0.16	0.27	0.20	0.16	0.25	0.23	0.01	0.23	-0.01	0.40	0.03	1			
		Linguistic isolation	0.06	0.46	**0.56**	0.20	0.18	**0.50**	0.47	0.43	0.11	0.14	-0.21	0.10	0.17	**0.61**	1		
		Poverty	0.17	0.14	-0.04	0.08	0.14	-0.08	0.10	0.11	-0.09	0.16	0.05	**0.50**	-0.03	**0.67**	0.37	1	
		Race /ethnicity	0.12	**0.53**	**0.57**	0.21	0.28	**0.50**	0.49	0.41	0.07	0.18	-0.28	0.22	0.24	**0.65**	**0.82**	0.38	1

*Spearman's correlation coefficient measures the degree to which two indicators tend to vary together. Values near -1 mean the indicators are strongly inversely related. Values of 1 mean the indicators are positively correlated. Values of 0 mean there is no clear relationship between the indicators. Strong and moderate correlations are shown in bold. Pairs with missing values were omitted from the analysis.