**Additional comments on the CARB Board item 20-10-2 by Rafael Yanez, submitted on 9/10/20**

Here is the additional information I’d like to submit to the Board.  I’ll be presenting everything below the questions of “What cab the board do to make the AB617 program Successful?"

This is a continuation of what I’ve already submitted to you before.  I had to go back and look at what the language of the AB617 and understand the limitations of it and how to overcome it.  This is what I came up with:

**Notes on AB 617 and what it says:**

(1) This bill would require the state board to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by certain categories of stationary sources. The bill would require those stationary sources to report their annual emissions of criteria air pollutants and toxic air contaminants, as specified.

(2)This bill would require the state board, by October 1, 2018, to prepare and update, at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in communities affected by a high cumulative exposure burden.

(3) Existing law requires air districts, prior to adopting rules to meet the requirement for best available retrofit control technology or for a specified feasible measure, to take specified actions, including, among others, identifying one or more potential control options that achieve the emissions reduction objectives for the rule. Existing law also authorizes a district to establish its own best available retrofit control technology requirement based upon the consideration of specified factors.

This bill would require a district that is in non-attainment for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology, as specified. The bill would require the schedule to apply to each industrial source that, as of January 1, 2017, was subject to a specified market-based compliance mechanism and give highest priority to those permitted units that have not modified emissions-related permit conditions for the greatest period of time.

(4) Existing law establishes maximum criminal and civil penalties for any person, as defined, for violations of air pollution laws from non-vehicular sources. Existing law generally establishes the maximum criminal and civil penalties at $1,000, unless otherwise specified.

This bill would increase the maximum for the generally applicable criminal and civil penalties under these provisions to $5,000. The bill would annually adjust maximum penalties for violations of these laws based on the California Consumer Price Index.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**ASK OF THE BOARD:**

Establishment of an Executive Order so that mobile Monitoring sources of emission can be expressly coupled with and alongside the monitoring of the AB617 communities. (Tying AB617, SB210 and the 1998 Railroad MOU along with the USEPA Tier 4 Emission Standard for Non-Road Diesel engines together and have targeted enforcement happen within the AB617 communities.)

That emission source testing be performed and a proper baseline is established for each community.  While specific guidelines for the testing for stationary sources of emissions as stated in the language of AB617, there is recognition that each AB617 community need is different.

Use of the PEAQS system alongside of Heavy Duty Vehicle Monitoring be performed within the AB617 community to combat those vehicles and freight entering and existing the communities are outfitted with the latest and best available emission control technologies available.  Since Railyards are a stationary source, fence line monitoring should be planned within the community to combat emissions created by these yards.  And argument can be made that similar to a factory, emissions levels abs and flows with the products, goods and services daily demands.  These abs and flows need to be monitor as they are causing physical harm to community members.  This data should then be used to help health professionals and state agencies establish just how many people are being or have been affected by the emissions so that the state can assess penalties for each individual.

The state needs to determine how many trucks and train locomotive engines that flow into and out of these rail yards daily so that the measured pollution contribution to the neighborhood could be subtracted out to show how much specific emissions are generated by these rail yards in the community.

From this data, the state can negotiate with the railroad operators and reach an understanding for the quick phasing out of the dirtiest engines and help develop electrification of transportation into and out of these stationary sources to comply with the AB617 program.

The community feels that its about time that a new Memorandum of Understanding and Agreements, South Coast Locomotive Fleet Average Emissions Program be established given the current agreement that is in place is over 22 years old.  In 2004, the USEPA Finalized it’s Tier 4 emissions standard for non-road Diesel engines.  This rule had a 10 year easing into with a generous extension due to changing administrations and relaxing of the push for development of the technology that bring the Tier 4 Emission standard into our current day and age.  While some may call what California is doing some function of “our hormones” or “love of nature/environment” or even that we push for stringent rules “just because it makes us feel better”, the real reason is evident in Climate Change, the increases in our fire seasons, millions of acres of vegetation that burns each year, some due to modern fire prevention, but others due to carelessness and the growing need for housing and urban sprawl.  If we are really honest with ourselves, its a product of what many companies thought was the best decision to make in the 90’s and closed up their “manufacturing shop” and moved all operations to China because they were offered money and China promised to build them factories for cheap along with the promise of cheap labor.  Along with that greed and short sightedness went the American thirst for cheaper goods, which we are all reaping the rewards of today with the inability to compete and produce our own goods here in our country in an environmentally sustainable way.  With the thirst for cheap goods, we have other countries produce our goods, pollute their air and water, use global resources, then ship all that to us into our local ports where we transport these cheap goods into the rail yards we are talking about today and load them onto trucks away from the stringent Port of LA / LB regulations and into our community where such rules and regulations do not exist.

As recently posted on CARB’s website, the 2019 BNSF and UPRR’s Fleet Average Agreement Annual Compliance Reports are telling.  CARB has noted how the rail yards only seek to barely achieve the minimum requirements by using credits afforded to them in the MOU from ultra-low emitting locomotives in order to meet the final fleet averages needed.  The incomplete reporting by UPRR is very concerning.  Are they hiding something?  As in my written comments to the board, I point out that the UPRR LATC is currently doubling the amount of traffic by doubling the main into the CSX-UP LATC complex.  There have been ongoing discussion of mergers and we may be seeing the signs of it with the need for increased transportation from our overcrowded ports (pre-pandemic). Port of LA has grown at a huge rate with the economy. In 1985, the Port of LA saw 1 Million containers (TEU) for the first time in its history. In 2000, it saw just under 2.5 Million (TEU) and in 2019 it has seen a little more than 9.3 Million containers (TEU) flow through that Port.  (Data from the Port of LA)

But that is only half the story, the Port of Long Beach also sees a large number of containers but since the Port of Long Beach is Chinese owned, numbers could not be found but would be estimated to be about the same.  According to what I could find in Wikipedia,  in 1997 the Port of Long Beach reached 1 Million containers (TEU), by 2005, the number was 3.3 Million, but if outbound containers are included, that would increase processing to 6.7 million containers in 2005.  Estimates for 2018 puts the Port of Long Beach total at 8.1 million containers (TEU).  Together these ports handle roughy 40% of all US Imports are are the nations business seaports. CARB reported issuing COSCO Container Lines over 2,600 violations from 2014 to 2017 for a total of $965,00 in penalties according to a January 3rd 2020 article in the LA Times.  That amounts to a whopping average of $371.15 per violation!  With fines like that, what incentive does a company the size of the Chinese State owned agency in ever complying?



Obtained from [https://www.latimes.com/california/story/2020-01-03/port-ships-are-becoming-la-worst-polluters-regulators-plug-in](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.latimes.com%2Fcalifornia%2Fstory%2F2020-01-03%2Fport-ships-are-becoming-la-worst-polluters-regulators-plug-in&data=02%7C01%7CLiliana.Nunez%40arb.ca.gov%7C6fc76e6cb41b40d172a508d85569ff11%7C9de5aaee778840b1a438c0ccc98c87cc%7C0%7C0%7C637353261032363820&sdata=Aao5Zc%2F5ubj8OL1mx0YpYgH7z9REsvkAD2lX35U75dE%3D&reserved=0)

**What can the board do to make the AB617 program successful?**

**How do we achieve the reductions the communities are looking for?**

In my written comments, I go over the pains and issues with the program and how I felt the community was not being heard.  But I was the one that was flawed in my thinking.  I was trying to bring to light all of the issues faced by the community together.  While the very agencies we are trying to get to act, CARB & AQMD who are the one’s responsible for safeguarding our air quality and the portion of our health needed for basic human life, I was not following the language of the assembly bill.  The assembly bill only deals with stationary sources of emissions.  But our community is mostly impacted by mobile sources of emissions.  CARB is the agency with jurisdiction of the air in California. The answer, is marrying these two together stationary source with mobile source emission to achieve the one goal of reducing the cancer risk and pollution our community has been plagued with for generations.  How do we do this?  By executive action, specifically by Executive Order.

So my ask of the Board, would be to establish an executive order so that the mobile source monitoring SB210 and 1998 Railroad MOU can be expressly coupled with and alongside of the stationary source monitoring of emission and pollution within the AB617 communities.

[Image shown above here]

Pulled from [https://www.latimes.com/california/story/2020-01-03/port-ships-are-becoming-la-worst-polluters-regulators-plug-in](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.latimes.com%2Fcalifornia%2Fstory%2F2020-01-03%2Fport-ships-are-becoming-la-worst-polluters-regulators-plug-in&data=02%7C01%7CLiliana.Nunez%40arb.ca.gov%7C6fc76e6cb41b40d172a508d85569ff11%7C9de5aaee778840b1a438c0ccc98c87cc%7C0%7C0%7C637353261032373777&sdata=LZ%2BRIi%2BCfsWFBh9E1UsmNK%2FLHxRuax8rWJ0GNJ8%2BPuo%3D&reserved=0)

CARB has developed the Portable Emission Acquisition System in conjunction with the Heavy Duty Vehicle Monitoring program under SB210.  In addition to this, CARB need to also include the existing MOU they have with the Railroads, which by the way are far too old 1998 and new MOU’s need to be established.

Run down of the Community Issues:

Freeways (5, 10, 60, 710, 101 fwys) affectionately known as the “East LA Interchange”

Railroads (BSNF Hobart Yard - largest Intermodal Railyard in the United States), UPRR LA Trans Ctr - 1998 Railroad MOU (Needs and update because in 2004 USEPA has since passed the Tier 4 Emission Standard for Non-Road Diesel Engines which had a 10 year long phase in and a generous extension period, but now is the time.)

Rendering plants odors - Rule 415 Adopted in Dec 2017 - I had always asked, have these plants provide source emission testing, understand what they are emitting into our neighborhood, then write the rule around the needed reduction.  Not really sure it was done, but it seems like none of the rules have taken affect since we’re still having to deal with these odors on a daily basis.  Enforce the rules on the books, make periodic or more frequent inspections.

Emissions from Plating / Coating Companies - 1469. We need AQMD to look at Rule 1426 (almost 20 years old now) No more Grandfathering Companies in.

Emissions from Automotive Paint Shops - Rule 1151 need inspection and enforcement but without penalties, what good is the rule?

Emissions from Toxic Waste Handlers -

Closure of Exide Battery, community clean-up, decommissioning of the plant, lessons learned

Organize the CSC Members that are already committed to the AB617 program. (Bring together existing data these organizations have on our community and put a dream team together of City of Commerce Mayors Office, County Supervisor District 1 Office, CA Congressional Offices - CA Senate District 24, 33 and CA Assembly Districts 51, 53 & 63, City of LA Incoming Council District 14, City of LA Mayor’s Office, AQMD, DTSC, CARB, LA County Dept of Regional Planning with their Green Zones Program,  we need CalTrans District 7 for Encroachment permits for monitoring activities and FWY Reports and Studies.

We’re also looking as a whole “Nation State”, as the Governor Newsom has said it, at curbing Greenhouse Gas Emissions: the 4 Main ones are Carbon Dioxide, Methane, Nitrous Oxides & Fluorinated Gases.

We have lots of regulations in place to curb Fluorinated Gases in place, Methane Gas reduction (Chemical & Engineering News points to roughly 50 sites in California produce 1/3 of California’s methane emission.), Carbon Dioxide and Nitrous Oxides (47% of CO2 and between 49 - 62% of NOX are from Transportation and Mobile Source, respectfully. And that Data comes from CARB)

If we unify all of these efforts through an Executive Order, directing focus on these combined laws AB617, SB210, 1998 Railroad MOU, 2004 USEPA Tier 4 Emission Standard; and all the various studies and knowledge we have from “all that”, we can achieve the purpose and the intent of this program, reduction of pollutants in these AB617 communities.  Mass reduction of deaths, mass reduction of asthma, mass reduction of cancers, and mass reductions in pollution of the air that we so desperately need to breathe.  Instead we can bring huge increases in quality of life, large increases in health, large increases in life span for our children but most of all, the peace of mind that we matter, Black, Brown, Red, Yellow, White, people of all nationalities, races and creeds, we are all one.  We are all human.  We all need clean water, clean food, and clean air to survive and thrive.  We need it for our community, we need it for our state, we need it for our planet!

Thank you to all the CARB Board Members and staff as well as AQMD Board Members and staff for all the time and energy you all have begun, but a great deal more work is needed.