



September 4, 2020

Chair Mary Nichols and Board Members  
California Air Resources Board (CARB)  
1001 I Street  
Sacramento, CA 95814

**Re: Comments on AB 617 Community Emission Reduction Plans (CERP) for the San Bernardino-Muscoy (SBM) Community**

Dear Chair Nichols and members of the California Air Resources Board,

San Bernardino and Muscoy face many longstanding air quality challenges. Due to their location, these communities serve as a major intermodal link between the United States and the rest of the world. Due to this, diesel particulate matter (DPM) is the predominate toxic air contaminant in the community.<sup>1</sup> Further, industry, especially the concrete, asphalt and aggregate industry, has a significant presence in the region. These emissions sources coupled with historic and recent land use decisions as well as the topography and climate of the South Coast Air Basin has resulted in the local community experiencing disproportionate air quality impacts.

Strong and effective implementation of AB 617 (C. Garcia) is the first step in bringing cleaner air to one of California's most polluted communities. Since its 2017 passage, Coalition for Clean Air (CCA) has been actively engaged with the AB 617 process at both the CARB and South Coast Air Quality Management District (SCAQMD) levels. Further, we advocate for AB 617's funding and support at the State Capitol in Sacramento. CCA acknowledges and appreciates the hard work by CARB, SCAQMD, the Community Steering Committee (CSC) members and advocates throughout this process. While there is much to applaud in this plan, the proposed SBM CERP leaves room for improvement in terms of its ambitions and its commitments to the community.

Finally, it should be noted this comment letter is not intended to "speak" for the CSC or the communities that participated in the development of this CERP. Our comments follow below:

---

<sup>1</sup> *Community Emissions Reduction Plan: San Bernardino-Muscoy*, SCAQMD (September 6, 2019), retrieved August 28, 2020, [http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf?sfvrsn=9\\_3a-8](http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf?sfvrsn=9_3a-8)

**General comments on the CERP:**

**1) The SBM CERP fails to address San Bernardino International Airport, which borders the SBM community's emissions study area.**

San Bernardino International Airport (SBD) is an increasingly important cargo-focused international airport located just over a mile from "Community Impacted Area" and directly adjacent to the "Emissions Study Area." Though not fully operational yet, it is likely the airport will see increased usage after the completion of its customs facility and forthcoming passenger service. Additionally, several warehouses have been built next to the airport, attracting truck traffic and cargo handling operations.

Despite this, the CERP's references to SBD are still only fleeting at best. In response to CCA's concerns about SBD's omission from the draft CERP, SCAQMD stated "Although the San Bernardino International Airport is not within the community boundary, the primary concerns with the expansion include the increase in warehouse development, trucks, and truck traffic. Emissions from these air quality concerns will be addressed through actions in the CERP."<sup>2</sup> This approach neglects to consider emissions from cargo handling equipment and other sources from airport operations.

We understand SCAQMD's ability to regulate aviation-related pollution sources is limited. We also recognize that SBD is just outside the boundaries of the community, and it was not identified as a community concern by the CSC. SBD, however, is likely to become an increasingly important emissions source locally and in the region. SCAQMD has indicated it will develop a Memorandum of Understanding (MOU) with local airports regarding emissions reductions and mitigation. We urge SCAQMD to consider and incorporate its AB 617 commitments into the MOU language, as well as consider including SBD in the SBM CERP in the future.

**2) The proposed CERP includes other CARB and SCAQMD actions that were already underway, in the planning phases or are otherwise unrelated to AB 617. The CERP needs to demonstrate how it goes above and beyond current and planned actions to address the needs of the community.**

The proposed CERP includes projected emissions reductions from several CARB and SCAQMD proceedings as well as the strategies contained in the CERP itself. However, the proposed CERP gives the impression that all these programs are part of the CERP even though many of these efforts are unrelated. Though this is done to a lesser extent than the WCWL B CERP, it still does not provide a transparent picture of

---

<sup>2</sup> Ibid, ES-12, Appendix RTC-11, Appendix RTC-44

the SBM CERP's projected emissions reductions. The final SBM CERP projects a 127.9 tons per year reduction in oxides of nitrogen (NOx) and a .91 tons per year reduction in particulate matter.<sup>3</sup> However, the July 2019 Draft CERP, which only included emissions reductions from AB 617 incentives, projected a 40-50 tons per year reduction in NOx and .5-.6 tons per year reduction in particulate matter.<sup>4</sup> The CERP should be clear as to which reductions are related to the CERP itself and which reductions are related to separate actions.

**3) The proposed CERP is overly reliant on incentives, which limits its effectiveness. There needs to be a stronger commitment for increased regulation and enforcement.**

As with SCAQMD's 2016 Air Quality Management Plan, the proposed CERP shows a strong preference for incentives. While CCA supports using targeted incentives as part of the CERP's implementation, they should not be prioritized over regulation and enforcement. For example, creating strong Indirect Source Rules (ISR), mandating on-site mitigation and requiring (rather than just incentivizing) zero-emissions warehouse, airport and railyard equipment will yield real air quality benefits. Additionally, rules must be enforced to be effective. SCAQMD should include tougher penalties as authorized in Section 9 of AB 617 and greater enforcement efforts as part of its overall strategy. We appreciate recent comments from SCAQMD Board Members and staff indicating increasing receptiveness towards stronger rules and greater enforcement, and support the district taking such actions.

**4) CARB, SCAQMD and local government policy and programmatic decisions need to be consistent with the CERP and AB 617. Additionally, the CERP needs to demonstrate a clearer nexus with other state and local plans.**

While we support the creation of a strong CERP, CCA remains concerned that policy decisions by CARB, SCAQMD and local governments could undermine AB 617 implementation. For example, on the same day it approved its Year 1 AB 617 CERPs, the SCAQMD Governing Board also halted a nearly completed rule in favor of voluntary "safety enhancements" proposed by regulated entities.<sup>5</sup> Over the past decade, Inland Empire local governments have zoned over 150 million square feet of industrial space – most of it for warehouses. Despite warnings from air quality

---

<sup>3</sup> *Ibid*, 5a-1

<sup>4</sup> *July 2019 Draft CERP, Chapter 5a – Actions to Reduce Air Pollution Emissions or Exposures – Overview*, SCAQMD (July, 2019), retrieved September 4, 2020, <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/chapter-5a-draft-intro-july-2019.pdf?sfvrsn=8>, 5a-1.

<sup>5</sup> Tony Barboza, *Air board kills regulation of dangerous refinery acid in favor of oil industry plan*, Los Angeles Times, (September 6, 2019), retrieved March 5, 2020, <https://www.latimes.com/environment/story/2019-09-06/oil-refinery-acid-pollution-regulation>

regulators, some of these warehouses sit within 100 feet or less from residential areas and other sensitive receptors, and local governments have failed to pass “good neighbor” policies to protect the local community.<sup>6</sup>

If the CERP is to succeed, state and local governments need to create policies which are consistent with the CERP’s commitments and strategies. The CERP should demonstrate how it interacts and builds upon other state and local plans which may affect air quality, such as local sustainability plans, land use decisions and planning policies.

### **CERP Reduction Strategies:**

- 5) The CERP needs to take stronger action in reducing toxic air contaminants. Further, emissions projections from future rules should be shared with the CSC.**

While the proposed CERP projects large reductions for criteria air pollutants like NO<sub>x</sub>, reductions in toxic air contaminants are significantly smaller. The only toxic air contaminant reductions directly associated with AB 617 implementation are .91 tons per year in DPM.<sup>7</sup> Yet, toxic air contaminants are the primary driver for negative health outcomes in the community. The CERP should take a more rigorous approach in reducing toxic air contaminants. This should include using the criteria required by the State Implementation Plan to ensure real emission reductions. Similarly, the CERP could commit to reducing frontline communities’ scores in SCAQMD’s Multiple Air Toxics Exposure Study (MATES.) SCAQMD staff have stated that some emission reduction projections are not currently available and as they are tied to future rule proceedings. SCAQMD should share these projections with the CSC as soon as they are available.

### **Mobile sources**

- 6) SCAQMD has committed to developing ISRs for railyards and warehouses. These ISRs should be strong and effective, and CARB should consider further rulemaking over these polluters as well.**

Diesel sources, including locomotives, heavy-duty trucks and off-road equipment are the largest sources of toxic air pollutants in the SBM community. Unfortunately,

---

<sup>6</sup> Paloma Esquivel, *Efforts to rein in the Inland Empire’s warehouse industry fall flat*, Los Angeles Times, (December 1, 2019), retrieved September 4, 2020, <https://www.latimes.com/california/story/2019-12-01/la-me-inland-warehouse-rules>

<sup>7</sup> *Community Emissions Reduction Plan: San Bernardino-Muscoy*, SCAQMD (September 6, 2019), retrieved August 28, 2020, <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf?sfvrsn=9>, 5a-2

these sources are difficult to regulate, as the facilities that attract those vehicles are not the direct emissions source. Further complicating matters is the Federal government's preemption of regulating locomotive and aviation-related emissions and the ports' inadequate truck rate. As such, it is imperative indirect sources are required to undertake additional mitigation measures to reduce pollution. CCA supports creating a strong ISR for both warehouses and the railyards at both SCAQMD and CARB. We also urge SCAQMD to require other Facility-Based Mobile Source Measures at warehouses and railyards that will bring expedient emissions reductions.

CCA acknowledges that developments with SCAQMD's warehouse ISR have been positive. While the process is still evolving, we appreciate SCAQMD is pursuing a points-based ISR rather than a credit-based system. While no regulation is perfect and some reasonable flexibility may be need, ensuring that polluters cannot game the system and achieve "paper" compliance will help bring cleaner air to the community. With that said, we are deeply concerned about actions by Ports of Long Beach and Los Angeles which will have impacts throughout the district, including the SBM community. Specifically, the Ports' inadequate truck rate will result in older, dirty diesel drayage trucks staying on the road longer, resulting in more pollution in the Inland Empire, our port communities and everywhere in between.

**7) While light-duty transportation is not part of the proposed CERP, CARB and SCAQMD should create a focused effort to increase passenger vehicle electrification within AB 617 communities. Further, we strongly support the strategy of electrifying transit bus service.**

Though the proposed CERP rightly focuses on freight-related emissions, AB 617 presents an opportunity to promote passenger vehicle electrification. The vehicles of low-income earners are significantly older than those of medium- and high-income earners.<sup>8</sup> Older vehicles, which are designed to meet less stringent standards and are suffering from wear-and-tear, pollute more than newer vehicles. CARB and SCAQMD should work with local community benefit organizations to develop an outreach strategy targeting AB 617 communities for the Clean Cars 4 All program and other wrap-around services. We appreciate and strongly support, however, the CERP's strategy of electrifying Omnitrans bus service.<sup>9</sup>

---

<sup>8</sup> *U.S. households are holding on to their vehicles longer*, US Energy Information Administration, (August 21, 2018), retrieved March 5, 2020, <https://www.eia.gov/todayinenergy/detail.php?id=36914>

<sup>9</sup> *Community Emissions Reduction Plan: San Bernardino-Muscoy*, SCAQMD (September 6, 2019), retrieved August 28, 2020, <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf?sfvrsn=9>, 5d-3, 5d-4

Thank you for your consideration of our comments. CCA looks forward to continued engagement with the AB 617 process.

Sincerely,

A handwritten signature in black ink, reading "Christopher Chavez". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right from the end of the name.

Christopher Chavez  
Deputy Policy Director