



March 20, 2017

**VIA EMAIL and ELECTRONIC SUBMITTAL**

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

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

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

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

United supports and incorporates by reference the comments submitted by Airlines for America® (“A4A”) on the Final AQMP and SIP Strategy. In particular, United objects to the South Coast Air Quality Management District Governing Board’s (“District Board’s”) decision to amend measure MOB-04 – Emissions Reductions at Commercial Airports (“MOB-04”) by adding a sentence directing District Staff to develop an Indirect Source Rule (“ISR”) for commercial airports.<sup>1</sup> At a minimum, CARB should clarify that MOB-04 is not intended to preclude consideration of other, alternative mechanisms to the ISR in the MOB-04 stakeholder process or to preclude District Staff from presenting such alternatives to the District Board for its consideration.

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

The District Board’s decision to direct District Staff to develop an ISR was made at the eleventh-hour. Affected stakeholders were not provided with a meaningful opportunity to evaluate and provide comments on the decision to amend measure MOB-04. As detailed in the comment letter submitted by A4A, the District Board’s actions were inconsistent with California Health and Safety Code § 40466(b), which requires notice for public hearings in connection with AQMP revisions to “include materials relevant to the plan revision.” The motion to amend

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

MOB-04, which was not made until March 3, 2017, when the Final AQMP was approved, does not meet this notice requirement.

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

**B. The District Board’s Decision Undermines and Frustrates Meaningful Stakeholder Participation.**

Regardless of whether proper rulemaking procedures were followed to amend measure MOB-04, the District Board’s decision is counterproductive. It could undermine stakeholder efforts to evaluate options for airport emission mitigation measures; unless clarification of the intent of MOB-04 is provided. Prior to the District Board’s decision to amend measure MOB-04, District Staff had discussed – for many months – establishing a stakeholder group to evaluate options for airport emission mitigation measures. As envisioned by District Staff, this process would have included representatives from District Staff, airports, airlines, and aviation-related service providers.

The District Board’s decision to force the amendment to MOB-04 without meaningful discussion bypasses stakeholder discussion on whether or not the District should proceed with an ISR process. The District Board’s decision appears to limit the engagement of the stakeholder group by answering the key question before the group has been given the opportunity to complete a meaningful review. Nowhere in the record does the District Board explain why the decision was made to truncate and displace the stakeholder process.

Admittedly, we may be reading too much into the language in MOB-04, as the language is confusing. It may be that what was meant by the amended language was simply to ensure that the District Staff and the associated stakeholder group would consider during its process whether or not to recommend an ISR for commercial airports. While our preference would be that the last line explicitly referencing an ISR be stricken, alternatively, we would ask CARB to clarify that MOB-04 is not intended to preclude consideration of other, alternative mechanisms to the ISR in the MOB-04 stakeholder process or to preclude District Staff from presenting such alternatives to the District Board for its consideration. United understands and recognizes the significant and difficult responsibility CARB and the District have in developing and implementing clean air regulatory measures. United respectfully urges CARB to direct the District to work cooperatively with affected stakeholders, and allow the stakeholder group to engage in an open and meaningful review of options for airport emission mitigation measures.

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

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United appreciates your consideration of these comments. If you or your colleagues have questions or require additional information concerning the issues raised in this letter, please feel free to contact me at [robert.schlingman@united.com](mailto:robert.schlingman@united.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Schlingman', written in a cursive style.

Robert Schlingman  
Director, Environmental Policy and Programs  
United Airlines, Inc.

Clerk of the Board  
March 20, 2017

Cc: Tim Pohle, Airlines for America®  
Christina Landgraf, United Airlines, Inc.  
Rohini Sengupta, United Airlines, Inc.