

Fighting for Life

Angelo Logan
Eds 7-7-7
9/27/07

East Yard Communities for Environmental Justice - 2317 Atlantic Blvd. Commerce, CA.90040

Via Hand Delivery

September 27, 2007

California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed 2007 State Implementation Plan

Dear California Air Resources Board ("CARB"):

East Yard Communities for Environmental Justice ("East Yard") provides the following comments on the Proposed 2007 State Implementation Plan ("SIP") for the South Coast Air Basin.

Pursuant to the federal Clean Air Act Amendments of 1990 ("CAA") for areas that exceed health-based National Ambient Air Quality Standards ("NAAQS") for PM2.5 and 8-hour ozone, the SIP must include a demonstration that all reasonably available control technology ("RACT") and reasonably available control measures ("RACMs") have been applied to existing sources. CAA § 172(c).

East Yard wishes to comment that that the proposed SIP for PM2.5 and 8-hour ozone do not demonstrate that RACT and RACMs have been applied to emissions from railyard and locomotive sources in the Basin. These sources are significant ROG, NOx and PM emitters in the Basin, especially concentrated in low-income communities of color such as Commerce, Mira Loma and Colton. Moreover, cancer risk near the Hobart Yards in Commerce was recently calculated by CARB to be in excess of 1,000 in one million. This is a disgrace.

While the CARB entered into its 2005 non-public Memorandum of Understanding ("MOU") with the railroads, the voluntary measures in the MOU are not SIP enforceable and can be terminated with the "poison pill" provision

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that benefits the railroads. The CARB instead should include these measures, and each of them, in an enforceable SIP.

The Health and Safety Code provides CARB with authority to regulate locomotive emissions. H&S Code §43013. Moreover, RACT and RACMs adopted by CARB to reduce railroad emissions are not universally pre-empted by CAA § 209(e). In addition, the Interstate Commerce Commission Termination Act ("ICCTA") does not pre-empt the CAA. *Boston and Maine Corp. and Town of Ayer, MA*, STB Fin. Docket No. 33871 (2001); *Cities of Burlington and Kent*, STB Fin. Docket No. 33200 (1997).

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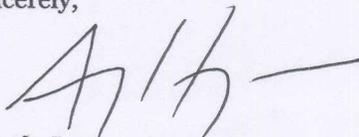
Accordingly, RACT and RACMs to reduce rail emissions that should be included in the SIP include but are not limited to the following, at all yards and lines in the Basin:

1. Anti-idling retrofit devices on intrastate (and interstate) locomotives;
2. 30-minute time limitations and reporting on allowable locomotive idling within the State;
3. Requiring that all California-dispensed locomotive fuel be low-sulfur;
4. Weekly and monthly load tested visible emission testing with opacity meters and monthly reporting;
5. Hybrid engines and particulate traps on all yard equipment such as hostlers and forklifts;
6. Alternative fuels for heavy duty on-road trucks that deliver and haul containers to/from the railyards;
7. Preparation of railroad emissions inventory reports and health risk assessments and public notification of same;
8. Diesel particulate traps for locomotives; and
9. More accelerated introduction of hybrid locomotive engines.

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East Yard therefore respectfully requests that these measures be included in the SIP. Do not shy away from holding the railroads accountable to the environmental protection requirements of the CAA. The era of secret MOUs must come to an end. Should you have any questions or need more information, please contact me.

Sincerely,



Angelo Logan
East Yard Communities for Environmental Justice.