

Adriano Martinez
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NATURAL RESOURCES DEFENSE COUNCIL
COALITION FOR CLEAN AIR
ENDANGERED HABITATS LEAGUE
ENVIRONMENT NOW

September 26, 2007

Via On-line Submission and Facsimile

Chairman Nichols and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95812
Facsimile: 916-323-2393

Re: Comments on South Coast Air Quality Management Plan

Dear Chairman Nichols and Members of the Board:

On behalf of the Natural Resources Defense Council, Coalition for Clean Air, Endangered Habitats League, and Environment Now, we write to provide comments on the 2007 Air Quality Management Plan ("2007 AQMP"). At the outset, we must acknowledge your leadership in working with the South Coast Air Quality Management District ("SCAQMD") to greatly improve the strategy to meet the PM_{2.5} annual standard by 2014 through committing to an additional 76 tons per day equivalent reduction of NO_x. This is a vast improvement over previous iterations of the SIP. However, we are writing to express our deep concern that despite this significant progress the SCAQMD has made towards cleaning the air over the past 30 years, the proposed 2007 AQMP will not bring the region healthful air quality in a timely fashion. We continue to believe that the region can attain the federal standards sooner. Unfortunately, the draft 2007 AQMP is not designed to reach this goal, instead relying on a large percentage of "black box" undefined measures under section 182(e)(5) of the federal Clean Air Act ("CAA").

In our view, reliance on "black box" measures offers the District and its residents an unfavorable tradeoff. While use of these undefined "black box" reductions might make it easier for AQMD or CARB to receive a State Implementation Plan ("SIP") approval in the short term, in reality, it constitutes little more than a deferral of AQMD/CARB responsibility to achieve the federal standards, during which time residents of the Basin will continue to breathe dangerously high levels of air pollutants. Moreover, the 2007 AQMP notes that the Basin will exceed the federal 1-hour ozone standard by 30% in 2010.¹ This is particularly relevant in that the District and CARB

¹ *Id.* at ES-1.

relied on "black box" measures in former SIP revisions for the one hour ozone standard, but these commitments have not come to fruition. It is hard to have sufficient confidence in "black box" measures when the District and CARB do not have a proven track record in pushing these measures along. It is more urgent than ever that the SCAQMD and CARB strengthen control measures to ensure attainment under severe status.

While we are very supportive of numerous facets of the plan, including the port backstop measure, addressing pollution from development through EGM-01, Contingency Measure-03—Banning Pre-Tier 3 Off-Road Diesel Engines During High Pollution Days, and developing a joint plan to meet the eight hour ozone and PM2.5 standard, we urge this Board to direct the SCAQMD to take prompt action to remedy all deficiencies in the plan so that this region can embark a viable path to healthful air quality. In addition to the excessive reliance on undefined long-term measures, our previous comment letters outline other deficiencies in the 2007 AQMP.

Accordingly, in order to gain support for the plan from the groups signed onto this letter we request that this Board direct staff *at a minimum* as follows:

1. Dramatically reduce the excessive reliance on "black box" emissions and strengthen other measures aimed at attaining the PM2.5 standard. For example, staff must include additional short-term control measures such as:

- development of a CEQA construction rule;²
- additional measures to reduce pollution from refinery operations;
- additional emissions reductions from the NOx RECLAIM program;
- an airport 'bubble' regulation; and
- additional measures to achieve reductions from pleasure craft.

2. Work with SCAG to develop and effectively adopt additional transportation control measures ("TCM"). We find the argument that the District is limited in what it can recommend to SCAG unpersuasive. SCAQMD should work with SCAG to develop a more comprehensive and effective list of TCMs. Additionally, while we are supportive of SCAG's 2% compass strategy, the AQMP should remove reductions from this strategy from the baseline given that adequate implementation mechanisms are not in place to secure actual emissions reductions. Instead, SCAQMD should work with SCAG to create a defined TCM with enforceable measures for the 2% compass strategy.

3. Correct the unrealistic assumption that all proposed measures would result in 100% effectiveness (or compliance). The staff has assumed that almost all of its proposed measures (that assume quantifiable emissions reductions) will be 100% effective. These overly optimistic assumptions could result in failing to meet targets.

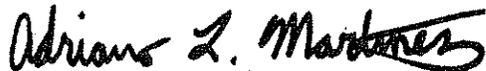
² Construction programs related to CEQA have been adopted by the Sacramento Metropolitan Air Quality Management District and the San Luis Obispo County Air Pollution Control District. While we agree with the District staff that a strong statewide construction rule is necessary, this should not preclude the District from implementing a CEQA program to control construction emissions.

4. **Remove any emissions reductions associated with the Refinery Trading Program—FLX-02.** The staff has prematurely assumed that this program could achieve VOC and PM reductions. Instead of claiming emissions reductions from this measure, the District should commit to additional emissions reductions from its measures governing refineries.

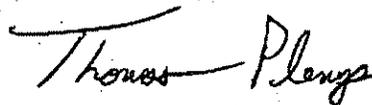
5. **Finally, develop adequate contingency measures to include in the AQMP, as required by federal law.** For example, staff should prepare a Clean Air Days rule, supported by incentive funding, for mobile diesel sources *if and only if CARB cannot deliver sufficient mobile source NOx reductions*. Clean Air Days will rely on incentives to clean up dirty mobile diesel equipment. Upon failure to meet necessary NOx reductions, owners of remaining dirty diesel who choose to not replace that equipment will be prohibited from operating non-qualifying diesels on Clean Air Days.

We appreciate this opportunity to comment on the 2007 AQMP, and look forward to working with this Board and staff to develop an effective plan to achieve federal and state air quality standards.

Sincerely,



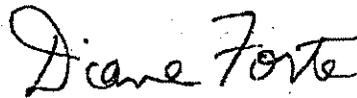
Adrian Martinez
Staff Attorney
Natural Resources Defense Council



Tom Plenys
Research and Policy Manager
Coalition for Clean Air



Michael Fitts
Staff Attorney
Endangered Habitats League



Diane Forte
Director of Sustainability Programs
Environment Now

cc (via email only):

Linda Murchison (lmurchis@arb.ca.gov), CARB
Lucille Van Ommering (lvanomme@arb.ca.gov), CARB
Sylvia Oey, (soey@arb.ca.gov), CARB
Rebecca Rosen (rosen.rebecca@epa.gov), U.S. EPA
Elaine Chang, (echang@aqmd.gov), SCAQMD

Adriano Martinez
07-7-7
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CALIFORNIA SAFE SCHOOLS
CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES
CENTER ON RACE POVERTY & THE ENVIRONMENT
COALITION FOR CLEAN AIR
COMMUNITIES FOR CLEAN PORTS
EARTH DAY LOS ANGELES
FRIENDS OF THE EARTH
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
MERCED STOP WAL-MART ACTION TEAM
MERCED/MARIPOSA COUNTY ASTHMA COALITION
NATURAL RESOURCES DEFENSE COUNCIL
PEOPLE FOR PARKS
PLANNING AND CONSERVATION LEAGUE
SIERRA CLUB CALIFORNIA
STEVEN AND MICHELE KIRSCH FOUNDATION
UNION OF CONCERNED SCIENTISTS

July 17, 2007

Chair Nichols and Members of the Board
California Air Resources Board
1001 I St
Sacramento, CA 95812

Re: Follow-up Comments to June Hearing on 2007 SIP

Dear Chair Nichols and Members of the Board:

We write on behalf of a statewide coalition of public health, environmental and environmental justice groups to reiterate our support for strengthening the 2007 State Implementation Plan (SIP) and to ensure that the Board does not vote on the plan before it has been sufficiently strengthened. We were pleased with the overwhelming Board support at the hearing on the 22nd of June for strengthening the State Strategy to address California's intractable air quality problems. **Given this, we strongly urge the Board to allow staff ample time to work with various stakeholders to identify additional emission reductions and to delay voting on the State Strategy until the SIP is sufficiently strengthened.**

As you know from our past comment submittals and testimony, we consistently requested that the State Strategy be significantly strengthened. We advocated that the plan contain stronger and more immediate clean air measures before bringing it to the Board for approval. Thus, the Board's similar concerns expressed at the hearing were greatly appreciated. However, during the June 22nd SIP hearing, a concern about transportation funding was raised related to the delay in finalizing the SIP for the San Joaquin Valley. It is our understanding that allowing more time to strengthen the plan will not adversely impact the San Joaquin Valley's transportation funding, and accordingly, this concern

should not provoke the Board to adopt the plan before it has been strengthened. We were pleased to learn from CARB staff on Thursday, July 12th that they agree with our assessment, and they decided to postpone the SIP agenda item until the September hearing. CARB staff acknowledged that the air districts would not be harmed by this delay. In light of this, staff must move forward and expeditiously incorporate additional emission reduction strategies. **To ensure a strengthened plan is presented to the Board before the next vote, CARB must begin a public workshop process now focusing on specific source areas where additional emission reductions can be achieved. These workshops should include specific proposals from CARB staff on how to strengthen the SIP.**

Further, because the SIP insufficiently defines how the State will achieve half of the needed pollution reductions, we continue to believe that the current approach to the "black box" contravenes the Clean Air Act and is a breach of the public's trust. As provided in previous letters from environmental, environmental justice and public health groups, the Clean Air Act outlines detailed requirements for "black box" measures. The 2007 SIP clearly does not meet these federally required standards. Beyond legal obligations, sufficiently defining these measures is in the best interest of the State because it will ensure fairness for the industries that will be regulated, sound investments for the producers of technologies that will eliminate or control pollution, and credibility amongst California residents that these "black box" pollution reductions will actually occur. We have attached our joint comment letter submitted on June 13th which describes in more detail our concerns over the use of the "black box" and extension of attainment deadlines.

Based on our previous comments and analysis, we have outlined five primary areas below where additional reductions must be achieved as part of the SIP both through new measures and the strengthening of existing measures:

- Cleaner In-Use Heavy Duty Truck Rule - Given that heavy duty trucks are projected to account for a large percentage of NOx and PM2.5 emissions in the South Coast and San Joaquin Valley, it is imperative that CARB strengthen its current rule design to achieve additional reductions. CARB should commit to expediting the influx of trucks meeting USEPA 2010 emission standards. Continuous remote monitoring of On Board Diagnostics (OBD) systems of all 2010 and later heavy duty trucks should be required. The SIP should also commit to much more robust on road monitoring and enforcement program for non-OBD equipped heavy duty trucks. Finally, CARB needs to commit to developing an in-use monitoring emissions standard for PM for heavy-duty vehicles.
- Smog Check – Given the past history of Bureau of Automotive Repair (BAR) compliance with SIP requirements, the SIP should provide for greater CARB monitoring, evaluation and enforcement of implementation of the measures by the BAR. For example, regular progress reports to CARB by BAR should be required. Vague promises to meet tonnage goals are simply inadequate given

the potential size of the shortfall if performance is lacking. In addition, CARB can accelerate use of remote monitoring of OBD systems to ensure that vehicle owners get faulty emissions systems fixed. California is not fully using the capability provided by OBD to manage emission control failures on vehicles not subject to smog check. Moreover, since there is a proven methodology to measure PM, smog check needs to be expanded to cover in-use emission standards for PM for both gas and diesel light, medium and heavy duty vehicles.

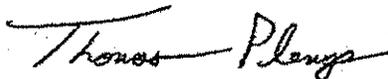
- Greatly Expanded Passenger Vehicle Retirement – CARB’s proposal to increase the number of vehicles retired each year to 60,000 when our ultimate target is on the order of 2.5 to 3.7 million vehicles is grossly insufficient. This range reflects estimates of the number of gross polluting vehicles in California. CARB needs to take a leadership role within the Administration to secure the significant funding necessary to accelerate the retirement of a few million old vehicles over the next 5 years. Vehicle owners would participate on a voluntary basis. This strategy should include incentives for those buying a replacement car to purchase Partial Zero Emission Vehicles (PZEVs) or at a minimum 1996 model year or newer. There is increased interest among the business community including the auto industry to address this part of California’s air pollution challenge. The SIP must also show how the proposed increases in passenger vehicle retirement will be above and beyond natural fleet turnover.
- Cleaner In-Use Agricultural Equipment - It is completely unacceptable that CARB has not committed to any enforceable reductions from agricultural equipment, especially since this is a significant source of air pollution in the San Joaquin Valley, one of the most polluted regions in the nation. CARB has the opportunity to continue its long, successful history of technology forcing regulation. Instead, CARB proposes to adopt an inventory that relies on voluntary fleet-turnover. CARB should not rely on an inventory sleight of hand, especially when the potential for reductions are so significant. CARB should amend the Statewide Strategy for Ozone to commit to specific reductions from the NO_x generated by this source. Waiting for the PM_{2.5} plan to decide upon what reductions to make ignores the state’s duty to regulate this category as a part of the ozone attainment strategy. In addition to including specific measures, CARB should also employ Clean Air Days, phased-in over a reasonable period of time, as a “carrot and stick” approach to significantly reduce emissions from the operation of diesel equipment. This approach would ensure that operators of old polluting machinery, who *choose* not to utilize available incentive funding to retrofit or replace their equipment, would not be allowed to operate their equipment on high pollution days (estimated to be approximately 30 days a year in 2017). This measure has not been objectively and fully considered in a public forum by CARB.

- Marine Vessels – The SIP must express a clear commitment to use 1,000 ppm sulfur content fuel in both auxiliary and main engines by 2010 in order to achieve assumed emission reductions from marine vessel rules. Further, the SIP should include a commitment to transition to even lower sulfur fuels and the potential for even greater emission reductions over the ensuing decade from this sector. CARB also continues to rely on a weak dockside power timeline which must be expedited to achieve significant NOx and PM reductions in the short and mid term. And, finally, boiler emissions, which CARB staff recently reported are larger than previously estimated, remain completely unaddressed in the SIP.

Additionally, CARB should reevaluate opportunities to strengthen measures in the regional plans for the South Coast and San Joaquin Valley. There is still great room for progress within these plans, and the State must do its best to make sure that local air districts are battling harmful air pollution using the most aggressive strategies available. As written, the South Coast and San Joaquin plans do not respond appropriately to the air pollution crisis in these regions.

We look forward to continue working with staff and the Board in developing a viable plan to achieve clean air.

Sincerely,



Tom Plenys
Research and Policy Manager
Coalition for Clean Air



Adriano Martinez
Project Attorney
Natural Resources Defense Council

On Behalf of:

Robina Suwol
California Safe Schools

Jose Carmona
Center for Energy Efficiency &
Renewable Technologies

Luke Cole
Center On Race Poverty &
The Environment

Joel Bush
Communities for Clean Ports

Jim Stewart
Earth Day Los Angeles

Teri Shore
Friends of the Earth

Elina Green
Long Beach Alliance for Children
With Asthma

Nick Robinson
Merced Stop Wal-Mart Action Team

Mary-Michal Rawling
Merced/Mariposa County Asthma Coalition

Tina Andolina
Planning and Conservation League

Susan Frank
Steven and Michele Kirsch Foundation

Jim Stewart
People for Parks

Bill Magavern
Sierra Club California

Don Anair
Union of Concerned Scientists

Cc: Tom Cackette, ARB
Seyed Sadredin, SJVAPCD
Barry Wallerstein, SCAQMD
Kurt Karperos, ARB

Enclosure:

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Re: Comments on Revised 2007 SIP

Dear Chairman Nichols and Members of the Board:

We write on behalf of a statewide coalition of public health, environmental and environmental justice groups in recognition of the recent release of information proposing significant improvements to the 2007 State Implementation Plan ("SIP") for the San Joaquin Valley and South Coast Air Basins. While we still have concerns over specific portions of the plan, we applaud the effort that went into improving the plan by the California Air Resources Board ("CARB") and the South Coast Air Quality Management District ("SCAQMD").

We are pleased the Revised Staff Proposal commits to additional emission reductions from heavy-duty trucks, construction equipment, agricultural equipment, locomotives, as well as through the co-benefits from AB 32 implementation. These enhancements will improve public health in both regions which suffer from some of the worst air quality in the nation. Therefore, we urge the Board to adopt these additional pollution reduction commitments as part of the SIP.

Additionally, we support the interagency effort between CARB, SCAQMD and the Southern California Association of Governments to identify additional strategies targeted at the black box. We strongly recommend that CARB embark on a similar effort with the San Joaquin Valley Air Pollution Control District (SJVAPCD) be included in this effort.

That said, there are several ways in which the plan can and should be further improved. Our previous comment letters dated June 13th and July 17th, which are attached, provided more detailed ways in which the SIP could be improved. At this juncture, we want to highlight six primary remaining areas of concern with specific recommendations:

- 1) We continue to believe both these regions can attain federal health-based air quality standards long before the 11 year delay (4 year for the South Coast) created by "bumping up" to extreme status. The "black box" relied upon to achieve attainment remains entirely too large in both regions. In our view, reliance on "black box" measures offers the State and its residents an unfavorable tradeoff. While use of these undefined "black box" reductions might make it easier for a District or CARB to receive a SIP approval in the short term, in reality, it is a deferral of District/CARB responsibility to achieve the federal standards, during which time residents of both regions will continue to breathe dangerously high levels of air pollutants. In addition, we recognize that the San Joaquin Valley is aggressively seeking funding to reduce air pollution. We feel an Extreme designation works against the Valley's chances of success for funding as this designation denotes that not all that can be done is being done, thus relieving any pressure that funding is urgently needed. ***We ask that the Board require that any pollution reduction measures identified by the interagency effort be formally incorporated into the SIP no later than June 30, 2008.***
- 2) There are several additional commitments that would greatly strengthen the plan such as enhancements to the smog check program by fully incorporating the capability of On-Board Diagnostic ("OBD") equipment and an explicit commitment to a heavy-duty vehicle inspection and maintenance program. ***We ask that Board direct Staff to incorporate explicit commitments on these issues before the end of November.***
- 3) We also believe more reductions are available if CARB were to fully maximize the use of retrofits – especially tailpipe retrofits as has been mentioned in the International Sustainable Systems Research Center's (ISSRC) report. Tailpipe retrofits are cost-effective, since they are less costly than a full engine or equipment replacement. Also, they have been shown to reduce NOx by as much as 85%, we believe these retrofits can go a long way towards cleaning up the air much more quickly while also providing industry an option that can be less economically burdensome. ***We ask that Board to direct Staff to incorporate more reductions based on the use of tailpipe retrofits.***

- 4) Additionally, the proposed commitment for off-road mobile agricultural equipment lacks enforceability. The off-road commitment should be strengthened to include an additional four tons of NOx per day from an improved regulation, plus the four that the CARB's updated staff proposal is outlining. The Ag Equipment emissions reduction commitment leaves the implementation date and the amount of reductions to the discretion of ARB. There is no firm implementation date in the commitment for a "5 - 10 tpd" reduction that may be less than or more than five tons to ten tons range. "The measure as proposed by staff to the Board or adopted by the Board may provide more or less than the amount shown based additional information including but not limited to emission inventory updates." Revised Staff Proposal at Section 2, p.15. The Clean Air Act requires that this commitment be enforceable. Leaving the implementation date and the amount of reductions to ARB's unfettered discretion is not enforceable and thus does not comport with the Clean Air Act. Assuming CARB discovers it has underestimated the Ag Equipment population, or tailpipe and other cost-effective retrofit technology become more readily available, CARB should amend it's plan to commit to more reductions from agriculture equipment to meet the minimum ratio its current plan reflects (10 tons of NOx per day based on an inventory of 30 tons). ***ARB should revise the commitment with a clear implementation date and specific amount of reductions.***
- 5) ARB must honor a decade-old commitment and a court order to cut pesticide VOC emissions from the 1990 baseline inventory by 20% by 2005. Instead, staff proposes to weaken that commitment, break the law, and force the people and ecosystems in Ventura County to endure *more* VOC and toxic emissions from pesticides. ARB should not cave-in to political pressure from the strawberry industry, the broader agricultural industry, or the Department of Pesticide Regulation. Regulations to achieve these required pollution reductions should have been in place years ago and long since protecting the public health. Instead, during the 10 years since regulations were to have been adopted, pesticide VOC emissions in Ventura County have shockingly been allowed to increase by more than 100%. ***We strongly object to the proposed State Implementation Plan revisions for Ventura County and ask that you reject them.***
- 6) The SIP needs stronger contingency measures to ensure the State meets federal clean air standards. History has demonstrated that control measures do not always result in their anticipated emission reductions, perhaps due to insufficient technology development or legal obstacles. ***We ask that the Board incorporate adequate contingency measures as part of the SIP before the end of November.***
- 7) We appreciate that ARB staff will be taking the next two months to review the San Joaquin Air Quality Management Plan. Simultaneously the San Joaquin Valley Task Force chaired by Dee Dee D'Adamo is exploring ways that pollution reductions can be accelerated in the Valley. We believe International Sustainable Systems Research Center's (ISSRC) has uncovered many opportunities to reduce emissions from the

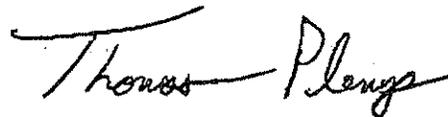
Valley's stationary sources. *We ask the Board to commit to amending the San Joaquin AQMP and State SIP by the end of November based on recommendations from the ISSRC study.*

In sum, it is readily apparent that much progress has been made since the June hearing when the Board sent back the SIP for improvements. We appreciate the hard work from all involved, and we are confident that the improvements to date will make a demonstrable difference in the health and welfare of Californians. We expect that you address our concerns in your recommendations to the Board. We appreciate your consideration of our letter.

Sincerely,



Adriano Martinez
Project Attorney
Natural Resources Defense Council



Tom Plenys
Research and Policy Manager
Coalition for Clean Air

On behalf of:

Bonnie Holmes Gen
Assistant VP, Government Relations
American Lung Association Of California

Brent Newell
Staff Attorney
Center On Race Poverty And The Environment

Joel Bush
Interim Executive Director
Communities For Clean Ports

Jim Stewart
Organizing Director
Earth Day Los Angeles

Diane Forte
Director of Sustainability Programs
Environment Now

Elina Green, MPH
Project Manager
Long Beach Alliance For Children With Asthma

Lisa Kayser Grant
Mom's Clean Air Network

Jim Stewart
Executive Director
People for Parks

Tina Andolina
Legislative Director
Planning & Conservation League

Bill Magavern
Senior Legislative Representative
Sierra Club California

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Chairman Nichols and Members of the Board

September 26, 2007

Page 5 of 5

Cc (Via Email Only):

Seyed Sadredin (Seyed.Sadredin@Valleyair.Org), SJVAPCD

Barry Wallerstein (Bwallerstein@Aqmd.Gov), SCAQMD

David Jessen (Jessen.David@Epa.Gov), U.S. EPA

Rebecca Rosen (Rosen.Rebecca@Epa.Gov), U.S. EPA

Tom Cackette, (Tcackette@Arb.Ca.Gov) CARB

**NATURAL RESOURCES DEFENSE COUNCIL ♦ COALITION FOR CLEAN AIR
AMERICAN LUNG ASSOCIATION OF CALIFORNIA
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Re: Comments on Revised 2007 SIP

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We write on behalf of the undersigned public health, environmental and environmental justice groups in recognition of the recent release of information proposing significant improvements to the 2007 State Implementation Plan ("SIP") for the San Joaquin Valley and South Coast Air Basins. While we still have concerns over specific portions of the plan, we applaud the effort that went into improving the plan by the California Air Resources Board ("CARB") and the South Coast Air Quality Management District ("SCAQMD").

We are pleased the Revised Staff Proposal commits to additional emission reductions from heavy-duty trucks, construction equipment, agricultural equipment, locomotives, as well as through the co-benefits from AB 32 implementation. These enhancements will improve public health in both regions which suffer from some of the worst air quality in the nation. Therefore, we urge the Board to adopt these additional pollution reduction commitments as part of the SIP.

Additionally, we support the interagency effort between CARB, SCAQMD and the Southern California Association of Governments to identify additional strategies targeted at the black box. As part of its work, this interagency effort should identify additional Transportation Control Measures that can effectively reduce Vehicle Miles Traveled.

That said, there are several ways in which the plan can and should be further improved. Our previous comment letters dated June 13th and July 17th, which are attached, provided more detailed ways in which the SIP could be improved. At this juncture, we wanted to highlight seven primary remaining areas of concern with specific recommendations:

- 1) We continue to believe both these regions can attain federal health-based air quality standards long before the 11 year delay (4 year for the South Coast) created by "bumping up" to extreme status. The "black box" relied upon to achieve attainment remains entirely too large in both regions. In our view, reliance on "black box" measures offers the State and its residents an unfavorable tradeoff. While use of these undefined "black box" reductions might make it easier for a District or CARB to receive a SIP approval in the short term, in reality, it is a deferral of District/CARB responsibility to achieve the federal standards, during which time residents of both regions will continue to breathe dangerously high levels of air pollutants. In addition, we recognize that the San Joaquin Valley is aggressively seeking funding to reduce air pollution. We feel an "extreme" designation works against the Valley's chances of success for funding as this designation denotes that not all that can be done is being done, thus relieving any pressure that funding is urgently needed. *We ask that the Board require that any pollution reduction measures identified by the interagency effort be formally incorporated into the SIP no later than June 30, 2008.*
- 2) There are several additional commitments that would greatly strengthen the plan such as enhancements to the smog check program by fully incorporating the capability of On-Board Diagnostic ("OBD") equipment and an explicit commitment to a heavy-duty vehicle inspection and maintenance program. *We ask that Board direct Staff to incorporate explicit commitments on these issues before the end of November.*
- 3) We also believe more reductions are available if CARB were to fully maximize the use of retrofits – especially tailpipe (aftertreatment) retrofits as has been mentioned in the International Sustainable Systems Research Center's (ISSRC) report. Tailpipe retrofits are cost-effective, since they are less costly than a full engine or equipment replacement. Also, they have been shown to reduce NOx by as much as 85%. We believe these retrofits can go a long way towards cleaning up the air much more quickly while also providing industry an option that can be less economically burdensome. *We ask that the Board direct Staff to incorporate additional emission reductions based on the use of tailpipe retrofits.*
- 4) Additionally, the proposed commitment for off-road mobile agricultural equipment lacks enforceability. The agricultural equipment emissions reduction commitment

leaves the implementation date and the amount of reductions to the discretion of CARB. This is the only commitment in the SIP that allows for a range of tons to be reduced and that states that the "final implementation date will be determined in the rulemaking process. Revised Staff Proposal at Section 2, p.15. Thus, there is no firm implementation date in the commitment for a "5 -10 tpd" reduction that may be less than or more than the five tons to ten tons range. The Clean Air Act requires that this commitment be enforceable. Leaving the implementation date and the amount of reductions to ARB's discretion is not enforceable and thus does not comport with the Clean Air Act. Assuming CARB discovers it has underestimated the agricultural equipment population, or tailpipe and other cost-effective retrofit technology become more readily available, CARB should amend its plan to commit to more reductions from agriculture equipment to meet the minimum ratio its current plan reflects (10 tons of NOx per day based on an inventory of 30 tons). ***ARB should revise the commitment with a clear implementation date and specific amount of reductions. CARB should also review and update this commitment within three years.***

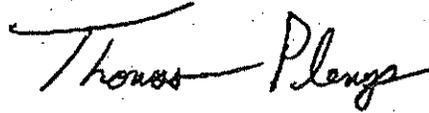
- 5) ARB must honor a decade-old commitment and a court order to cut pesticide VOC emissions from the 1990 baseline inventory by 20% by 2005. Instead, staff proposes to weaken that commitment, break the law, and force the people and ecosystems in Ventura County to endure *more* VOC and toxic emissions from pesticides. ARB should not cave-in to political pressure from the strawberry industry, the broader agricultural industry, or the Department of Pesticide Regulation. Regulations to achieve these required pollution reductions should have been in place years ago and long since protecting the public health. Instead, during the 10 years since regulations were to have been adopted, pesticide VOC emissions in Ventura County have shockingly been allowed to increase by more than 100%. ***We strongly object to the proposed State Implementation Plan revisions for Ventura County and ask that you reject them.***
- 6) The SIP needs stronger contingency measures to ensure the State meets federal clean air standards. History has demonstrated that control measures do not always result in their anticipated emission reductions, perhaps due to insufficient technology development or legal obstacles. ***We ask that the Board incorporate adequate contingency measures as part of the SIP before the end of November.***
- 7) We appreciate that ARB staff will be taking the next two months to review the San Joaquin Air Quality Management Plan. Simultaneously the San Joaquin Valley Task Force chaired by Boardmember D'Adamo is exploring ways that pollution reductions can be accelerated in the Valley. We believe the ISSRC has uncovered many opportunities to reduce emissions from the Valley's stationary sources. ***We ask the Board to commit to amending the San Joaquin AQMP and State SIP by the end of November based on recommendations from the ISSRC study and any opportunities identified by the ARB staff review or through the Task Force process.***

In sum, it is readily apparent that much progress has been made since the June hearing when the Board sent back the SIP for improvements. We appreciate the hard work from all involved, and we are confident that the improvements to date will make a demonstrable difference in the health and welfare of Californians. We urge the Board to address our concerns at the SIP hearing. We appreciate the Board's consideration of our letter.

Sincerely,



Adriano Martinez
Project Attorney
Natural Resources Defense Council



Tom Plenys
Research and Policy Manager
Coalition for Clean Air

On behalf of:

Bonnie Holmes Gen
Assistant VP, Government Relations
American Lung Association Of California

Brent Newell
Staff Attorney
Center On Race Poverty And The Environment

Joel Bush
Interim Executive Director
Communities For Clean Ports

Jim Stewart
Organizing Director
Earth Day Los Angeles

Diane Forte
Director of Sustainability Programs
Environment Now

Carolina Simunovic
Environmental Health Director
Fresno Metro Ministries

Elina Green, MPH
Project Manager
Long Beach Alliance For Children With Asthma

Jim Stewart
Executive Director
People for Parks

Lisa Kayser Grant
Mom's Clean Air Network

Tina Andolina
Legislative Director
Planning & Conservation League

Bill Magavern
Senior Legislative Representative
Sierra Club California

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NATURAL RESOURCES DEFENSE COUNCIL
COALITION FOR CLEAN AIR
COALITION FOR A SAFE ENVIRONMENT
COMMUNITIES FOR A BETTER ENVIRONMENT
ENDANGERED HABITATS LEAGUE
ENVIRONMENT NOW

September 26, 2007

Via On-line Submission and Facsimile

Chairman Nichols and Members of the Board
California Air Resources Board
1001 I St
Sacramento, CA 95812
Facsimile: 916-323-2393

Re: Comments on South Coast Air Quality Management Plan

Dear Chairman Nichols and Members of the Board:

On behalf of the Natural Resources Defense Council, Coalition for Clean Air, Communities for a Better Environment, Endangered Habitats League, Coalition for a Safe Environment, and Environment Now, we write to provide comments on the 2007 Air Quality Management Plan ("2007 AQMP"). At the outset, we must acknowledge your leadership in working with the South Coast Air Quality Management District ("SCAQMD") to greatly improve the strategy to meet the PM2.5 annual standard by 2014 through committing to an additional 76 tons per day reduction of NO_x. This is a vast improvement from previous iterations of the SIP. However, we are writing to express our deep concern that despite this significant progress the SCAQMD has made toward clean air over the past 30 years, the proposed 2007 AQMP will not bring the region healthful air quality in a timely fashion. We continue to believe that the region can attain the federal standards sooner. Unfortunately, the draft 2007 AQMP is not designed to reach this goal, instead relying on a large percentage of "black box" undefined measures under section 182(e)(5) of the federal Clean Air Act ("CAA"). A large percentage of the ozone attainment strategy relies on black box measures,¹ and this number will likely increase to account for changes in assumptions and commitments from EPA and CARB.

¹ SCAQMD, Proposed Modifications to the Draft 2007 Air Quality Management Plan, at ES-9 (Feb. 2007).

In our view, reliance on "black box" measures offers the District and its residents an unfavorable tradeoff. While use of these undefined "black box" reductions might make it easier for AQMD or CARB to receive a State Implementation Plan ("SIP") approval in the short term, in reality, it constitutes little more than a deferral of AQMD/CARB responsibility to achieve the federal standards, during which time residents of the Basin will continue to breathe dangerously high levels of air pollutants. Moreover, the 2007 AQMP notes that the Basin will exceed the federal 1-hour ozone standard by 30% in 2010.² This is particularly relevant in that the District and CARB relied on "black box" measures in its former SIP revisions for the one hour ozone standard, but these commitments have not come to fruition. It is hard to have sufficient confidence in "black box" measures when the District and CARB do not have a proven track record in pushing these measures along. It is more urgent than ever that the SCAQMD and CARB strengthen control measures to ensure attainment under severe status.

While we are very supportive of numerous facets of the plan, including the port backstop measure, addressing pollution from development through EGM-01, Contingency Measure-03—Banning Pre-Tier 3 Off-Road Diesel Engines During High Pollution Days, and developing a joint plan to meet the eight hour ozone and PM2.5 standard, we urge this Board to direct the SCAQMD to take prompt action to remedy all deficiencies in the plan so that this region can return to the path to healthful air quality. In addition to the excessive reliance on undefined long-term measures, our previous comment letters outline other deficiencies in the 2007 AQMP.

Accordingly, in order to gain support for the plan from the groups signed onto this letter we request that this Board direct staff *at a minimum* as follows:

1. Dramatically reduce the excessive reliance on "black box" emissions and strengthen other measures aimed at attaining the PM2.5 standard. For example, staff must include additional short-term control measures such as:

- development of a CEQA construction rule;³
- additional measures to reduce pollution from refinery operations;
- additional emissions reductions from the NOx RECLAIM program;
- an airport 'bubble' regulation; and
- additional measures to achieve reductions from pleasure craft.

2. Work with SCAG to develop and effectively adopt additional transportation control measures ("TCM"). We find the argument that the District is limited in what it can recommend to SCAG unpersuasive. SCAQMD should work with

² *Id.* at ES-1.

³ Construction programs related to CEQA have been adopted by the Sacramento Metropolitan Air Quality Management District and the San Luis Obispo County Air Pollution Control District. While we agree with the District staff that a strong statewide construction rule is necessary, this should not preclude the District from implementing a CEQA program to control construction emissions.

SCAG to develop a more comprehensive and effective list of TCMs. Additionally, while we are supportive of SCAG's 2% compass strategy, the AQMP should remove reductions from this strategy from the baseline given that adequate implementation mechanisms are not in place to secure actual emissions reductions. Instead, SCAQMD should work with SCAG to create a defined TCM with enforceable measures for the 2% compass strategy.

3. **Correct the unrealistic assumption that all proposed measures would result in 100% effectiveness (or compliance).** The staff has assumed that all of its proposed measures (that assume quantifiable emissions reductions) will be 100% effective. These overly optimistic assumptions could result in failing to meet targets.

4. **Remove any emissions reductions associated with the Refinery Trading Program—FLX-02.** The staff has prematurely assumed that this program could achieve VOC and PM reductions. Instead of claiming emissions reductions from this measure, the District should commit to additional emissions reductions from its measures governing refineries.

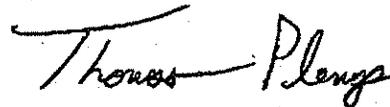
5. **Finally, develop adequate contingency measures to include in the AQMP, as required by federal law.** For example, staff should prepare a Clean Air Days rule, supported by incentive funding, for mobile diesel sources *if and only if CARB cannot deliver sufficient mobile source NOx reductions*. Clean Air Days will rely on incentives to clean up dirty mobile diesel equipment. Upon failure to meet necessary NOx reductions, owners of remaining dirty diesel who choose to not replace that equipment will be prohibited from operating non-qualifying diesels on Clean Air Days.

We appreciate this opportunity to comment on the 2007 AQMP, and look forward to working with this Board and staff to develop an effective plan to achieve federal and state air quality standards.

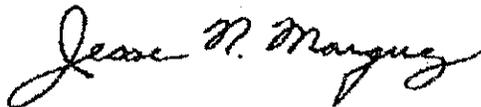
Sincerely,



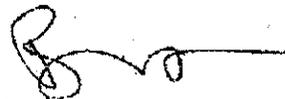
Adrian Martinez
Staff Attorney
Natural Resources Defense Council



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Research and Policy Manager
Coalition for Clean Air



Jesse Marquez
Executive Director
Coalition for a Safe Environment



Bahram Fazeli
Research & Policy Analyst
Communities for a Better Environment