

Kevin Hamilton

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Good morning. I am Kevin Hamilton with Clinica Sierra Vista and Medical Advocates for Healthy Air. We are members of the Central Valley Air Quality Coalition.

My reason for testifying today is to ask this Board to reject the Plan the district has presented for approval this day and return it to them for modification. This is based on the grounds that the recent D.C. Circuit decision to reject EPA's interpretation of the regulation holding PM 2.5 plans to the pre-1990 flexible state planning requirement known as "subpart 1" and order compliance with the more strict "subpart 4" standard, makes the proposed plan incomplete and non-compliant.

Essential differences:

- Subpart 1 did not provide for different non-attainment classifications or tiers of controls, while subpart 4 creates two classifications—"moderate" or "^{Serious}severe" and defined control tiers.
- Also, subpart one allowed 5 years to meet the standard with up to a 10 year extension available for those who failed. Subpart 4 removes that extension and creates a 6 year limit with an automatic "bump" to serious non-attainment along with a much stricter compliance requirement for proposed controls.
 - BACM instead of RACM
 - Serious non-attainment area plans MUST include ALL precursors to PM-2.5 (i.e, NOx, SOx, ammonia and VOCs), unless EPA determines that sources of a particular precursor do not contribute significantly to PM 2.5 levels that exceed the standard. (under the old subpart districts could assume ammonia and VOC were not pollutants that needed to be controlled)

The argument seems to be that there is nothing more that can be done so there is no need to consider earlier attainment – “all stones have been overturned”. We have heard this claim for many years.

- And yet as Fresno County’s Environmental Representative to the Community Advisory Committee of the Board I can truthfully report that many meeting agendas last year were filled with rules EPA had returned to the district for strengthening. In all cases the district was able to accomplish the task.
- Staff made this same claim in both of the last ozone and PM2.5 plans, and yet here we are with yet more rules built into the strategy.
- For this Plan, commenters have again provided a list of new stones to lift (e.g., opening burning, flares, ag IC engines, ammonia, solid-fuel burning, earlier charbroiling controls) even though we believe it is unfair to shift the burden to the public to do the District’s job.

Enough with the specious claims we have “done all that is possible.” EPA tightened the annual particle standard earlier this month and is certain to adopt significant new protections for ozone in the next year or so. It’s time move away from planning that starts from the assumption that nothing more can be done.

In closing I would like to remark that it has been my experience that strong successful organizations are led by those whose initial positions on projects required by statute are that they can and will succeed! They do not present

fantastical scenarios asserting disastrous outcomes! Good planning requires starting with a complete picture of what is needed, a systematic review of what strategies might be possible and their realistic impact through the lens of public health and finally a cohesive plan for implementation that produces success as a result.