WSPA

July 18, 2018

Mr. Richard Corey
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: WSPA Comments on ARB's Draft Community Air Protection Blueprint and Appendices for Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies and Conducting Community Air Monitoring.

Dear Mr. Corey:

The Western States Petroleum Association (WSPA) appreciates this opportunity to comment on the California Air Resources Board's (ARB) Draft Community Air Protection Blueprint and Appendices. WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states.

ARB's Blueprint documents advance the discussion on AB 617 implementation in several important respects. In particular, the Appendices provide important new information on the criteria used to select communities for AB 617 programs (helping to differentiate monitoring communities from emissions reduction program communities, air quality indicators that will form the basis for emissions reduction program targets, and criteria to inform proper development and application of air quality monitoring data. The Blueprint also includes an Appendix containing a draft Environmental Analysis (EA) of the proposed project under the California Environmental Quality Act (CEQA). However, the Blueprint documents leave many questions unanswered. Absent additional effort to fill these information gaps, the AB 617 program is likely to unfold in a patchwork fashion that does not satisfy the statutory requirements, and may do more harm than good in AB 617 communities.

The following comments and the more detailed matrix and draft EA comments attached to this letter identify areas that require further attention to achieve the intent of the enabling legislation.

Inconsistencies Between Draft Blueprint Summary Document and Appendices

In the course of our review of the documents, we have identified instances where statements in the Blueprint Summary document appear to be at odds with information provided in the Appendices. We are also concerned that some stakeholders will focus only on the Blueprint summary document, which lacks critical information and context contained in the Appendices and may interpret the summary language in a manner that is inconsistent with ARB's intent for program implementation.

The following bullets offer a few examples of conflicting statements in the Blueprint Summary and Appendices:

- *Near term emission reduction targets* – ARB states in Appendix C that "As new strategies are developed and deployed, it may take several years to see significant reductions in exposure that can be measured at the community scale." (C-30). This statement properly reflects the practical realities of achieving additional emissions reductions in settings that are already highly regulated, but it conflicts with the requirement that emissions reduction plans must achieve program targets in 3-5 years (Blueprint Summary, page 15). In addition, neither document clearly describes the difference between program "actions" and "targets."
- *New regulations* – ARB states in the Blueprint Summary that "… communities will see targeted action through new regulations, focused incentive investment, and engagement with local land use authorities …" (pages 4-5). This statement suggests that all emissions reduction programs will include new regulations. However, Appendix C describes six categories of *potential* emissions reduction strategies and recognizes that some strategies may not be selected in a given community (C-17-C-18). ARB should clarify that the need for new regulations must be considered on a case-by-case basis, and that emissions reduction programs will not always include new regulations. Moreover, ARB should make clear that any new regulations considered as part of a community emissions reduction program will be

subject to and limited by existing requirements under California law applicable to the adoption of ARB and local air district regulations generally.

- *Low-cost sensors* - The Blueprint Summary promotes the idea that "lower cost sensors and other emerging technologies" can be placed in more locations than "more expensive regulatory-grade monitoring systems in place today." (page 4) Appendix E states that "With the advent of low-cost air quality sensors, community members are themselves taking more and more responsibility for measuring the air quality where they live …" (E-1) and "Community air monitoring may not necessarily require U.S.EPA-designated methods and equipment, which provides the opportunity to utilize next generation air monitoring methods and equipment … providing greater spatial coverage and faster access to the resulting air quality data …" (E-2) These statements suggests greater reliance on monitoring methods, technologies and data that may not be adequate for certain uses, such as determining the need for additional control measures on particular sources, or to support compliance determinations and enforcement actions. In contrast to the Blueprint Summary, Appendix E includes statements that appear to address this concern. For example, ARB states that "… more rigorous methods are required to support an enforcement action compared to an air quality awareness program." (E-6) and "limitations of selected air monitoring equipment should be made clear to stakeholders and documented in the plan." (E-11)
- *Emissions reduction targets for criteria pollutants* – Appendix C states that "U.S. EPA and the State of California have set health-protective ambient air quality standards that establish health protective levels" for criteria air pollutants (C-4). However, ARB suggests at C-13 that local air districts may want to go beyond these levels to reduce cumulative exposure burdens in a given community. The absence of a science-based target, such as an ambient air quality standard or a risk-based action level leaves ARB and the agencies open to criticism that any amount of air pollution in a selected community is too much, regardless of whether the air quality meets applicable health-based standards. Moreover, the Blueprint documents fail to mention that any measures adopted by air districts to "go beyond" existing standards will need

to comply with applicable existing state laws requiring consideration of cost-effectiveness, feasibility, and other factors, and cannot simply be adopted at the whim of an air district.

We request that the Blueprint document be amended to ensure that the general statements in that document are consistently interpreted relative to the critical supporting details in the Appendices.

Issues Unresolved or Relegated to the Resource Center

While we appreciate that air districts have more detailed knowledge of community-level issues and must retain some discretion in the design and implementation of community monitoring and emissions reduction programs, the Blueprint documents leave too many important issues unresolved or relegate them to future development in ARB's online Resource Center. These issues include, but are not limited to the following:

- Identification of methodologies for source attribution and discussion of their proper application. This is perhaps the most critical technical element in selecting communities for emissions reduction programs and in designing those programs.
- Development of methods to "assess cumulative impacts and integrate indicators of community vulnerability," including additional information from research already underway pursuant to contracts administered by ARB and the Department of Toxic Substances Control (DTSC).
- "Additional actions" contemplated for communities not selected in the initial years of AB 617 implementation.
- How ARB and the Districts will identify facilities for "facility-specific risk reduction audits," how those audits will be conducted and what may be required of affected facilities.
- Mechanisms for removing communities from the AB 617 candidate list, or for sun setting community monitoring and emissions reduction programs once program objectives are achieved.
- Methodology and criteria for determining appropriate uses for various monitoring technologies.

- How ARB and air districts will communicate the meaning and implications of air quality monitoring data derived from various sources and technologies.
- Identification of next-generation emissions control technologies and how this information will be considered in the context of facility permits and BARCT reviews.
- Land use strategies and measures that appear to contemplate retroactive land use decisions affecting existing sources.
- Mechanisms to ensure accountability for expenditure of state grant funding intended to support greater community involvement.

These and other issues should be discussed in the Blueprint documents in sufficient detail that stakeholders have a clear understanding of how they will be addressed in the context of AB 617 implementation at the community level and an opportunity to shape draft proposals through public review and comment. Failure to address these issues in the Blueprint documents undermines the transparency of the AB 617 implementation process.

Technical Feasibility and Cost-Effectiveness

The Blueprint Appendices use language that is suggestive of extreme emissions reduction measures that do not consider technical feasibility or cost-effectiveness. Some examples include: "Commitments to achieve numerical goals … that provide the greatest emission reduction potential" (C-14); "even with the cleanest technologies deployed, proximity to emissions sources may continue to pose health risks (C-15); and "The community emissions reduction program must evaluate the most stringent control limits" (C-18). In addition, figure 16 (C-16) states that the emission reduction target should be equal to the emission reduction potential (i.e., the target should be a 100% emissions reduction). Such a goal is neither technically feasible nor cost-effective. These statements conflict with the statutory requirement for evaluation of cost-effectiveness at Health and Safety Code § 44391.2(c)(2), which ARB cites at C-17: "Per statute, community emissions reduction programs must identify cost-effective measures to achieve the emissions and exposure targets." Further, such statements clearly indicate ARB's intent to mandate control requirements and regulations which require not only cost-effectiveness and feasibility evaluations, but also must be considered in the required CEQA analysis.

The regulatory strategies section starting at C-18 is lacking any discussion of how multiple new regulatory strategies will work in concert to achieve emissions reduction program targets without imposing overlapping or conflicting requirements and runaway compliance costs. Programs that fail to address these issues are likely to depress local and regional economies, trading minor gains in air quality for greater socio-economic impacts. Such tradeoffs will not improve overall conditions in disadvantaged communities.

As we indicated in our comments on ARB's draft AB 617 Concept Paper, evaluation of technical feasibility and cost-effectiveness in all phases of AB 617 implementation is critical to the success and sustainability of the program because inefficient allocation of resources will diminish program benefits at the community level and on a statewide basis. Additional references to cost-effectiveness should be added to both the Blueprint Summary and the Appendices, especially in the context of new regulations, control technologies and mitigation strategies that involve expenditures of program and private party resources.

Implementation of BARCT and BARCT Clearinghouse

WSPA is concerned that the Blueprint documents provide no meaningful guidance on how districts are to "expedite" the BARCT determination process, how to develop a feasible BARCT implementation schedule for all affected sources in less than six months, or how such a schedule could adequately accommodate the unique individual feasibility and cost-effectiveness concerns that drive BARCT determinations for multiple industries.

Existing California law defines BARCT as "an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source." CA Health & Safety Code § 40406. Further, Health & Safety Code Section 40920.6 specifically requires air districts to evaluate the incremental cost-effectiveness of potential control options prior to determining BARCT. Accounting for and balancing the many environmental, energy and economic impacts that apply across multiple categories of sources in each district is an extremely time- and resource-intensive task – both for the air districts and the regulated parties themselves. Districts with more stringent nonattainment areas, larger and more varied industrial sources, and greater implementation of novel technologies may face unique challenges not present in other

districts. For these reasons, BARCT determinations typically are established and refined over periods of years, not months.

As air districts consistently note in their staff reports, public workshops and other rulemaking proceedings, the BARCT process requires a district to undertake individual investigations, workshops and public hearings for each source category to ensure that it considers all of the relevant facts unique to potentially regulated sources. The actual timeframe for any category will necessarily reflect such factual considerations as the availability, feasibility and incremental cost-effectiveness of any control option, the lead time required for permit modifications and other district review procedures, contractor availability, material availability and delivery constraints, among other significant factors. To avoid creating the misimpression that such a process can be rushed or somehow truncated, an appropriate section of the Blueprint (e.g., Appendix C) should describe the steps involved in the BARCT process.

The Blueprint documents also do not explain how or when air districts should rely on the newly created statewide BARCT clearinghouse in individual BARCT decisions for categories of sources in their districts. Indeed, the very definition of BARCT makes clear that BARCT determinations can and do differ significantly from district to district, and from category to category of source. The environmental, energy and/or economic impacts of adopting new control technologies often are very different in different districts. WSPA believes ARB must clarify the purpose and proper use of the BARCT clearinghouse. Attempting to use the clearinghouse as a mandatory "one size fits all" solution to setting BARCT in different air districts contradicts the very definition of BARCT and could be a recipe for confusion and conflict among air districts and the regulated community alike.

Role of Health Indicators in AB 617 Implementation

WSPA agrees with ARB that the appropriate role for public health indicators is only in the initial screening process for community selection, as described in the six factors ARB proposes to characterize cumulative exposure impacts within each community. (Blueprint Summary, page 11; Appendix B-6) It is unclear why the Blueprint documents omit the important analyses ARB provided in the draft Concept Paper identifying the impediments to use of health indicator data for other aspects of AB 617 implementation. Both the Blueprint Summary and the Appendices should specify that other uses of health indicator information, such as measuring changes in

health outcomes as an indicator of emissions reduction program performance, are not appropriate because the available data is not sufficient to support such uses.

As local air district officials have explained to ARB, public health indicators are no substitute for actual emissions data in terms of tracking the performance of air emissions reduction programs. Public health data are influenced by a multitude of genetic, environmental and other individual risk factors. Even the Blueprint documents concede that existing air quality standards at the federal and state levels are already set at levels broadly designed to ensure protection of health, and that assessing more direct and synergistic relationships between multiple types of air pollutants and health impacts is "still an emerging field of research" (Appendix C-4). ARB should continue to use emissions reductions as the more direct, applicable and statutorily relevant metric for measuring the performance of community emissions reduction plans. We also support ARB's intent to engage local Public Health Officers in the Community Steering Committee process. They have the necessary subject matter expertise and experience to educate stakeholders on the role of air quality as a determinant of community health relative to many other factors that contribute to community health outcomes. However, since public health impacts are not just an air quality issue, research and regulatory engagement should not be confined to the AB 617 program. A siloed approach increases the possibility that resources will be invested in ways that do not measurably improve health outcomes in the most highly burdened communities. (Blueprint Summary, page 5)

Community Assessment and Selection

ARB lists a number of data sources it will use in the selection of monitoring and emissions reduction program communities (B-7). These include ARB's Environmental Justice Screening Method, the California Healthy Places Index, ARB's Pollution Mapping Tool and the U.S.EPA Environmental Justice Screening and Mapping Tool. Without an external scientific peer review of the methodology, limitations and proper application of these tools, it is premature to conclude that they are fit for purpose in selecting AB 617 communities. It is possible that the "consortium of researchers" under contract to ARB and the Department of Toxic Substances Control (DTSC) noted at B-7 could serve this purpose, but the details of this contract are not disclosed in the Blueprint documents.

The Blueprint documents also conflate exposure and health risk in the community assessment process. It remains unclear what metrics ARB and the districts will use to

determine whether a community is "overburdened." For example, emissions that do not result in a significant increase in cancer or non-cancer health risk (as defined by air district rules) in the candidate community should not be targeted for reductions. Community technical assessments should focus first on community health risk and then work backwards to characterize exposure, and finally to identify the emissions (and sources) driving the significant health risk.

Moreover, the Blueprint should provide more explicit direction about the use of existing air quality indicators to determine what areas may have a "high cumulative exposure burden." Existing Federal and California air quality laws already target environmental and health benefits by requiring attainment of ambient air quality standards in defined geographical regions, and by limiting exposures to toxic air contaminants above harmful thresholds. Areas with elevated levels of criteria and toxic pollutants are already required to enforce stringent controls, and higher levels of pollutant exposure usually trigger even more stringent limitations. Accordingly, ARB should clarify that the goal in community assessment and selection should be to identify those communities statewide with local toxic or criteria pollutant levels that pose *disproportionate* risks not already adequately addressed under the existing comprehensive scheme of Federal and state air quality regulation. Selection criteria should be limited to factors that differentiate communities with the highest cumulative air pollution exposure burden from other communities. ARB's proposed additional selection criteria – "geographic variety" and "source variety" – are beyond the scope of the statute, will dilute program focus and resources by implicating lower priority communities and will limit program benefits in the most burdened communities.

Also, burden assessment and community selection should be based on the air quality indicators that will be the focus of the emissions reduction programs (PM 2.5 and risk-driving toxic air contaminants), consistent with ARB's determination that these are the only pollutants that can be addressed at the community level. In addition, and consistent with the statute, priority communities should be limited to those identified areas of disproportionate pollution burden within existing cities and counties, and not become over-inclusive "super-regions" designed primarily to funnel more funding and resources under AB 617.

While ARB does recommend minimum factors that should be considered by each air district in community selection, it does not define the process by which air districts should refine their preliminary lists to support final recommendations to ARB. There

should be some uniformity in this process across all air districts to ensure consistent quality, scientific rigor and allocation of resources to the most highly burdened communities.

ARB still needs to define what "near term actions" it is contemplating for communities "not yet selected" (B-1, B-10), or at a minimum provide some examples of such measures. On the surface, this concept exceeds the scope of authority provided by AB 617 (i.e., to "reduce emissions in communities with high cumulative exposure burdens"), and is unnecessary because all communities will benefit from the many other air quality regulatory programs and plans that will continue to operate independently of AB 617. Given the number of candidate communities identified by air districts and self-selected, the resource and workload burden of this undefined concept will be substantial and is likely to distract from efforts to reduce emissions in the most highly burdened communities.

Community Air Quality Monitoring and Data Validation

Air monitoring and technical assessment must serve as the foundation for an emissions reduction program to confirm first that the program is needed, and then ensure that the program is designed around a science-based understanding of the emissions affecting each community, source attribution and identification of measures that will most cost-effectively reduce the air pollution burden. This approach seems implied in Appendices C & E but is not clearly stated in the Blueprint Summary. Language should be added, particularly in Section VIII emphasizing air monitoring and technical assessment as the first steps in a potential community emissions reduction program, and that much of the rest of the program (including emission reduction strategy, actions, metrics, etc.) depends on this work.

Public access to community monitoring data must be coupled to a comprehensive community education program that addresses the technical factors discussed in Appendix E (e.g., roles and responsibilities, data quality objectives, applicability and limitations of various technologies, proper interpretation of results, etc.). The air districts should be required to include an education component in every monitoring plan to ensure that Community Steering Committee members understand these issues and their role in implementing the monitoring plan elements described in section III. In addition, it is critical that ARB define a much more specific process than is currently reflected in the Blueprint documents for the quality, validation and transparency of community data developed in the implementation of AB 617. ARB

requires consideration of existing data in the air district and communities and suggests that "lower cost sensors and other emerging technologies can be located in more locations within communities than more expensive regulatory-grade monitoring systems in place today." (Blueprint Summary, p. 4). However, the Blueprint documents provide no other guidance on when such lower cost and lower grade monitoring might be implemented. Expanding the scope of community-based monitoring, while offering potential short-term cost savings and increased geographic coverage, can introduce serious concerns of data reliability and quality unless that monitoring is subject to similarly rigorous requirements as the monitoring currently mandated by oversight agencies.[1]

Raw data should not be released to the public, as is suggested at F-21. If ARB and the air districts intend to introduce real time community monitoring and low cost technologies which may produce results that conflict with U.S. EPA-approved technologies, it is critical that all data collected pursuant to AB 617 monitoring programs be screened through the processes described in Appendix E and properly characterized before it is made publicly available. This step will be necessary to prevent misinterpretation and misuse of the data.

The Blueprint Summary document refers to "community-operated … regulatory monitoring" (page 4). Just as ARB and the air districts are solely responsible for enforcement (C-25), "regulatory monitoring," which carries potential enforcement consequences, should not be delegated to community representatives.

Emission Reduction Program Focus

WSPA supports ARB's position that the need for additional emissions reductions must be demonstrated before undertaking an emissions reduction program, including requirements for monitoring results that characterize the "high air pollution exposure burden … well enough to inform … emission reduction program development," and

[1] Appendix C even suggests that "community ground-truthing exercises can be useful to validate and enhance emissions and exposure analyses." (C-11). It is unclear what "ground-truthing" ARB believes would better validate data collected in accordance with established EPA, CARB and air district methodologies. Such statements raise the concern that community data collection may fail to meet established requirements for verification and validation, or risks that otherwise scientifically rigorous data collection and validation could be susceptible to attack by politically motivated interest groups.

sufficient data and resources "to produce source attribution results for use in strategy development" (Appendix B-9).

WSPA supports clear statements in both documents that emissions reduction programs will focus on air quality indicators - reducing exposure to PM 2.5 and toxic air contaminants (TAC) that contribute to cumulative exposure burden (e.g., Appendix C-5). To further ensure that program focus is confined to pollutants emitted in the selected community, PM precursors that drive regional air quality impacts should be differentiated from localized PM 2.5 emissions. The need for further TAC reductions should be evaluated on a health risk basis, not an emissions basis, as the latter approach could capture TACs that do not drive local health risk and would dilute risk reduction benefits. In addition, the potential co-benefits that could be derived from other regulations should not be used as surrogate justification for the measures included in community risk reduction programs.

The approach for risk reduction audits at C-19 should rely on existing state and district air toxics policies and regulations, consistent with statutory requirements. This means that only when a community is selected as having a high cumulative exposure burden, ***and*** a facility operating within that community has been determined to "cause or significantly contribute to a material impact" on said community, ***then*** the air district will determine whether to reopen and update the risk reduction audit and emissions reduction plan for that facility. The language at C-29 is unclear and implies that risk reduction audits can be reopened and updated regardless of the facility's impact on the selected community.

With regard to minimum data requirements, ARB states at C-12 that "high resolution data" may be unavailable at the community-level or unnecessary in communities with a small number of source types. This language could be misinterpreted to direct all emission reduction efforts toward stationary sources - because data is readily available for those sources – without first doing the work to understand contributions of area and mobile sources. This approach would conflict with the requirements at Health and Safety Code § 44391.2(b)(2) and diminish program benefits. Communities should not be selected for emissions reduction programs unless high-resolution data is available for those communities.

Both documents should discuss how ARB and the districts will satisfy the statutory requirement to ensure that emissions reductions are "commensurate with (a source's) relative contribution" (Health and Safety Code § 44391.2 (b)). The source

apportionment in initial community technical assessments is an important first step, but is not likely to be adequate in most communities without additional data gathering and analysis. Comprehensive community emissions inventories that capture small stationary, area and mobile sources and regional background contributions outside the community (E-11), and effective source attribution methodologies will also be critical for this purpose.

The Blueprint Summary document states that the majority of communities selected in the first year of the program will be selected for emission reduction programs (page 5). This statement seems to presume that the criteria for differentiating monitoring communities from emissions reduction communities will not change from the current draft, which suggests a pre-determined outcome without the benefit of additional stakeholder feedback on the document.

Local Planning Measures

WSPA appreciates ARB's recognition of the impact that land use decisions have had and continue to have on community exposure burdens (Blueprint Summary, pages 6 and 18), particularly where sensitive land uses have been allowed to encroach on facilities operating in industrial zones. The Blueprint documents also acknowledge that ARB and the air districts are prohibited from infringing on city, county and regional planning agencies' existing jurisdiction to plan and control land use. However, the documents contain no substantive discussion of the impacts from potential land use and transportation strategies that might be adopted by these local agencies, or alternatively, the impacts that could result from those agencies refusing to adopt such strategies. Indeed, by promising that "communities will see targeted action" through (among other things) local land use decisions outside ARB's jurisdiction, the Blueprint documents seem to mistakenly suggest that ARB and the districts can compel those decisions as they see fit. ARB should clarify this apparent suggestion and address the reasonably foreseeable impacts from local land use planning decisions resulting from Blueprint implementation.

Moreover, proposed local planning measures in Appendix C, such as "requiring increased setbacks for specific source types" and "processes to terminate existing incompatible land uses" (C-21) may not be possible for existing facilities. ARB should also address the legality of retroactive application of such requirements, since they would constitute a taking of property rights from a legally established business.

ARB Should Not Prioritize Zero Emission Technologies

The Blueprint documents repeatedly emphasize an intention to promote and require zero-emission technologies (ZET) over other potentially feasible emission reduction strategies. (e.g., Blueprint Summary, pp. 3, 9). ARB even suggests that ZET implementation **itself** be a goal of the Program, rather than one possible means to achieve the goal of reducing emissions. (e.g., Blueprint Summary, p. 15). WSPA appreciates the additional emphasis in the Blueprint documents on feasibility in the context of deployment of ZET (e.g., Appendix C-3), but that term is not defined in the documents.

Moreover, AB 617 does not mandate the prioritization of ZET over other equally or more effective emission reduction strategies. Rather, AB 617, like other California law, requires consideration of multiple emissions control options or strategies that may accomplish the emission reduction objective(s) in a cost-effective manner. (CA Health & Safety Code §§ 40926.6(a), 44391.2). ARB's statewide strategy to reduce criteria and toxic pollutants from high cumulative exposure communities also must include a full assessment of available, achievable and cost-effective measures for reducing emissions, including but not limited to technologies qualifying as BARCT, BACT and BACT for toxics. (§44391.2(b)(4)).

WSPA is concerned that preordaining ZET as the "priority" or "focus" control measure is inconsistent with AB 617 and with existing California law. By making ZET a "priority," the Blueprint documents increase the probability that other more cost-effective and immediately feasible low-emission or near-zero technologies could be discounted or ignored, even if those technologies would be as effective or more effective in immediately and substantially reducing emissions in impacted areas. Fewer communities will realize program benefits and the extent of the benefits in a given community will be more limited. It is unlikely that the Legislature intended this outcome. ARB should clarify that the feasibility determination for deployment of ZETs will also include consideration of cost-effectiveness and other factors, and that the control technologies ultimately promoted or required as a result of the AB 617 program will obtain full and equal consideration based on the merits of their feasibility and cost-effectiveness.

Program Efficacy and Sustainability

ARB has expressed the view that the statute requires emissions reduction plans to identify some actions that can achieve specific emissions reduction targets within three-to-five-year timeframes (e.g., Blueprint Summary, page 15). Such timeframes may be feasible for certain incentive-based programs, or to achieve reductions from sources that are subject to previously-adopted rules which prescribe implementation timeframes that fall within these windows. However, these timeframes will not be feasible for any measures that will require new rulemaking or permitting for new emissions control equipment. It will be incumbent on ARB and the air districts to ensure that Community Steering Committee members understand the practical limitations inherent in meeting near term deadlines for some measures, and that those measures reflect achievable implementation periods.

ARB is proposing to do technical assessments for all self-nominated communities, even if they are not selected for near term action (Appendix B-3). Given the large number of self-nominated communities, the detailed technical assessments described at C-11 (e.g., community-level emissions inventory, source attribution, compliance assessment, etc.) will divert program resources from actions that can achieve air quality benefits in selected communities.

Enforcement

WSPA supports the discussion at C-25 on enforcement roles and responsibilities, and the clarification that enforcement is the sole province of ARB and the local air districts. We also agree that "increased enforcement of existing rules and regulations can be implemented without requiring new regulatory processes" (C-20). In addition to these principles, any enhanced enforcement should focus on instances of non-compliance that result in emissions exceedances above permitted levels for those emissions impacting the community emissions reduction plan, not on minor violations (e.g., recordkeeping or reporting issues) that may occur at some facilities as a function of facility complexity but have no material impact on air emissions in the community. ARB should also explicitly require consideration of the gravity of a violation, and whether complaints and NOVs are valid in the first instance, rather than simply focusing on the number of NOVs (C-27), which may have no bearing on the facility's impact on community air quality.

Certain Annual Implementation Metrics proposed at C-29, such as number of inspections, notices of violation issued and number of complaints received, are not appropriate for tracking emissions reduction program progress because they do not reflect any direct impact on community health risk, and achieving these arbitrary numeric metrics is unlikely to change the air quality burden in the selected communities.

Enhancement of complaint reporting, discussed at C-27, should focus on more than increasing complaint frequency. Community enforcement training should focus on how to properly identify and report potential emissions-related issues at a given source and should actively discourage participation in social-media-based complaint campaigns.

The idea of using supplemental environmental projects (SEP) to offset penalties (C-26) would create a perverse incentive for greater enforcement against facilities in AB 617 communities. While this type of offsetting is not a new practice, the fact that communities would be directly or indirectly involved in the enforcement process (see C-28 regarding deputizing the public to "help develop solutions to community issues") creates a conflict of interest, in which they would be the beneficiaries of the SEPs.

Community Steering Committee Makeup

WSPA appreciates emphasis in both Blueprint documents on participation in Community Steering Committees by "individuals who live, work, or own businesses within each community" (e.g., Blueprint Summary, page 14; Appendix C-7). We request further clarification that the reference to those who "work" in the community includes employees of facilities that may be subject to monitoring or emissions reduction requirements pursuant to AB 617 programs. These individuals have valuable knowledge and experience to contribute to program design and implementation and should be included in the Community Steering Committee process.

ARB should play a more prominent role in the Community Steering Committee process than merely as "observer" and "technical support." Given that mobile sources are likely to be a dominant contributor in most if not all selected communities, ARB's role as the oversight agency for the statewide emissions reduction strategy, and the technical resources ARB will need to invest in community program development and

implementation, ARB should have a standing in the process that is comparable to that of the air districts.

Draft Environmental Assessment

The Blueprint documents outline numerous potential changes to air quality policy and regulation at multiple levels, some of which may have far-reaching consequences for California's environment, its economy, and for all Californians. Accordingly, WSPA believes it is critical for ARB to conduct a full and fair evaluation of the potential impacts of the Blueprint, and not to understate or dismiss adverse impacts associated with adoption of the Blueprint's proposals. ARB has included a Draft Environmental Assessment (EA) of the draft Blueprint documents in Appendix G. WSPA's detailed comments on the Draft EA are attached to this letter. The Draft EA fails to address the full range of foreseeable impacts that would result from implementation of the draft Blueprint, improperly "piecemeal" review of the Blueprint by leaving consideration of reasonably foreseeable impacts to local agencies and downplays the potential adverse environmental impacts of the reasonably foreseeable impacts the Draft EA does list. WSPA urges ARB to revise and recirculate the Draft EA for additional public review and comment with respect to these issues, as is required by California law. (14 C.C.R. § 15088.5).

WSPA looks forward to ARB's responses to our comments and to our ongoing dialogue on AB 617 Implementation. If you have any questions, please contact me at this office, or Tiffany Roberts of my staff at troberts@wspa.org.

Sincerely,

Catherine Reheis-Boyd
President

Attachments

cc: Tiffany Roberts, WSPA
Catherine Dunwoody, ARB
Heather Arias, ARB