November 29th, 2017

Mss. Karen Magliano and Veronica Eady
California Air Resources Board
1001 I Street
Sacramento, CA 95814

CC: Mr. Kurt Karperos,
Mr. Richard Corey,
California Air Resources Board Members

RE: San Joaquin Valley Recommendations for Implementation of Assembly Bill 617

Dear Ms. Magliano and Ms. Eady,

On behalf of the Central Valley Air Quality (CVAQ) Coalition and the undersigned organizations, we respectfully submit the following comments regarding the implementation of Assembly Bill 617 (C. Garcia, 2017).

CVAQ is a coalition of over 70 local, regional and state member organizations all unified in their commitment to improve air quality and protect public health in the San Joaquin Valley. For nearly 15 years CVAQ has been the San Joaquin Valley's lead advocacy group on regional air quality plans and policies and has served as the main intermediary between air quality regulators and the public. The recommendations enclosed in this letter represent the culmination of months of dialogue and collaboration among our many partners. They have been developed from the unique vantage point of the San Joaquin Valley, a region home to roughly 20 of the state's 30 most environmentally impacted and vulnerable communities (CalEnviroScreen 3.0, 2017). It remains unhealthy for half of the Valley's four million residents to breath on an estimated 144 days out of the year (San Joaquin Valley Regional Summary, American Lung Association,

2017). In an effort to address the policies and politics that have delayed attainment of clean air in this region, we urge the California Air Resources Board (CARB) to embrace principles of community-driven planning and participatory budgeting, while incorporating strong attainment goals and enforcement within the Community Air Protection Program. We believe AB 617, if implemented with proper safeguards, could finally bring clean air to the San Joaquin Valley. We appreciate the effort CARB staff has already made to include the community in the development of this important program and we thank you in advance for considering the following recommendations.

I. General Principles

Community-Driven Planning

AB 617 offers the California Air Resources Board the opportunity to reimagine what constitutes successful community involvement in air quality planning. We urge CARB to look to examples of innovative, community-driven processes for ideas on how to give community members the power to develop air quality plans for their own community. We believe the community, which has the strongest and purest desire to achieve clean air, is best poised to create a successful plan.

Action-Oriented Monitoring

CVAQ, partnering organizations and community residents all want to ensure increased monitoring leads to real action. Monitoring data should be used to help identify air quality violations, lead to increased enforcement, and usher in new health-protective measures. Most importantly, data from community air monitors should inform our understanding of regional pollution burdens and lead to the placement of additional regulatory monitors, ensuring all communities attain federal clean-air standards.

Participatory Budgeting

Incentive funding is a crucial means to deliver quick emission reductions under AB 617. However, CARB must ensure benefits from the funding available accrues within the communities chosen. Funding should not be used to support regional plans or to fund region-wide or county-wide incentive programs. Ultimately, the community should be the final arbiter of budget decisions.

Strong Goals and Enforcement

Clear and objective goals with coordinated enforcement will secure the success of AB 617. CVAQ proposes existing air quality standards, which have been scientifically proven to be health-protective, are used as attainment goals for community emission reduction plans.

II. Definition of Community

CVAQ suggests "community" is defined as a neighborhood, or a small group of neighborhoods, that share or are impacted by the same set of pollution sources. Ultimately, community input should inform the final size and boundary of the project areas.

III. Advisory Committee Structure

CVAQ suggests CARB create and coordinate two advisory committees to solicit official recommendations from: one large stakeholder group and one statewide environmental justice advisory group (S-EJAG). The large stakeholder committee should include representatives from each group called out in statute, including the Scientific Review Panel on Toxic Air Contaminants, the air districts, the Office of Environmental Health Hazard Assessment (OEHHA), environmental justice organizations, and affected industries. The S-EJAG should include representatives from environmental justice communities across the state that (1) have experience in air quality planning and/or community air monitoring, and (2) demonstrate widespread community support.

To facilitate collaboration between both advisory entities, the S-EJAG should nominate a handful of representatives from their committee to sit on the larger stakeholder group. CVAQ urges CARB to set up these advisory committees as soon as possible.

IV. Community Monitoring

AB 617 requires CARB to develop an air monitoring plan for the state and to designate the highest priority locations for the deployment of monitoring systems. The bill also requires an air district to deploy a monitoring system in the CARB selected locations, and authorizes them to deploy fence-line monitoring systems. To ensure successful implementation and robust community involvement, CVAQ offers the following recommendations.

Statewide Air Monitoring Plan

- Environmental Justice Consultation: The state's community monitoring plan should be developed in direct coordination with the previously proposed S-EJAG. The draft plan should be open for public comment for a reasonable period of time and consequently updated to respond to the public's concerns and suggestions.
- Selection of High Priority Locations: CARB should review existing community and agency air monitoring systems and publish a report on gaps and missing information. CARB should then select specific locations to be monitored and address the ways in

which data gaps will be filled in over time. Lastly, CARB should ensure rural communities, in addition to urban communities, are included in the statewide plan.
- Fenceline Monitoring: CARB should provide recommendations for fenceline monitoring projects based on existing facility information and proximity to sensitive receptors.

Community Monitoring Systems

CVAQ proposes two scenarios for potential community monitoring programs. Scenario 1 follows the model of Comite Civico del Valle's community monitoring program. It incorporates the expertise and organizational capacity of independent researchers, the regional District and CARB under a technical advisory team, and gives ultimate power to community members to decide where and what to monitor. Scenario 2 follows a more status quo approach, giving each group - researchers, the Districts, and community groups - the agency to design and implement their own monitoring programs. However, each group acts in an advisory role to the other, pushing the status quo toward better collaboration and integration of efforts. Ultimately, the data produced through either scenario is incorporated into an online, CARB-managed data platform.

Scenario 1: *Community Steering Committee*

CARB predetermines distinct roles for the partnering organizations, including:

- Community Steering Committee: Composed of residents of the selected area that are concerned about the environment. Committee membership is dictated by meeting attendance and interest. Duties include:
    - Definition of research question(s), study design and implementation;
    - Identification of monitoring sites and types of pollutants to be monitored; and
    - Identification of local sites to serve as hosts for air monitors.
- Technical Team: Independent researchers, CARB and the District engage through participation on a Technical Team. Duties include:
    - Provision of technical assistance to the Community Steering Committee, including basic training in air monitoring science, monitoring methods and associated data quality, explanation of technical criteria for monitoring siting, and basic information on research protocols and design;
    - Provision of a range of monitors capable of detecting basic criteria pollutants and their precursors as well as toxic air contaminants and greenhouse gases; and
    - Provision of portable reference monitors for co-location studies.
- Implementation: Depending on the community size and types chosen for each round of implementation, there could be one technical team per air basin that creates uniform guidance for all Community Steering Committees. Technology could be utilized to connect individuals across space and to minimize repetitive work.

Scenario 2: *District, Community, and Researcher-Led Projects*

The various Districts, community groups, and independent researchers have access to different technologies, have different organizational capacities, and maintain different relationships with the community. Each group can leverage their own strengths and work independently to fill the gaps in the existing monitoring networks (as defined by CARB's statewide monitoring report). However, strategic relationships should be fostered to ensure robust data quality, data integration, and ongoing communication between groups. The monitoring projects include:

- Independent Community Monitoring: CARB awards grants and technical assistance directly to community groups for the deployment of their own community and fenceline monitoring programs. These community groups should have experience working on air monitoring and/or air quality planning and should have robust ties with the community in question. The grant program would include a CARB-led training for grantees on types of monitors, air monitoring science and technical criteria for placement of monitors, as well as on issues of data quality. Data is community-owned but also sent to CARB for integration on an online platform.
- Independent Researcher-Led Projects: Researchers already apply for and receive funding from CARB for air monitoring projects in the state of California. Researchers have the technical experience and access to sophisticated technology to perform advanced monitoring projects, and these projects can fill in the gaps the community monitoring equipment is not yet capable of filling. However, at present, the data from independent researchers is not made readily available for the public to access and understand, nor do researchers commonly have a working relationship with the environmental justice communities they study. Moving forward, under this scenario, research projects funded by CARB are filtered through the previously proposed S-EJAG for feedback and suggestions, and the resulting real-time data is made accessible to the public through CARB's online platform.
- District Monitoring Plans: The relevant Air District installs monitors in the CARB selected locations and deploys fenceline monitoring in the CARB suggested locations. The District utilizes their own Environmental Justice Advisory Committee for feedback and suggestions on type and placement of monitors, and also hosts workshops in the selected locations for community feedback (see minimum requirements for community involvement on page 9 under the *Community-Driven Planning* header). All data is sent for integration into CARB's online platform.

Data Quality: For either scenario, CARB should work with the Districts and independent scientists to address issues of data quality, and ultimately ensure quality is uniform within and across monitoring types and projects. For example, the agencies could use data from various types of community monitors co-located with regulatory monitors to create a scientific

framework for understanding data from other sites. CARB and the Districts should also jointly publish guidance on how monitoring projects should be established and run, so resultant datasets can be accepted by all. This is especially important if community groups and Districts are managing separate projects.

Data Integration: As noted before, all data should be sent to CARB for integration on an online platform. CARB should utilize advanced visualization tools that allow the public to easily understand the data and data trends. All data sets should be made publicly available for download.

Action-Oriented Monitoring

CVAQ, partnering organizations and community residents all want to ensure increased monitoring leads to real action. CVAQ proposes the following action-oriented mechanisms and strategies to pursue:

- Clean Air Act Compliance: The federal Clean Air Act mandates regulatory monitors used for measuring regional attainment are placed in areas of "predicted maximum concentration," or areas expected to have the worst air quality. As community monitoring produces new evidence, and our understanding of disparate pollution burdens evolves, CVAQ strongly recommends CARB review community data to answer the question: *are current regulatory monitors reflecting the maximum concentration for any pollutant the region is currently in nonattainment of*? If community monitoring data suggests a specific area is subject to higher pollution levels than what is captured by relevant District or CARB monitors, an automatic trigger should force the placement of a regulatory monitor in the area. CVAQ suggests this process of data review and action is formalized into CARB's practices and the cycle is repeated every 6-12 months.
- Enforcement Support: In addition to ensuring Clean Air Act compliance, real-time data from community monitors - especially fenceline monitors - should be used to support enforcement activities. CVAQ suggests enforcement actions resulting from community monitoring is posted on CARB's online monitoring site to keep the public informed of actions taken in their community.
- Linking Monitoring and Regulations: Findings from monitoring data should lead to additional standards on facilities and other sources of emissions if data suggests these sources are emitting health-harming pollutants.
- Under-Reporting: Community monitoring data should be used to update emissions inventories and address issues of under-reporting within the various inventories, models, and databases produced by California's state and regional agencies.

AB 32 Scoping Plan Integration

CVAQ suggests CARB integrate efforts to monitor and reduce greenhouse gases with efforts to monitor and reduce criteria and toxic air contaminants. AB 617 provides the tools and tactics needed to monitor progress in these critical areas with special focus on our most vulnerable communities. This is especially pertinent for fenceline communities impacted by large facilities under the jurisdiction of California's Cap and Trade Program.

V. Community Emission Reduction Plans

Identification & Selection of Communities

As laid out in Assembly Bill 617, CARB must identify communities in California with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, and specifically prioritize disadvantaged communities and sensitive receptor locations. CVAQ is confident that CARB, in coordination with OEHHA, can propose an initial list of qualifying communities. However, we suggest:

- The community selection criteria and final selection process be as transparent as possible, with relevant details and underlying assumptions and reasoning publicly presented with adequate time for community review and feedback;
- Rural communities and unincorporated communities, in addition to low-income and minority communities, qualify as 'disadvantaged' and similarly prioritization; and
- Identification and prioritization of communities is done in direct coordination with the previously proposed S-EJAG.

While CVAQ is unaware of CARB's capacity to undertake any specified number of community emission reduction programs at one time, we feel the first and each subsequent batch of communities should fairly represent the state's regional and rural/urban diversity. However, true need - which we define as cumulative air quality burdens, health impacts and vulnerabilities - should be the final arbiter of the selection process.

Note on the San Joaquin Valley: The San Joaquin Valley is an expansive place, stretching roughly 300 miles north to south. Much of the population is clustered in cities along the 99 highway, but many live in rural areas scattered across the large, agricultural region. To ensure fair and just treatment of the region and it peoples, we urge CARB not to treat the Valley as a monolith. Rather, we suggest CARB understand the Valley as three connected regions - the North (which includes San Joaquin, Stanislaus and Merced Counties), the Central (which includes Madera, Fresno, and Kings Counties) and the South (which includes Tulare and Kern Counties). Each region has its own distinct political landscape, distinct group of community and

neighborhood organizations, and distinct pollution profile. When selecting communities for emission reduction plans, CVAQ urges a fair representation of the North, Central and Southern regions of the Valley, as well as a fair representation of urban and rural communities. We also urge future workshops on AB 617 implementation be held in all three regions to ensure interested advocates and members of the community can attend.

Replicability: In effort to deliver benefits to impacted communities across the state, CVAQ urges CARB to lay out a clear process for bringing in additional communities over time, and a method to ensure replication of successful emission-reduction programs. One potential strategy to ensure successful replication is the creation of a public database of emission-reduction and emission-mitigation measures - sorted by pollution source and pollution type - that communities have analyzed and/or adopted.

Community-Driven Planning

Many San Joaquin Valley residents feel they have no power in the development of air quality plans. Residents come to meetings, learn the issues, voice their concerns, but do not see the ways in which their recommendations are incorporated into regional plans. AB 617 offers the California Air Resources Board the opportunity to reimagine what constitutes successful community involvement in air quality planning. CARB should look to examples of innovative, community-driven processes, such as Participatory Budgeting and Fresno's Transformative Climate Communities Program, to give power back to the people. It's the community residents - the parents, the spouses and the siblings - that are most invested in bringing clean air to their neighborhood. Therefore it is the community that is best poised to create a successful plan. Below are the two examples of community-driven planning that CVAQ pulls its following recommendations from.

- Participatory Budgeting is a democratic process in which community members directly decide how to spend part of a public budget. It enables residents to work with government to make the financial decisions that affect their lives. Through this process, both agencies and community members gain a deeper understanding of the community's complex issues and needs, and decisions are drawn from residents' local knowledge. Most importantly, every community member has equal access to decision making, leveling the playing field with special interest and industry groups.
- Fresno's Transformative Climate Community Program is a great example of community-driven planning. The Legislature appropriated $70 million to Fresno through the Strategic Growth Council to implement a 'Transformative Climate Program.' The money was intended to fund projects that result in significant greenhouse gas reductions, improved public health, environmental benefits, and expanded economic opportunities. To implement the program, the City of Fresno, community groups, and local leaders

agreed upon a participatory process whereby anyone who lives, works, or owns property in the project location was able to join the Community Steering Committee. The Steering Committee developed local criteria for projects, were able to propose projects, and voted on the final package of projects to be funded. This community-driven program allowed for broad yet deep public participation, both in the development and selection of projects, that resulted in a true, community-inspired plan.

Building off these successful models, CVAQ suggests the following guidelines for community outreach and participation within the community emission reduction plans:

- Community Steering Committee: Committee made up of residents in the program area that has the power to design the community's emission reduction plan. Any community member can be a part of the committee as long as they attend a set number of meetings. Neither CARB nor the District has the power to select Committee members.
- Third-Party Facilitator: An individual from a third-party serves as a neutral and impartial facilitator of the planning process.
- Community Education: The community is briefed on the sources of emissions in their community, the impact of different types of emissions on their health, the effectiveness of different emission reduction techniques, as well as the statutory requirements of AB 617 and the various financial and regulatory opportunities and limitations.
- Open and Transparent Proposal Process: Anyone and any organization has the ability to propose emission reduction or emission mitigation projects and regulations. Free and readily accessible technical assistance is available for those proposing projects.
- Public Vetting of Proposals: Agency staff evaluate all proposals based off criteria developed by CARB and criteria developed by the Community Steering Committee. Project analyses are presented in a public forum whereby the Steering Committee has the opportunity to freely discuss all proposals.
- Final Public Voting: The Community Steering Committee creates and votes on the final package of proposals and measures.

In addition to the principles of community-driven planning, the following are minimum requirements for any community meeting:

- Evening-time workshops (5:30-8 pm), preferably with food and childcare provided;
- Workshops held in the community, preferably at community centers, schools or churches with on-site parking;
- Meeting materials and interpretation services provided in Spanish and/or other threshold languages from the community where planning is anticipated; and
- Meeting materials provided 5-7 days in advance.

Criteria for Community Plans

Attainment Goals, Deadlines, and Enforcement: State Implementation Plans greatly benefit from the clear attainment goals, deadlines, and enforcement embedded in the federal Clean Air Act. Without goals, nothing pushes a plan forward, and without enforcement, little holds the regulatory agencies accountable. CVAQ suggests we learn from these successes and include clear and specific goals, associated deadlines and triggered enforcement actions within the Community Plans:

- Criteria Pollutants: Community emission reduction plans should be designed to achieve the federal and state health-based standards at the neighborhood level for all nonattainment pollutants by a set deadline.
- Toxics: CARB should propose a separate standard for toxic air emissions that considers the cancer and non-cancer risks. If exposure to toxics is expected, a toxics monitor must be placed in the community and used to measure progress. The plan should be designed to meet the toxics standards by a set deadline.
- Measuring Progress: Progress is measured by either existing regulatory monitors in the area or by newly placed community monitors, as well as by metrics created by the Community Steering Committee.
- Enforcement: Enforcement actions are predetermined and automatically triggered when areas do not achieve standards by the set deadlines. CVAQ suggests enforcement actions are tied to state funding. For example, a District that fails to reach attainment goals by certain deadlines would lose access to CARB-managed Greenhouse Gas Reduction Funds.

Mitigation Measures: In addition to emission reduction measures, the Community Plan should include, or offer community residents the option to include, measures that shield individuals and/or sensitive receptors from the impacts of air pollutants. This includes physical and vegetative buffers along roadways or around facilities, increased tree canopies, air filters for homes and schools, or buffer zones between facilities and sensitive receptors. If community-driven planning is utilized, community members will have the power to not only choose the right combination of emission reduction and emission mitigation measures in their plan, but propose their own ideas as well.

Emission Reduction Credits: The trading or retiring of Emission Reduction Credits (ERCs) should not be allowable in lieu of real, on-site emission reductions.

Integration of Greenhouse Gas Reduction Programs: Assembly Bill 398 (E. Garcia, 2017) declares it the intent of the Legislature that moneys appropriated from the Greenhouse Gas Reduction Fund (GGRF) are prioritized to projects that produce air toxic and criteria air pollutant reductions, among other benefits. It also states that the State Air Resources Board should design

greenhouse gas emissions reduction measures in a manner that maximizes environmental co-benefits and complements the state's efforts to improve air quality, among other priorities. Following from this, communities should be made aware of the wealth of programs emanating from the Greenhouse Gas Reduction Fund. Not only does CARB have access to GGRF funds within their mobile source programs, but cities and organizations have access to low-income energy efficiency and renewable energy projects, urban greening and urban forestry programs, and active transportation facilities. By bringing these options to the table, and allowing community members and other organizations to propose and elect projects, community plans could leverage pre-existing funding programs for the benefit of air quality and public health.

VI. Funding and Technical Assistance

Funding to Districts: CARB must maintain control over the disbursement of funding to Districts and tie disbursement to specific monitoring and planning requirements, such as community-driven planning. Furthermore, CARB must ensure benefits from the funding available accrues within the communties chosen for emission reduction plans. AB 617 funding should not be used to support regional plans or used to fund region-wide or county-wide incentive programs. Ultimately, the community should be the final arbiter of how the funds are spent.

Community Grants**:** Grants for community groups should be administered by CARB, with oversight from Ms. Veronica Eady, and be made directly to the community group or the group's fiscal sponsor. We propose a potential two-tiered granting system that includes:

- Community Monitoring Grants***:*** Grants offered to community groups that have experience implementing and maintaining a community air monitoring program and/or experience with air quality planning.
- Community Engagement Grants: Grants to community groups to encourage public participation in the agency proceedings. These groups need not have experience with air quality planning, but should have experience working directly with and on behalf of the community in question.

Community Grant Guidelines: Grants should be offered on a competitive basis, much like the CalEPA environmental justice small grants. However, the grant application and process should be made as simple as possible.

Technical Assistance: Community groups should be able to request and receive the technical assistance (TA) they may need. CVAQ suggests a formal mechanism, preferably online, to request TA.

Transparency and Accountability: CARB should conduct an annual audit of all funds used by Districts within the framework of AB 617 implementation. The audits should be specific to where, at a neighborhood or census-tract level, funds are utilized, and audits should be made available to the public.

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Thank you for considering CVAQ's policy recommendations. We appreciate your interest in receiving feedback from all stakeholders and hope to remain an active partner as planning and implementation of AB 617 moves forward.

Sincerely,

Dolores Barajas-Weller
Central Valley Air Quality Coalition

Nayamin Martinez
Central California Environmental Justice Network

Tom Frantz
Association of Irritated Residents

Anthony Molina, M.D
Fresno City Resident

Roger Lin
Center for Race, Poverty and the Environment

Janet DietzKamei
Fresno City Resident

Lourdes Herrera
Madera Coalition for Community Justice

Bianca Lopez
Valley Improvement Projects

Guadalupe Rosales
La Union Hace la Fuerza

Yolanda Park
Catholic Charities Diocese of Stockton

Kevin Hamilton, RRT
Central California Asthma Collaborative
Medical Advocates for Healthy Air

Luis Olmedo
Comite Civico del Valle, Inc.

Keith Bergthold
Fresno Metro Ministries

Veronica Garibay
Leadership Counsel for Justice and Accountability

Olga Marquez
El Quinto Sol De America

Andy Levine
Faith in the Valley

Sandra F. Celedon,
Fresno Building Healthy Communities

John Hernandez
Our Roots Multicultural Center