

**Testimony of Seyed Sadredin
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**Before the U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Environment**

**Written Testimony on “H.R. 806, Ozone Standards Implementation Act of 2017”
March 22, 2017**

Chairman Shimkus, Ranking Member Tonko, and Members of the Committee, my name is Seyed Sadredin and I currently serve as the Executive Director/Air Pollution Control Officer of the San Joaquin Valley Air Pollution Control District. It is an honor and a privilege to be here before you today to provide testimony and answer your questions. For nearly 36 years, I have served as a public health official charged with implementing air pollution control programs in the bountiful and beautiful central valley of California.

At the outset, I want to express my gratitude to your committee for providing an opportunity to thoughtfully consider the federal mandates under the Clean Air Act and potential enhancements that may be warranted. Given the tremendous air quality challenges that we face in the San Joaquin Valley and the wealth of real-life experience that we have with implementing numerous provisions under the Clean Air Act, I am hoping that we can be helpful to this process.

Before I share some details on our experience to date in implementing the Clean Air Act, it is important to share with you some basic information about the San Joaquin Valley as a region. The San Joaquin Valley, at 25,000 square miles, is the largest air basin in the State of California with a population of approximately 4.1 million. Unfortunately our region suffers from chronic double digit unemployment and high rates of poverty. In fact, CalEnviroScreen, a document prepared by the California Environmental Protection Agency to identify communities that are disproportionately burdened, places 20 out of California’s top 30 most disadvantaged communities in the San Joaquin Valley. As an added burden, due to the Valley’s geography, topography, and meteorological conditions that trap air pollutants in our region, the Valley continues to exceed the latest federal ambient air quality standards for ozone and PM2.5 even after imposing the toughest air regulations in the nation and having reduced emissions by over 80% from Valley businesses.

Given the totality of the above circumstances, while our agency is committed to leaving no stone unturned in developing and implementing measures that improve public health, it is also imperative that we take an objective look at the socioeconomic impact of our regulations and avoid detrimental impact to the quality of life for Valley residents. Today, on behalf of the San Joaquin Valley Air Pollution Control District, I am here to

ask that you include an overriding provision in federal law to prohibit imposition of federal sanctions on local regions where their inability to attain federal standards is due to pollution from sources outside their regulatory authority.

If federal sanctions are imposed, the impact will be devastating on Valley residents, especially minority and low income residents in disadvantaged communities throughout the San Joaquin Valley. Our concern is not hypothetical or theoretical, but is rooted in our understanding and care for the real life implications of the unfair federal mandates that we are facing. As we sit here today, the Valley faces the imposition of federal sanctions in the next two to three years.

Currently, the San Joaquin Valley Air District is preparing multiple attainment plans to address the PM_{2.5} standards with the following attainment deadlines:

- 2019 for the 2006 PM_{2.5} standard (24-hour 35 µg/m³)
- 2021 for the 2012 PM_{2.5} standard (annual 12 µg/m³, Moderate classification)
- 2025 for the 2012 PM_{2.5} standard (annual 12 µg/m³, Serious classification)

These plans are due by August 2017. If the San Joaquin Valley Air District is not able to prepare a plan that will show attainment by the prescribed deadlines under the Clean Air Act, the Valley will become subject to devastating sanctions automatically by operation of law. Working with the California Air Resources Board and engaging all stakeholders through an extensive public participation process, we have not yet been able to identify adequate number of measures to achieve the enormous reductions in emissions that are necessary. Figures 1 and 2 below demonstrate the magnitude of the challenge that we face.

Figure 1 Additional Emissions Reductions Required for Attainment After Direct PM_{2.5} Reductions (2019 Deadline for 2006 24-hr PM_{2.5} Standard)

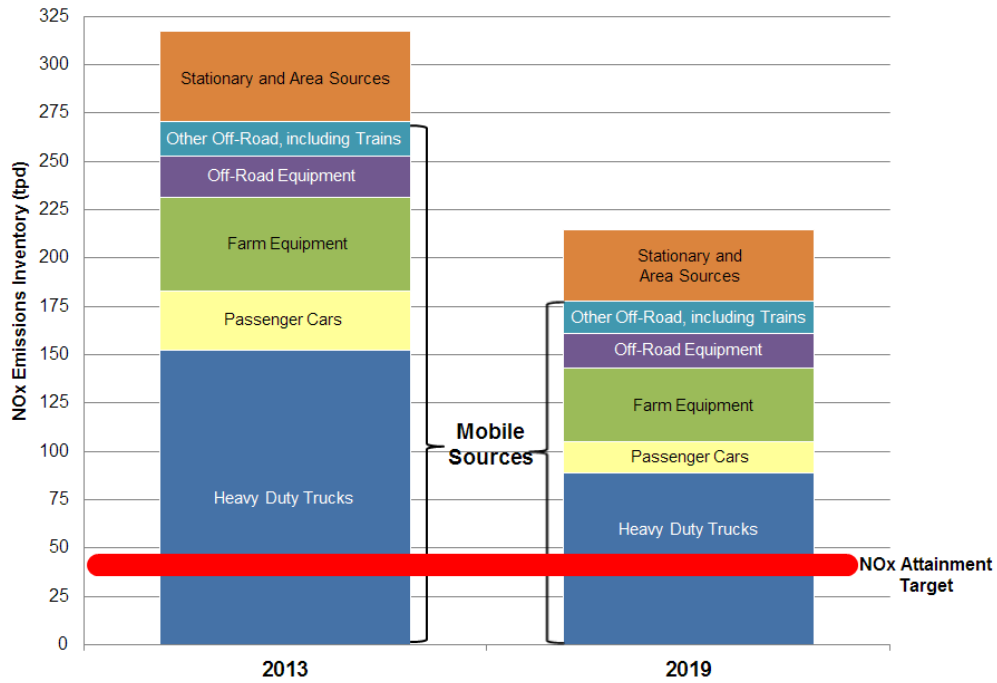
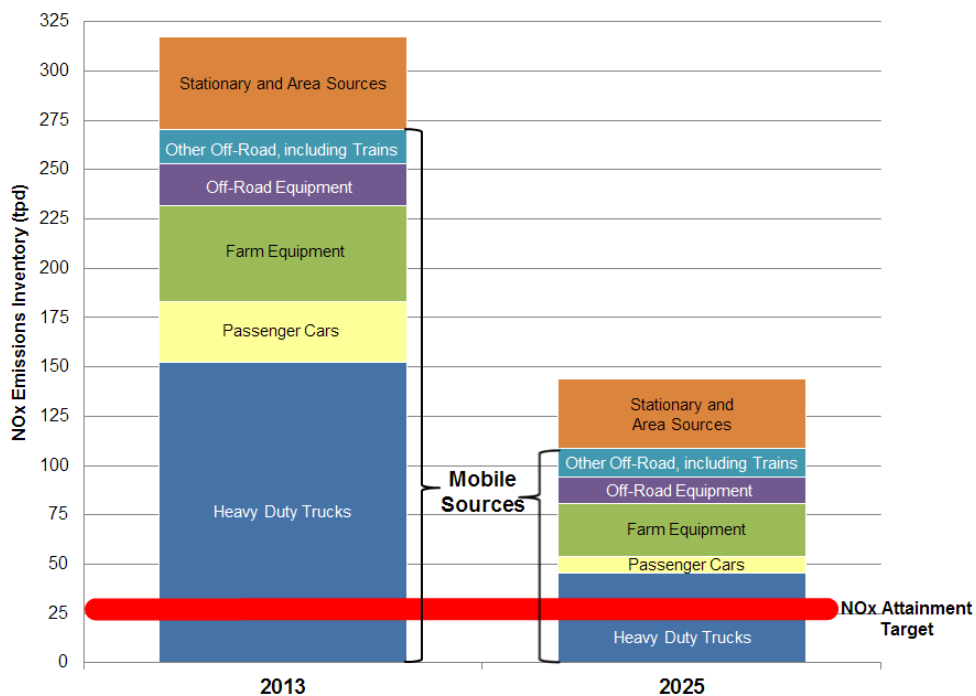


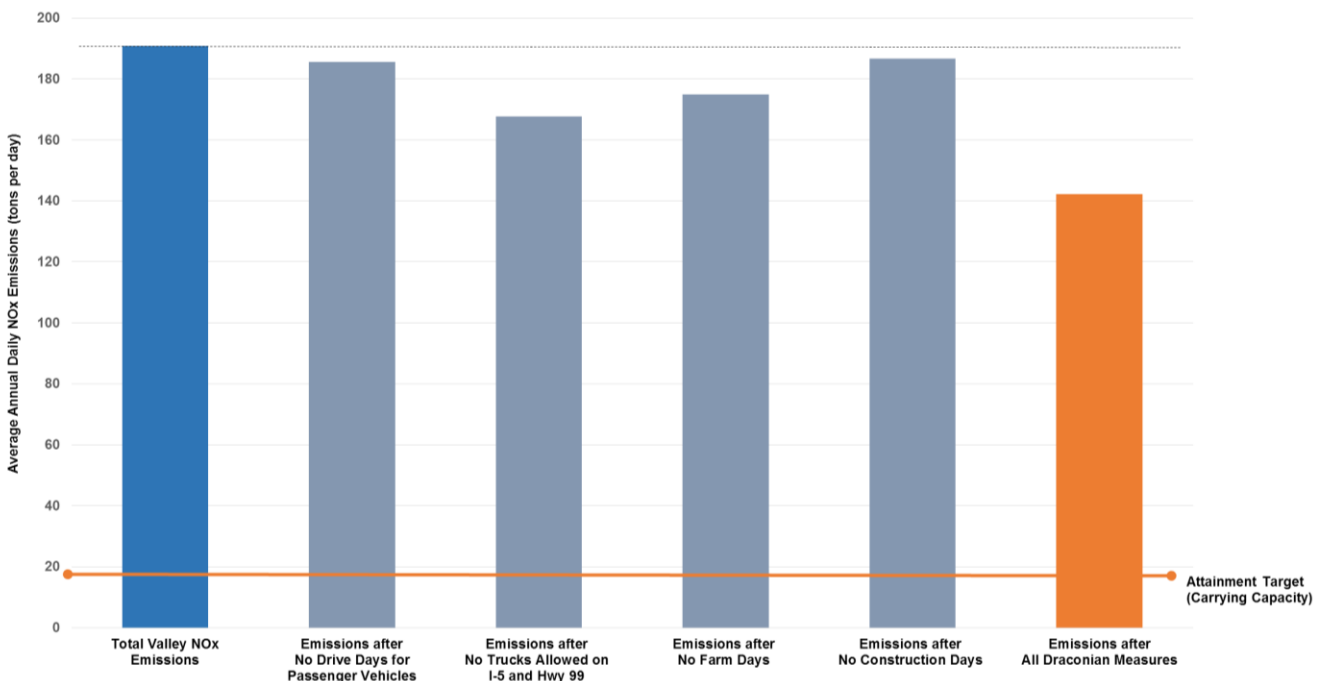
Figure 2 Additional Emissions Reductions Required for Attainment After Direct PM_{2.5} Reductions (2025 Deadline for 2012 Annual PM_{2.5} Standard)



To provide a greater context for the magnitude of the challenge that we face, Figure 3 below indicates that the San Joaquin Valley will not be able to attain the PM2.5 standard even if the Valley imposes the following measures for 155 days per year:

1. No drive days for passenger vehicles in the San Joaquin Valley
2. Close Interstate 5 and Highway 99 to heavy duty truck traffic in the Valley
3. No farming days in the San Joaquin Valley
4. No construction days in the San Joaquin Valley

Figure 3 NOx Emissions after Imposition of Draconian Measures for 155 days per year in 2021



Since its adoption, the Clean Air Act has led to significant improvements in air quality and public health benefits throughout the nation. With an investment of over \$40 billion, air pollution from San Joaquin Valley businesses has been reduced by over 80%. The pollution released by industrial facilities, agricultural operations, and cars and trucks is at a historical low, for levels of all pollutants. San Joaquin Valley residents' exposure to high smog and particulate matter levels have been reduced by over 90% and 78%, respectively.

We do not advocate for any changes in the Clean Air Act that would roll back existing rules and regulations in the San Joaquin Valley that have helped improve air quality and quality of life for our residents. However, we do not believe that the Congress, in passing the Clean Air Act more than 40 years ago, envisioned a scenario where a region like ours that has imposed the toughest regulations on stationary sources of air

pollution would be in danger of suffering from devastating federal sanctions. We face these dire consequences despite having already done all of the following:

- ✓ Toughest air regulations on stationary sources (600 rules since 1992)
- ✓ Toughest air regulations on farms and dairies
- ✓ Tough air regulations on what residents can do within the confines of their homes (residential water heaters, residential HVAC furnaces, charbroilers, ban on fireplace installation and use)
- ✓ \$40 billion spent by businesses on clean air
- ✓ Over \$1.6 billion dollars of public/private investment on incentive-based measures reducing over 130,000 tons of emissions
- ✓ Toughest regulations on cars and trucks
- ✓ Toughest regulations on consumer products
- ✓ Reduced emissions by 80%

At this juncture in the San Joaquin Valley, in addition to the above measures, the San Joaquin Valley Air District is in the process of adopting a new plan with new measures that will require large reductions in directly emitted particulate matter throughout the Valley. Even after these new reductions, meeting the latest federal standards also requires enormous reductions in oxides of nitrogen emissions, 85% of which come from sources outside our regulatory authority. We have petitioned the federal EPA asking for national ultra-low NOx standards for trucks and locomotives. We have also asked the California Air Resources Board for the same at the state level. These two agencies have the necessary legal authority over these mobile sources of air pollution. We appreciate that both agencies and the California Air Resources Board in particular have expressed a desire to be helpful to the San Joaquin Valley in this regard. Unfortunately, however, to date neither EPA nor the California Air Resources Board have proposed any new measures that will provide further reductions in the San Joaquin Valley in the short timeframe (2019 to 2025) mandated under the Clean Air Act in order to avoid federal sanctions.

It is unfair that under the current law, local jurisdictions will be subject to devastating federal sanctions even though failure to attain the standards is due to emissions from sources under federal jurisdiction. These federal sanctions include:

- De facto ban on new and expanding businesses (2:1 offset requirement)
- Loss of federal highway funds (\$2.5 billion and numerous jobs lost in the San Joaquin Valley)
- Federal takeover and loss of local control
- Expensive federal nonattainment penalties

The devastating impact of the above sanctions is an existential issue for the San Joaquin Valley. A federal remedy to bar the imposition of these unfair sanctions is our top legislative priority even though our decades of experience in implementing the Clean Air Act have highlighted a number of other implementation issues. For your committee's information the following is a summary of these issues.

Chaotic Transition between Standards: Since the 1970's, EPA has established numerous ambient air quality standards for individual pollutants. We have now reached a point where various regions throughout the nation are subject to multiple iterations of standards for a single pollutant. Currently, we are subject to four standards for ozone and four standards for PM2.5. Each of these standards requires a separate attainment plan which leads to multiple overlapping requirements and deadlines. For instance, in the San Joaquin Valley we are on the verge of having to promulgate a total of 10 active State Implementation Plans. This results in a great deal of confusion, costly bureaucracy, and duplicative regulations, all without corresponding public health benefits.

Artificial and Arbitrary Attainment Deadlines: Although economic and technological feasibility is to be addressed in the implementation phase of the Clean Air Act, our experience shows that meaningful consideration of economic and technological feasibility is nearly impossible when faced with formula-based milestones and deadlines that EPA and courts have established in absence of clear Congressional direction in the Act.

Requiring Contingency Measures in Extreme Nonattainment Areas is Detrimental to Expedient Attainment of Standards and Public Health Improvement: A classic case of the well-intentioned provisions that were included in the Clean Air Act over 25 years ago that are now leading to unintended consequences is the requirement for contingency measures in areas classified as "extreme" nonattainment. By definition, a region is classified as extreme nonattainment if, despite implementing all available control measures, reductions achieved are not enough to meet the standard. The only way a region can meet the contingency requirements is to hold back on implementing clean air measures and save them for later as a contingency. Of course, this would result in delays in cleaning the air and reducing air pollution. As currently written, the requirements in the Clean Air Act that require extreme areas to include all available measures to ensure expeditious attainment and the requirement for holding back measures as contingency are contradictory.

Inability to Treat Extraordinary Drought and Stagnation as Exceptional Events: Currently, the Clean Air Act does not allow stagnation or lack of precipitation to qualify as exceptional events. Although last year weather patterns returned to more normal conditions, the west coast recently experienced drought conditions that had not been experienced since the late 1800s with some locations breaking records over 100 years old. The extended stagnation associated with the weather emergency overwhelmed the state's control strategy and has impacted particulate matter planning for years to come. Until the exceptional weather conditions experienced due to the recent drought, the San Joaquin Valley Air Pollution Control District was on track to attain the 1997 annual PM2.5 standard before the federally mandated deadline of December 2014. The District's 2008 PM2.5 Plan satisfied all federal implementation requirements for the

1997 PM2.5 standard at the time of adoption and demonstrated attainment based on projected 2012-2014 PM2.5 levels. All emission reduction commitments under that plan have been fulfilled. Due to the extreme drought, stagnation, strong inversions, and historically dry conditions experienced over the winter of 2013/14, the Valley could not show attainment even if the Valley eliminated all sources of air pollution and had zero emissions of PM2.5 released into the atmosphere for the following year (2014).

In excluding stagnation as exceptional events, we believe that the intent of the Congress at the time was to only prohibit consideration of regularly occurring stagnant weather conditions which could vary on a day-to-day basis. Extraordinary circumstances that arise from 100-year droughts should qualify as exceptional events.

Extreme Classification is not Provided for Particular Matter: The 1990 amendments to the Clean Air Act recognized that reducing precursor pollutants that cause ozone formation in some regions would require technologies that may not be available at the time an implementation plan is due to EPA. Therefore, Section 182(e) was incorporated allowing areas with “Extreme classification” to take credit in their implementation plans for future emission reduction benefits from yet-to-be defined control technologies. The same allowance is not provided in the Act for particulate matter because at the time of Clean Air Act enactment, dust emissions were thought to be the primary form of particulate matter. With PM2.5 now replacing the coarse particulate matter that initially was the primary focus, it is obvious that the combustion control technologies that would address precursors to ozone formation would also need to be deployed for controlling PM2.5. Without similar treatment for PM2.5, writing an approvable implementation plan that must rely on advancement of yet-to-be defined technologies is not possible.

I thank you for this opportunity and for considering this very important issue. In crafting legislation that is before you, we are hopeful that you take into account the lessons that we have learned from our decades of implementing very complex and challenging mandates under the Clean Air Act.