



LEGISLATIVE PLATFORM
2018



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

2018 GOVERNING BOARD ROSTER

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JURISDICTIONAL ROLES

The **San Joaquin Valley Air Pollution Control District (District)** is the local agency in charge of cleaning the air within the eight county region of the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern County). The District has the primary authority in regulating stationary sources of pollution, such as factories, businesses, and industries. Although state and federal laws preempt the District from setting new tailpipe standards for mobile sources of emissions, the District implements indirect source regulations and incentive-based programs to reduce emissions from on-road and off-road sources of air pollution. The primary authority to regulate emissions from mobile sources of air pollution, such as cars and trucks, lies with the state and federal government. In achieving our clean air goals, the District partners with a number of other governmental agencies:

- The **federal government**, primarily through the Environmental Protection Agency (EPA), sets health-based standards for air pollutants. EPA also controls emissions from trucks, trains, planes and boats and oversees state and local actions to improve air quality.
- The **state government**, through the California Air Resources Board (ARB) and the Bureau of Automotive Repair, develops programs to reduce pollution from vehicles and consumer products. The state also oversees the actions of local air districts and city and county agencies.
- **County and city governments** are responsible for land-use planning to address issues such as “urban sprawl” as well as transportation and mass transit planning.

Progress in cleaning our air is often measured in relation to the health-based standards established by the federal government. The state of California also establishes ambient air quality standards that serve as ultimate goals in achieving clean air.

2018 LEGISLATIVE PRIORITIES

The following priorities will provide policy guidance and recognize the unique needs of the Valley in the coming year:

- 1. (Federal/State) Funding for Clean Air Projects:** Provide new and continued funding for investment in projects that reduce air pollution in the disadvantaged communities throughout the Valley. The District's existing attainment plans already contain some of the strongest regulatory measures in the nation, and significant additional reductions in emissions will be achieved from new measures in the upcoming plans for the latest federal standards. However, funding is necessary for reductions to expedite public health benefits and attainment of the federal standards through incentive-based measures. Funding for incentive-based measures is also needed for reducing mobile source emissions since federal law preempts the District from imposing tailpipe emissions standards. The District will pursue all available funding sources including but not limited to Moyer, Cap and Trade, AB 118 at the state level and DERA, Targeted Air Shed, and Farm Bill EQIP at the federal level.
- 2. (State) Cap and Trade Revenues:** The cap and trade program implemented by ARB sets up a mechanism by which affected sources can procure allowances or offsets to meet specified and declining caps on their greenhouse gas emissions. In other words, affected sources will be allowed to invest in reductions in other areas as mitigation for their local emissions. This scenario can potentially lead to adverse impacts in areas that are already disproportionately impacted by criteria pollutant emissions. To mitigate localized air quality impact and provide meaningful public health benefit to disproportionately impacted communities, a significant portion of Cap and Trade revenues must be spent on projects located within, and benefiting individuals living in, disadvantaged communities. In determining what communities are disadvantaged, the state must identify communities that face significant environmental challenges as well as economic challenges.
- 3. (State) AB 617 Implementation:** Pursue policies aimed at streamlined implementation of state mandates under AB 617 and work to compel the State of California to provide funding for local air districts' costs to implement those mandates. AB 617 requires ARB to develop a uniform statewide system of annual reporting of criteria pollutants and toxic air contaminants at "capped" facilities and certain other stationary sources. This bill further requires ARB to develop a plan and system to identify the highest priority locations across the state for implementing community-level monitoring at the identified locations by 2018. Additional site-specific air monitoring and measures to reduce emissions at these locations are then imposed if it is determined that these facilities emit air

pollutants in, or materially affect the selected locations or communities. Finally, AB 617 requires that air districts ensure that sources of air pollution at capped facilities are subject to Best Available Retrofit Control Technology.

The District and ARB already administer and implement a myriad of programs that can help fulfill the emissions inventory, air monitoring, and regulatory assessment objectives laid out under AB 617. The District will work actively to ensure that the upcoming mandates under AB 617 are integrated into existing programs as efficiently as possible.

4. **(Federal) Work with Administrative Branch Including EPA to Advance Streamlined and Efficient Implementation of the Clean Air Act Mandates:** Work with new EPA administration to build effective working relationship, take advantage of new cooperative federalism to make sure Clean Air Act provisions are applied reasonably and in accordance with Congress' original intent. The new administration's focus on working with state and local agencies to develop programs that work for their specific situations provides opportunities to pursue administrative solutions to solve some of the issues presented by antiquated provisions of the Act, including the following:

- A. **Contingency Measures in Extreme Non-Attainment Areas:** Requiring contingency measures in extreme nonattainment areas is irrational and unnecessary. The Act requires all attainment plans to include contingency measures, defined as extra control measures that go into effect without further regulatory action, if planned emissions controls fail to reach the goals or targets specified in the attainment plan. While requiring backup measures was a well-intentioned provision, it does not make sense in areas that have been classified as "extreme" non-attainment for ozone. These areas, by definition, have already implemented all available and foreseeable measures and still need a "black box" of future measures to define and employ. The term "black box" refers to reductions that are needed to attain the standard, but technology to achieve such reductions does not yet exist. No measures are held in reserve in areas that are classified as "extreme" non-attainment for ozone. With no stones left unturned in such plans, requiring contingency measures in such areas makes no sense. Since the contingency requirement in "extreme" non-attainment areas could actually harm public health, EPA should clarify that state and local air agencies should not be forced to implement the contingency requirements in the Clean Air Act in a manner that leads to delayed cleanup.

- B. Streamline the Planning Process:** 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. For instance, there are currently 4 pending standards for ozone and 4 pending standards for PM2.5. Each of these standards requires a separate attainment plan which leads to multiple overlapping requirements and deadlines. This in turn results in a great deal of confusion, costly bureaucracy, and duplicative regulations, all without corresponding public health benefits. EPA should develop an administrative process to consolidate plans into one unified set of requirements.
- C. Exceptional Events:** The Clean Air Act currently states that exceptional events do not include stagnation or a meteorological event involving high temperatures or lack of precipitation. The District believes that the intent of the Congress was to exclude short term and routine occurrences. Therefore, EPA should clarify that these exclusions do not apply to long-term and extraordinary stagnation and lack of precipitation such as those resulting from a 100-year drought. Additionally, EPA should streamline the review and paperwork requirements of Exceptional Events demonstrations to ensure timely review of Exceptional Events demonstrations.
- D. Health Risk Based Approach to Emissions Reductions:** The Act as it relates to the demonstration of Reasonable Further Progress or Rate of Progress treats all precursors the same, regardless of their potency in harming public health or achieving attainment. Driven by a rapidly expanding body of scientific research, there is now a growing recognition within the scientific community that from an exposure perspective, the National Ambient Air Quality Standards metrics for progress are a necessary but increasingly insufficient measure of total public health risk associated with air pollutants. In particular, control strategies for sources of PM2.5 and ozone do not necessarily account for qualitative differences in the nature of their emissions. For PM2.5, toxicity has been shown to vary depending on particle size, chemical species, and surface area. In the case of ozone, differences in the relative potency of ozone precursors, VOCs in particular, is not captured by a strict, mass-based approach to precursor controls. EPA should provide weighted credit for emissions reductions based upon a precursor's relative impact upon public health.

5. (Federal) National Standards for On-Road Heavy-Duty Trucks and Locomotives under Federal Jurisdiction: Despite achieving significant emissions reductions through decades of implementing the most

stringent stationary and mobile regulatory control program in the nation, nitrogen oxide (NOx) emissions, the primary precursor for both ozone and fine particulates (PM2.5) in the San Joaquin Valley, must be reduced by an additional 90% in order to attain the latest federal ozone and PM2.5 standards that now encroach on natural background levels. The District has jurisdiction over stationary and area sources, which make up less than 15% of the total NOx emissions inventory. With over 85% of the Valley's remaining ozone and PM2.5 precursor emissions now coming from mobile sources under federal jurisdiction, the Valley cannot reach attainment even if all stationary sources were to be shut down.

6. **(State) Truck Emissions Verification:** The District anticipates state legislation relating to smog check for trucks in the coming year. Given that trucks are the largest source of NOx emissions in the San Joaquin Valley, the District supports a reasonable program that helps ensure that emissions controls are properly maintained and are not tampered with. However, given the high cost and detriment to ordinary conduct of commerce, the District cannot support a smog check program for trucks similar to the existing smog check program for light duty vehicles requiring individual vehicle testing at specially designed testing facilities. Instead, the District supports a smog check program that can rely on onboard diagnostic technology and verifiable self-reporting. Furthermore, the program must contain necessary flexibility to accommodate future technology advancements that can provide for efficient and reliable emissions verification.
7. **(State/Federal) Oppose Climate Change Measures that Result in Public Health Detriment Due to Increases in Criteria or Toxic Air Emissions:** Although climate change measures provide for many co-benefits in reducing both greenhouse gasses and criteria pollutant emissions, there are some measures that may lead to increases in criteria pollutant or toxic emissions. Therefore the District will support reasonable climate protection measures that reduce greenhouse gas emissions as well as toxic and criteria pollutants. The District will oppose climate change measures that are detrimental to public health by leading to increases in toxic or criteria pollutant emissions in already impacted areas.
8. **(State) Support Legislation Extending District's Existing Authority for DMV Fees to Match Applicable Federally Mandated Attainment Deadlines:** The District's current authority relating to DMV fees under California Health and Safety Code Sections 40610 through 40613 sunsets in 2024. The current sunset date was set to correspond to the District's attainment date for the latest ozone standard at the time the enabling legislation was enacted (1997). Since then EPA has adopted more restrictive standards with attainment dates ranging from 2031

through 2037. The Valley cannot reach attainment with regulatory measures alone and incentive-based measures are necessary to ensure expeditious reductions in emissions cost-effectively while investing in the local economy. Therefore, the District supports legislation extending the District's authority to match attainment deadlines for federally mandated health standards for which incentive funding is necessary.

9. **(State/Federal) Disadvantaged Community Policies:** The San Joaquin Valley is home to a number of disadvantaged communities that deserve care and attention. The District will adhere to the following principles in pursuing efforts to identify and address the needs of these communities:
 - A. The District will support measures that improve quality of life and economic welfare. In identifying communities of need, both socioeconomic and environmental impacts should be considered. The District supports CalEPA's California Communities Environmental Health Screening tool (CalEnviroScreen) as the appropriate tool for identifying disadvantaged communities.
 - B. The District considers poverty as a key factor contributing to diminished public health and will oppose efforts that lead to "redlining" these communities and inhibit economic growth.
 - C. The District will support efforts to target additional state and federal resources to mitigate issues faced in disadvantaged communities.
 - D. The District will oppose measures that dilute local control by diverting local revenues or the authority over the expenditure of local resources to the state or federal government. Reduced local control will weaken local enforcement programs. Local agencies are better suited to efficiently and effectively identify and address community needs.

10. **(State/Federal) Seek funding and other support from the State Air Resources Board and Federal Environmental Protection Agency (EPA) to install and operate additional air quality monitoring instruments throughout San Joaquin Valley:** The District operates one of the most extensive air monitoring networks in the nation. Data from these monitors is utilized to measure progress and assess the need for further reductions needed to attain ambient air quality standards established by EPA. Moreover, the District is also committed to providing accurate and timely air quality information to educate and empower the public to protect themselves during poor air quality episodes. This is accomplished utilizing the air monitoring data through the District's first-in-the-nation Real-Time Air Advisory Network (RAAN).

Installation, operation and maintenance of the Districts air monitoring network is resource intensive. The District's annual operating appropriation for air monitoring is approximately \$2.9 million. Additional resources are required to address the increase in federal mandates relating to air monitoring (more monitors and more labor intensive QA/QC and reporting procedures for existing monitors) and the need for more monitoring capabilities to satisfy new initiatives to provide community-level air quality information.

- 11. (State/Federal) Support efforts that provide for cost-effective alternatives to open burning of agricultural waste:** In 2003, state law was amended to require the District to limit open burning of agricultural material in accordance with a phased-in schedule of deadlines. In addition to those requirements, the state law authorizes the District to postpone the burn prohibition dates for specific types of agricultural material if the District makes three specific determinations and the Air Resources Board (ARB) concurs. The determinations are: (1) there are no economically feasible alternatives to open-burning of the specific type of material; (2) open-burning the specific type of material will not cause or substantially contribute to a violation of a National Ambient Air Quality Standard (NAAQS); and (3) there is no long-term federal or state funding commitment for the continued operation of biomass facilities in the Valley or the development of alternatives to burning. Working closely with the stakeholders over the years to identify economically feasible alternatives to open burning of various agricultural materials, the District has achieved an 80% reduction in agricultural burning.

Given current energy policy in California, biomass power facilities, which are one of the primary alternatives to agricultural burning, are in jeopardy. Many biomass plants in the Valley are nearing the end of their long-term contracts with utilities and find themselves in a position where the power that they provide is not the type of power that utilities are seeking (baseload vs. intermittent) and that the prices being offered for new contracts are too low to support their operations.

The District will support efforts to help level the playing field and provide fair competition between biomass plants and other renewable sources of power. The District will also support research and development of alternatives to the open burning of agricultural waste.

- 12. (State/Federal) Technology Advancement:** The San Joaquin Valley Air Basin is classified as an "Extreme" non-attainment area for ozone. This means that that technology does not currently exist to bring the region into attainment of the federal ozone standard. Meeting the newest air quality standards will require transformative measures and technologies to achieve near zero emissions. In order to further develop technology to

close the gap in required emissions reductions, the District operates a Technology Advancement Program. Along with its own resources, the District is seeking state and federal assistance to advance technology in the following areas:

- A. Mobile sources projects that demonstrate zero- or near-zero-emissions solutions to mobile source categories with emphasis on goods and people movement, off-road equipment, or agricultural equipment.
- B. Renewable energy projects that focus on overcoming the barriers that prevent the use or adoption of zero-emission renewable energy sources or reduce emissions from renewable energy systems to make them cleaner than comparable non-renewable alternatives.
- C. Waste solution projects that focus on waste systems or technologies that minimize or eliminate emissions from existing waste streams and processes, including waste-to-fuel and energy systems, such as ag waste gasification systems, dairy digesters and other bio-fuel and energy applications.

13. (State/Federal) Support adequate resources and policies to reduce the impact of wildfires and their attendant public health impact:

Wildfires result in significant loss of life and property. Air pollution generated from wildfires is enormous and well exceeds the total industrial and mobile source emissions in the San Joaquin Valley. These emissions result in significant adverse public health impacts in the San Joaquin Valley and in many regions throughout California. In the summer of 2008, California experienced a record number of wildfires, and the resulting emissions caused serious public health impacts and unprecedented levels of PM2.5 and ozone in the San Joaquin Valley and other regions throughout the state. Historically clean rural areas throughout the state and in the San Joaquin Valley experienced their worst air quality in decades, and pollutant levels and the number of daily exceedances of the health-based standards were significantly higher than ever before in recorded history. California experienced record setting drought conditions during the past four years. Due to these conditions, there is a tremendous amount of dead trees and materials that dramatically increase the risk of catastrophic wildfire.

Given the devastating public health impact that the Valley suffers from wildfires, support measures that can help reduce the intensity, magnitude, and frequency of wildfires including those that promote effective and expanded use of prescribed burns and mechanical treatment to reduce fuel build-up, including the following:

- A. Additional financial and staffing resources for public and private land managers to conduct prescribed burning as an effective means for reducing fuel supplies that lead to large and uncontrollable wildfires.
 - B. When wildfires occur, fighting wildfires should be funded as other natural disasters are funded. Funding should not be diverted from forest management and fuel reduction activities to fight wildfires.
 - C. Lessening or removal of contradictory environmental protection policies that prohibit the use of mechanized methods, or prescribed burning to reduce fuels when those are the only feasible methods available.
 - D. Changes in the federal policies that better incorporate air quality concerns by shifting focus to prescribed burning and employing fire management techniques that reduce air quality impact when wildfires occur.
- 14. (State/Federal) Support Income Tax Exemption for Air Quality Grant Recipients:** Achieving the needed reductions from incentive-based programs and advancing transformative clean air technologies and infrastructure will require significant private sector investment. In many cases, owners of equipment with significant remaining useful life and value must be convinced to take partial financial support from District grants and replace such equipment with more expensive newer and cleaner technology. If the grant dollars received remain taxable, the District's grant program penetration may not reach the necessary levels.

GENERAL PRINCIPLES OF THE LEGISLATIVE PLATFORM

The following general principles will provide policy guidance for legislative action:

FAIR APPLICATION OF CLEAN AIR MANDATES: The District would support the inclusion of 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. This fairness doctrine may be incorporated into federal law through various means without amending the Federal Clean Air Act.

The District has left no stone unturned in promulgating and implementing measures to reduce emissions from sources of air pollution under its regulatory authority. The District has also deployed innovative measures to reduce emissions from mobile and indirect sources of air pollution that fall outside its traditional regulatory authority with stationary sources. We have reached a point where the Valley cannot attain the health based standards established under the Federal Clean Air Act without significant reductions in emissions from mobile sources that fall under federal jurisdiction. With the newly established federal standards many other regions throughout the nation will find themselves in a similar situation.

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

PROPORTIONAL MOBILE AND STATIONARY SOURCE CONTROLS: To achieve emissions reductions that are adequate to attain air quality standards, it is imperative that all sources are adequately controlled according to their contribution the Valley's air quality challenges. In order to achieve this objective, the following principles will guide District policy:

1. Continue to support legislation that requires the US EPA to develop and implement programs that effectively and efficiently control interstate mobile sources including, but not limited to, trains, trucks, boats, and planes. Support federal actions that will provide cleaner operating vehicles. Support legislation that requires improved emission standards for buses.
2. Support legislation that requires federal sources, including trains, trucks and ships, to contribute their "fair share" of the emission reductions

required for attainment of air quality standards in the San Joaquin Valley. This would include mitigating emissions associated with the implementation of the North American Free Trade Agreement, requiring more stringent controls on locomotives, and reducing emissions from ships while they are in port.

MOBILE SOURCE AND TRANSPORTATION: To address issues dealing with mobile source reductions and transportation alternatives; to achieve mobile source reductions in addition to those currently approved in air attainment plans; to create market-based incentives for mobile source emissions; and to encourage and promote public transportation improvements; the following principles will guide District policy:

1. Support funding for mobile source reductions.
2. Support legislation that provides options for local air districts for pilot incentives to reduce mobile source emissions.
3. Support state and federal legislation and regulations to further promote cost-effective and clearly defined strategies associated with vehicle emission reductions and effective statewide vehicle Inspection & Maintenance programs.
4. Support legislation to assist regional transportation authorities' efforts for multi-modal transit systems that ensure ongoing growth in ridership by promoting and encouraging maximum public use.
5. Support measures that will improve the efficiency and effectiveness of the smog check program including reducing testing cost, better mechanisms to identify high emitters, and enhanced oversight of the smog-check stations.
6. Support legislation and efforts to enhance interregional transit options that provide an alternative to driving. This should include options for the movement of both people and goods within the San Joaquin Valley and to adjacent regions.
7. Oppose legislation that restricts the District's use of Governing Board-authorized funds for cost effective emission control projects.
8. Support legislation that simplifies Transportation Conformity compliance and synchronizes conformity related transportation planning requirements with air quality planning requirements and deadlines.
9. Support legislation that puts organizational structures in place that facilitate inter-regional and intra-regional solutions for the efficient

movement of people and goods through the San Joaquin Valley utilizing a variety of transportation modes.

ALTERNATIVE COMPLIANCE OPTIONS: To have the ability to provide for compliance flexibility when dealing with businesses addressing air quality rules and regulations, and to ensure that alternative compliance options provide adequate measures to at least meet the required emission reductions necessary, the following principles will guide District policy:

1. Support legislation that provides for market-based incentives that achieve equivalent reduction in air emissions in a more cost-effective fashion.
2. Oppose legislation that diminishes the District's ability to write permits that are practical and enforceable.
3. Support legislation that would prohibit an increase in assessed property value for new equipment installed solely for the purpose of meeting the requirements of District Rules and Regulations.
4. Support legislation that encourages the generation of mobile source emission reduction credits.

TOXIC AIR EMISSIONS: To ensure the protection of public health and to minimize exposure to significant toxic pollutants, the following principles will guide District policy:

1. Oppose legislation that results in the release of cancer-causing and other toxic emissions in quantities that pose significant risks to public health.
2. Support legislation that upholds the requirement for public notification when significant toxic pollutants are located in close proximity to a given neighborhood.
3. Support legislation that allows for the integration of state and federal air toxic mandates while protecting public health.
4. Support legislation that calls for cleaner-burning alternative fuels.
5. Support measures that result in early risk reduction without costly and unnecessary risk assessment work.

LOCAL: To fulfill the goals of the District, to maintain the ability to develop and implement control strategies to address stationary and area pollutants, and to achieve ambient air quality standards, the following principles will guide District policy:

1. Support legislation that retains the Governing Board's control over the use of emission reduction credits (ERCs) throughout the Valley.
2. Oppose legislation that usurps the District's authority to determine the cost-effectiveness of proposed District rules.
3. Support legislation that encourages the management of air quality on a regional basis, particularly in the Valley, and not on a statewide basis, in order to assure that local concerns are recognized.
4. Support and actively advocate increases in the District Subvention based on inflation and increased mandates.
5. Support legislation that retains local enforcement and discretionary authority for Notices to Comply/Notices of Violation (NTC/NOV fines, adjudication, etc.).
6. Support legislation that promotes the creation and use of District-operated self-audit and inspection programs. Such legislation will enhance the District's ability to offer incentive-based programs to Valley businesses in ways that do not conflict with state and federal law.
7. Oppose all legislation that transfers any part of local permitting authority to the state or federal governments. Past transfers of the District's permitting authority have proved to prolong the permitting process without any corresponding benefit to air quality.
8. Oppose legislation that limits the District's ability to regulate the installation or utilization of wood-burning fireplaces and wood-burning heaters.

STATE/FEDERAL: To support state and federal means of addressing, without duplication, the need for better air quality in the San Joaquin Valley, and to support state and federal actions that are effective and economically feasible, the following principles will guide District policy:

1. Support state and federal legislation that would preserve and enhance the ability of local governments to adequately finance mandated and essential services.

2. Support federal legislation or regulations that alleviate administrative burdens that are unnecessary for the protection of air quality, associated with permitting requirements.
3. Support legislation to streamline the permitting process at the local level that is efficient and effective. Oppose legislation that negatively affects the District's ability to protect and improve air quality.
4. Support legislation to reduce the duplicative oversight responsibilities of state agencies and boards vis a vis the regional air districts.
5. Support legislation that eliminates duplication between state and federal air quality agencies. Allow a single permit system that satisfies both state and federal regulations. California has the strictest air quality standards in the country. Federal duplication only hinders business and does not improve air quality.
6. Sponsor or support legislative options that would increase funding to the District to develop Valley-specific options for attainment.
7. Support legislation that promotes energy conservation and efficiency programs for energy end-users. Reduced energy use will result in lower pollutant emissions and a more stable electrical distribution system.
8. Support legislation that allows "net metering" or feed in tariffs for alternative energy projects.
9. Support legislation that encourages low-emission utilization of waste gas as an alternative to waste gas venting or flaring.
10. Seek adequate funding from ARB and EPA to implement state and federal air quality mandates.
11. Oppose efforts to allow the sale and use of safe and sane fireworks outside of the period surrounding the 4th of July.
12. The District supports the establishment of an Air Quality and Health Empowerment Zone Designation that would provide financial assistance to regions that have significant air quality, health, and economic challenges. This new program would provide financial assistance for incentive programs in areas that face significant air quality, health, and economic challenges. Given the Valley's air quality challenges and continued double digit unemployment rates, the Valley would be a prime candidate for designation under this new program. The program would provide a mechanism for ongoing appropriations for incentive programs to accelerate the introduction of new emissions reduction technologies.