

State of California
AIR RESOURCES BOARD

AB 617 Community Air Protection Program –
Community Emissions Reduction Program for South Central Fresno

Resolution 20-07

February 13, 2020

Agenda Item No.: 20-3-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, California's air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

WHEREAS, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

WHEREAS, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

WHEREAS, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

WHEREAS, Assembly Bill (AB) 617 (C. Garcia, Statutes of 2017, chapter 136) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

WHEREAS, AB 617 is a significant step in transforming California's air quality programs to address air pollution disparities at the neighborhood level;

WHEREAS, the legislature has demonstrated an ongoing commitment to improving air quality in California's most burdened communities through the allocation of nearly \$750 million to CARB, with subsequent distribution to local air districts, as "Community Air Protection" funds to reduce exposure in highly impacted communities;

WHEREAS, statute required CARB by October 1, 2018, to engage stakeholders through a robust public process to set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select initial communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

WHEREAS, on September 27, 2018 CARB approved the *Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring* (Blueprint), which described criteria for the development of community emissions reduction programs by air districts, in conformance with the requirements of AB 617, and determined that the Blueprint and online Resource Center met statutory requirements for CARB to develop a monitoring plan and state strategy;

WHEREAS, statute requires that community emissions reduction programs be consistent with the state strategy;

WHEREAS on September 27, 2018 CARB selected the community of South Central Fresno to develop a community emissions reduction program as one of ten initial communities;

WHEREAS, the San Joaquin Valley Air Pollution Control District (District) convened a steering committee comprised of South Central Fresno community residents, non-profit organizations, businesses, and local government representatives and developed a community emissions reduction program to improve air quality in South Central Fresno, titled "South Central Fresno Community Emissions Reduction Program" (Program), included as Attachment A;

WHEREAS, the District conducted a public process to develop the Program over the course of a year including a series of 19 public meetings, including community steering committee meetings and workshops;

WHEREAS, the District Governing Board approved the Program on September 19, 2019 and submitted it to CARB on September 30, 2019;

WHEREAS, CARB staff hosted a community meeting, coinciding with a community steering committee meeting, on November 13, 2019 to hear directly from the community steering committee and the public on the Program;

WHEREAS, local decisions that determine land use and traffic patterns impact exposure to air pollution, and in many impacted communities throughout the State, including South Central Fresno, the proximity of emissions sources to nearby sensitive receptors like schools, homes, and day care centers exacerbates the cumulative exposure burden;

WHEREAS, historic land use decisions have created disproportionate impacts in many communities throughout the State;

WHEREAS, the State has emphasized the importance of incorporating environmental justice into city and county planning to address existing and new environmental injustice through the passage of Senate Bill 1000 (Levy, Chapter 587, Statutes of 2016), requiring general plans to include environmental justice elements and policies, and the Governor's Office of Planning and Research's General Plan Guidelines;

WHEREAS, CARB staff reviewed the Program to determine whether it meets the criteria established in the Blueprint and considered the perspectives of the community steering committee members in developing recommendations to the Board;

WHEREAS, CARB staff have identified key strengths of the Program to highlight for future communities as well as specific aspects of the Program that will need further definition to support successful implementation in the areas of reduction strategies and process;

WHEREAS, aspects of the Program may change over implementation, including implementation timeframes, technical information, and strategy prioritization;

WHEREAS, staff has proposed that CARB approve the South Central Fresno community emissions reduction program and direct CARB staff to work with the District to take additional actions to strengthen implementation as set forth in Attachment B: the South Central Fresno Community Emissions Reduction Program Staff Report (Staff Report), released to the public on January 24, 2019;

WHEREAS, the District should continue to work with the community steering committee and CARB to expeditiously implement the Program, including measurable progress on the additional actions set forth in Attachment B prior to the first annual reporting due October 1, 2020;

WHEREAS, ongoing adjustments to provide mechanisms for enhanced collaboration with the community steering committee in the development of agendas and co-leadership in the running of meetings is providing for more active community participation and improved decision-making process and should be continued;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; Title 14, California Code of Regulations, section 15251 (d)), and CARB conducts its CEQA review according to this certified program (Title 17, California Code of Regulations, sections 60000-60008);

WHEREAS, staff has determined that the Proposed Project is exempt from CEQA under the following exemptions: (1) Title 14, California Code of Regulations, section 15061 ("Common Sense Exemption") as it can be seen with certainty and supported by

the record evidence that there is no possibility that the activity in question may have a significant effect on the environment; (2) Title 14 California Code of Regulations, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows that the Proposed Project will enhance the environment by better protecting the public from health impacts associated with exposure to air pollution within the project area, the Proposed Project includes procedures for protection of the environment and the Proposed Project does not relax any applicable standards; (3) Title 14, California Code of Regulations, section 15306 ("Class 6" exemption: Information Collection) because the record evidence shows that many of the Proposed Project's implementing measures involve outreach and data collection from various parties to better hone particular efforts from implementing agencies in reducing localized pollution levels which may lead to actions by those agencies; and (4) Title 14 California Code of Regulations, section 15321 ("Class 21" exemption: Enforcement Actions by Regulatory Agencies) because the record evidence shows that the Proposed Project incorporates actions by implementing agencies to enforce permits from the districts or other entitlements for use issued, adopted or prescribed by applicable regulatory agencies or enforcement of laws, general rules, standards, objectives administered or adopted by regulatory agencies identified as implementing agencies in the Proposed Project.

Board Findings

WHEREAS, in consideration of the applicable statutory and Blueprint requirements, written and oral testimony provided by community members, the District, and other stakeholders, the Board finds that:

- the Program is a community emissions reduction program pursuant to AB 617;
- the Program was developed with the community steering committee in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;
- the Program addresses key elements required in statute and the Blueprint and will benefit from additional actions to support successful implementation in the areas of reduction strategies and process;
- the Program is exempt from CEQA under Title 14, California Code of Regulations, sections 15061, 15306, 15308 and 15321 for the reasons stated herein.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Program as set forth in Attachment A pursuant to additional direction to CARB staff and the District subject to the following actions taking place as set out in this Resolution:

- CARB staff works with the District and the community steering committee to take the additional actions to strengthen implementation as defined in the Staff Report in Attachment B on pages 8, 9, and 10 and as modified by this Resolution, to do the following:
 1. Include a process for making adjustments to incentive measure funding amounts based on ongoing discussions and recommendations from the

community steering committee, and continue engaging the committee on prioritization of incentive measures and project selection. This should include the District seeking co-funding for the truck re-routing strategy, with full funding provided by the District if sufficient co-funding is not identified.

2. Develop and provide specific criteria for project funding amounts and project selection, and clarify in the “Metrics to Track Progress” the process for adjusting allocations when projects are undersubscribed or oversubscribed.
 3. Update the emissions reduction targets as new information becomes available for the regulatory and other strategies that do not yet have defined benefits where quantification is feasible.
 4. Conduct a review of stationary source rules applicable to sources in the community and discuss current permitting and rule-making processes, as well as next steps in a transparent and expeditious manner with the community steering committee members by the end of 2020.
 5. Continue to strengthen the working relationship with the agencies that have land use and transportation authority in South Central Fresno to address community steering committee concerns, including seeking to establish a Memorandum of Understanding or other appropriate mechanisms with these agencies, including the City and County of Fresno, to address air quality impacts and concerns. To support these efforts, CARB staff will continue to move forward on development of the Freight Handbook and CARB and the District commit to work with the community steering committee to advance implementation of the best practices discussed in Tables 5 and 6 of the Freight Handbook Concept Paper.
 6. Continue to improve communication between the District and the community steering committee by developing clear objectives, setting mutually agreed upon deadlines, and providing information and feedback within defined timeframes, including the time needed for translation of materials into Spanish.
 7. Define a process for continued discussion of any additional community steering committee strategy ideas that are not currently included in the Program, and potential mechanisms for updates through the annual progress reports.
 8. Include the community steering committee in the agenda setting process, while continuing the rotation of community steering committee members as meeting co-hosts, so that members can continue to actively participate in meeting development and management.
- Identify the specific implementation steps and milestones for each of the strategies in the Program.
 - CARB staff, the District, and the community steering committee report back to the Board semi-annually or as directed by the Board, on implementation of these actions.

BE IT FURTHER RESOLVED that the Board directs the District to submit annual reports to CARB by October 1 of each year beginning in 2020, developed in accordance with the Blueprint requirements, and including updates on the implementation of the Program and measurable progress made regarding the additional actions required in this Resolution. The report should be developed in collaboration with the community steering committee with steering committee input documented in the report.

BE IT FURTHER RESOLVED that CARB will develop a template for reporting back on implementation of the Program, which shall also include any additional strategies that have been identified. The template will include items included in the Blueprint requirements for annual reports, along with other specific actions called for in the Resolution.

BE IT FURTHER RESOLVED that the Board affirms the existing authority of CARB staff to review and interpret aspects of the community emissions reduction programs and delegates to the Executive Officer, or his or her designee, the authority to approve District changes to the Program, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the Program, provided that such changes are consistent with statute and the goals established by the Board. Staff shall identify those changes when the Board receives an update on the annual report on the Program.

I hereby certify that the above is a true and correct copy of Resolution 20-7 as adopted by the California Air Resources Board.

/s/

Ryan Sakazaki, Board Clerk

Resolution 20-07

February 13, 2020

Identification of Attachments to the Board Resolution

Attachment A*: *Proposed South Central Fresno community emissions reduction program, submitted to CARB on September 30, 2019*
<http://community.valleyair.org/media/1516/01finalscfresnocerp-9-19-19.pdf>

Attachment B: *South Central Fresno Community Emissions Reduction Program Staff Report*

***Attachment A is NOT attached to the proposed resolution; it is simply described on this page.**