



October 27, 2022

Martha Guzman
Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
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RE: Concurrence on State's Withdrawal of 2012 PM2.5 SIP portions of 2018 PM2.5 Plan

Dear Administrator Guzman:

In response to U.S. EPA's October 5, 2022, proposed disapproval action, the purpose of this letter is to express the San Joaquin Valley Air Pollution Control District's concurrence with California Air Resources Board's (CARB) requested withdrawal of the 2012 PM2.5 standard Serious state implementation plan (SIP) portions of the San Joaquin Valley 2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards (2018 Plan) from inclusion in the California SIP. The District does not agree with the disapproval, and maintains that the plan is approvable, consistent with EPA's original December 2021 proposed approval that was developed in close cooperation with U.S. EPA Region 9 over a multi-year period.

CARB and the District worked closely with U.S. EPA in the development of the Valley 12 $\mu\text{g}/\text{m}^3$ PM2.5 Plan well in advance of the December 31, 2023 submittal deadline to maximize time to develop and implement emission reduction measures. After initially proposing to approve the 2018 Plan on December 29, 2021, U.S. EPA reversed its position and proposed disapproval of portions of the 2018 Plan, including the ammonia precursor demonstration, state mobile source emission reduction commitment accounting, and assessment of best available control measures for space and water heaters. The proposed disapproval of these elements has ripple effects throughout the plan, leading to EPA's proposed disapproval of the attainment demonstration, reasonable further progress demonstration, quantitative milestones, and the motor vehicle emissions budgets for the eight counties of the San Joaquin Valley.

Air quality is improving in the San Joaquin Valley due to the significant reductions in air pollution being achieved through CARB and District control programs. After decades of implementing the most stringent control program anywhere in the nation through District and CARB measures, the San Joaquin Valley is making

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significant progress in reducing ozone and PM_{2.5} concentrations. As part of these ongoing efforts, the District recently amended a number of stationary source rules for industrial sources such as for glass melting furnaces, internal combustion engines, boilers, flares, steam generators, and more. Additionally, the San Joaquin Valley is the only region in the state and nation to implement an aggressive phase-out of remaining agricultural burning by the end of 2024. As part of a recent Ninth Circuit Court ruling on the 2018 Plan, the court upheld U.S. EPA's finding that the District's control program meets Clean Air Act "Most Stringent Measure" requirements (*Medical Advocates for Healthy Air v. EPA*, April 2022). Irrespective of this plan withdrawal, the District and CARB will continue to implement the commitments in the 12 µg/m³ PM_{2.5} Plan and improve public health in the San Joaquin Valley.

If U.S. EPA's proposed disapproval is finalized, it is unclear how a number of issues newly interpreted by U.S. EPA are to be adequately addressed, and the San Joaquin Valley is at risk of exposure to Clean Air Act sanctions that include the loss of transportation funding, additional permitting offset requirements that would curtail new and modifying operations (including critical infrastructure), and loss of local control through a federal implementation plan. Additionally, U.S. EPA's action has the potential to immediately halt transportation funding and planning, jeopardizing numerous infrastructure projects critical to communities throughout the eight counties of the San Joaquin Valley. Many other states and regions throughout the nation are also at risk of facing these consequences given the precedential nature of EPA's proposed action.

As the San Joaquin Valley and other regions continue facing challenges in meeting federal ambient air quality standards, it will be essential that U.S. EPA do its fair share to improve air quality and public health in the San Joaquin Valley by reducing emissions from sources under its control that comprise an increasingly significant portion of air pollution, air toxics impacts, and greenhouse gas emissions in the San Joaquin Valley, South Coast, and other areas of the state. For example, as part of supporting SIP efforts in California and throughout the nation, U.S. EPA should work to more quickly finalize a strong, NO_x-focused, heavy-duty truck standard and develop new standards for locomotives. Additionally, with historic funding recently authorized under the Bipartisan Infrastructure Law and Inflation Reduction Act, new opportunities are available for the federal government to support unprecedented investments in the Valley and throughout California to transition to clean, low-carbon vehicle and equipment technologies and infrastructure. It is discouraging that after many years of working together to explore these opportunities, U.S. EPA has not integrated these concepts with ongoing SIP development efforts in the San Joaquin Valley and other nonattainment areas.

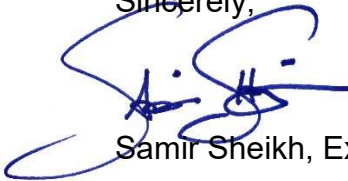
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Additionally, we continue to urge U.S. EPA to provide timely guidance to assist the San Joaquin Valley and other regions address a number of evolving SIP requirements. As one significant example, in the proposed action, U.S. EPA directed CARB and the District to provide assurances that the SIP complies with Title VI despite the fact that U.S. EPA has not yet provided states any guidance on how to effectively address this matter in SIPs. CARB anticipates that Title VI will require significant resources state-wide, and thus CARB and the District request EPA's assistance in securing the funding necessary to effectively implement Title VI requirements state-wide and across programs. Furthermore, as you are aware, California and other states throughout the nation continue to face major difficulty in demonstrating contingency requirements in response to recent court rulings and the absence of new federal guidance.

Given U.S. EPA's course reversal and lack of federal guidance, need for additional federal emissions reductions to expedite attainment, and additional planning time available under the Clean Air Act to review issues raised, the District concurs with CARB's request to formally withdraw the 12 $\mu\text{g}/\text{m}^3$ PM_{2.5} Plan submittal from consideration for inclusion in the California SIP, effective immediately. Consistent with our prior SIP collaboration, the District remains fully committed to working together with CARB and U.S. EPA to develop and submit a fully-approvable SIP for the 12 $\mu\text{g}/\text{m}^3$ annual PM_{2.5} standard.

If you have any questions, please contact Jessi Fierro, Director of Air Quality Planning, San Joaquin Valley Air Pollution Control District at (559) 230-6000.

Sincerely,



Samir Sheikh, Executive Director/Air Pollution Control Officer

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cc: (With no enclosures)

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