

Proposed

State of California
Air Resources Board

**Assembly Bill 617 Community Air Protection
Program – Arvin/Lamont Community
Emissions Reduction Program**

Resolution 22-15

October 13, 2022

Agenda Item No.: 22-13-1

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 over \$1.4 billion to CARB, with subsequent distribution to local air districts, as "Community Air Protection" funds to reduce exposure in highly impacted communities;

Whereas, the statute required CARB by October 1, 2018, to engage stakeholders through a robust public process to set overall program requirements to reduce toxic air contaminants 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, AB 617 requires that community emissions reduction programs be consistent with the state strategy;

Whereas on February 25, 2021, CARB selected the community of Arvin/Lamont to develop a community emissions reduction program and community air monitoring plan;

Whereas, the San Joaquin Valley Air Pollution Control District (Valley Air District) convened a steering committee comprised of Arvin/Lamont residents, community-based organizations, businesses, and local government representatives and developed a community emissions reduction program to improve air quality in the Arvin/Lamont Community (CERP);

Whereas, the Arvin/Lamont Community Steering Committee (CSC) elected two co-leads, a community resident and a representative of the Central California Environmental Justice Network, a community-based organization;

Whereas, the Valley Air District and co-leads conducted a public process to develop the CERP for over a year and a half, including 20 public CSC meetings, and workshops;

Whereas, the Valley Air District adopted the CERP on June 16, 2022, and then sent the CERP to CARB for review (Attachment A);

Whereas CARB staff attended all CSC meetings, surveyed the CSC, and led a portion of a regular CSC meeting on August 24, 2022, to take input on the CERP development

process, and this participation and outreach efforts helped inform the Staff Report findings;

Whereas local decisions that determine land use and traffic patterns impact exposure to air pollution, and in many impacted communities throughout the State, including the Arvin/Lamont community, the proximity of emissions sources to nearby sensitive receptors like schools, homes, and daycare centers exacerbates the cumulative exposure burden;

Whereas, historic land use decisions have created disproportionate impacts in many communities throughout the State, including Arvin/Lamont;

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

Whereas, CARB staff reviewed the CERP and determined 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 CERP and provided recommendations to strengthen the implementation process as the Valley Air District and the CSC continue to refine the air pollution emissions and exposure reduction strategies;

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

Whereas, CARB staff has proposed that CARB approve the Arvin/Lamont CERP and direct the Valley Air District and the CSC to take additional actions to strengthen implementation as outlined in the Arvin/Lamont Community Emissions Reduction Program Staff Report (Staff Report), released to the public on September 23, 2022, with the public comment docket opened from September 23, 2022, to October 3, 2022;

Whereas, on September 23, 2022, CARB published a notice for a public meeting to consider the CERP for the Arvin/Lamont Community scheduled for October 13, 2022;

Whereas, the Valley Air District and co-leads will continue to convene monthly meetings with the CSC and add subcommittees for focused topics as they continue to implement the CERP strategies;

Whereas, the Valley Air District and co-leads should continue to work with the CSC and CARB to expeditiously implement the CERP, including measurable progress on

the additional actions set forth in the State Report and include such progress in the reporting that is due annually;

Whereas, CARB's certified 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 regulatory program (Title 17, California Code of Regulations, sections 60000-60008);

Whereas, staff has determined that the CERP (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 Proposed Project 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;

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

- The Arvin/Lamont CERP is a community emissions reduction program under AB 617;
- The CERP 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 CERP addresses key elements required in the statute and the Blueprint and will benefit from additional actions to support successful implementation in the areas of continuing to refine strategies and ensuring continued collaboration during the implementation of the CERP and, if necessary, beyond.
- The CERP 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 CERP with additional direction to CARB staff, the Valley Air District, the co-leads, and the Arvin/Lamont CSC as set out in this Resolution:

- CARB staff works with the District, community co-leads, and the community steering committee to take the additional actions to strengthen implementation, as defined in the Staff Report in Attachment B on pages 11 through 13, which specifies that:
 - The actions and level of effort taken during the development of the CERP established a strong foundation for collaboration, participation, and transparency and should be maintained through implementation. This will help address the CSC's expressed desire to ensure follow-through on CERP measures and communicate progress to the CSC and community.
 - CARB staff and the Valley Air District should continue to engage the CSC in refining CERP measures and strategies to maximize emissions and exposure reductions and their associated health benefits for the community.
 - CARB and the Valley Air District should work together to continue to support effective interagency partnerships and collaboration.

Be it further resolved that the Board directs the Valley Air District to submit annual reports to CARB by October 1 of each year beginning in 2023, developed following the Blueprint requirements, and including updates on the implementation of the CERP and measurable progress made regarding the additional actions required in this Resolution. The annual reports should document community input and be developed in collaboration with the co-leads and the CSC.

Be it further resolved that the Board finds all remaining significant effects on the environment caused by the implementation of the Proposed Project's CARB Measures, found to be unavoidable, remain acceptable due to the reasons set forth in the Statements of Overriding Considerations in the SIP Strategy EA and Blueprint EA Findings adopted by CARB in connection with its approval of the 2016 SIP Strategy and AB 617 Blueprint documents, as incorporated by reference and reaffirmed herein.

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 Valley Air District changes to the CERP, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the CERP, provided that such changes are consistent with the 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 CERP.