

Proposed
State of California
Air Resources Board

Assembly Bill 617 Community Air Protection Program

Recommendation to Select the South Sacramento-Florin Community to Transition to Develop a Community Emissions Reduction Program

Resolution 24-11

July 25, 2024

Agenda Item No.: 24-4-3

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, the Legislature, in Health and Safety Code section 39602, has designated CARB as the air pollution control agency for all purposes set forth in federal law;

Whereas, California's air quality programs have led to significant public health improvements; however, in part as a result of historic racist land use and housing practices, certain communities that are more likely to be people of color and low-income, 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 as well as more likely to live near major roadways 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 emissions and exposure reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reducing these disproportionate health impacts;

Whereas, state law declares that it is necessary that the State ambient air quality standards be attained by the earliest practicable date to protect public health, particularly the health of

children, older people, and those with respiratory diseases (California Clean Air Act of 1988, AB 2595, Stats. 1988, Ch. 1568));

Whereas, under the federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (U.S. EPA) has established National Ambient Air Quality Standards (NAAQS) for criteria pollutants considered harmful to public health, including fine particulate matter 2.5 microns or less (PM_{2.5}) and ozone, and states that exceed the NAAQS are required by federal law to develop State Implementation Plans (SIP) describing how they will attain the standards by certain deadlines (42 U.S.C. § 7401 et seq.);

Whereas, state law establishes the policy of the State to control emissions of toxic air contaminants, based on the best available scientific information, and directs the Board to establish airborne toxic control measures (ATCM) to reduce toxic air contaminants (Health & Saf. Code § 39650, et seq.);

Whereas, state law establishes legislative intent that CARB shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality (Health & Saf. Code § 39500);

Whereas, state and federal law requires CARB in its programs and activities to not discriminate or cause disparate impacts based on protected characteristics, which include race, color, national origin, sex, and age, among others (e.g., Title VI, U.S. Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7; Gov. Code §§ 11135 et seq.);

Whereas, state law known as Assembly Bill (AB) 617 (C. Garcia, Stats. 2017, Ch. 136) and as amended, requires CARB and the air districts to act at the community level to address criteria air pollutants and toxic air contaminants in communities affected by cumulative emissions exposure burdens including to develop a statewide strategy to reduce these pollutant emissions in these communities (Health & Saf. Code §§ 39607.1, 40920.6, 40920.8, 42400, 42402, 42411, 42705.5, 44391.2, and 44391.5);

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

Whereas, AB 617 requires CARB to annually consider the selection of communities with high cumulative exposure burdens of criteria air pollutants and toxic air contaminants for the deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, AB 617 requires an air district containing a community selected for development of a community emissions reduction program to adopt, in consultation with CARB, individuals, community-based organizations, affected sources, and local governmental bodies, a community emission reduction program for the community within one year of selection by CARB unless the air district, CARB and the community steering committee agree to extend the time to develop and adopt a community emissions reduction program by one additional year as per AB 1749 (C. Garcia, Stats. 2022, Ch. 340);

Whereas, the Board delegated to the Executive Officer, or their designee, pursuant to Resolution 23-22 the authority to review and approve, if consistent with Health and Safety Code section 44391.2, Blueprint 2.0, and any other relevant law, community emissions reduction programs approved by air districts and submitted to CARB pursuant to AB 617;

Whereas, at the start of implementation of AB 617 in 2018, CARB prepared a statewide assessment to identify the cumulative exposure burden in communities throughout the state;

Whereas, since September 2018, CARB staff, air districts, the Board, and stakeholders have supported implementation of the Community Air Protection Program consistent with AB 617 and the first Board-adopted statewide strategy, known as the Community Air Protection Program Blueprint;

Whereas, on October 26, 2023, the Board approved the Community Air Protection Program Blueprint 2.0 (*Blueprint 2.0*), the first update to the statewide strategy required by AB 617, which includes the following updates:

- Transitioning areas of focus for CARB and the air districts in implementing strategies at the local level to further reduce criteria pollutant and toxic air contaminant cumulative exposure burdens in heavily burdened communities throughout the State, as required by AB 617;
- Affirming CARB's commitment to nondiscrimination in the Community Air Protection Program and developing the use of an equity lens in program activities to advance environmental justice goals to ultimately achieve CARB's mission of healthy air for all Californians; and
- Outlining pathways to improve air quality on the local scale, including the use of community air grants to develop local community emissions reduction plans, community-focused enforcement, and increased flexibility in the use of incentives funds.

Whereas, the Board directed staff in the September 2018 board meeting in which it selected the first-year communities to consider when developing recommendations for communities in subsequent years prioritizing transitioning those communities that were previously selected only for air monitoring into the development of an emissions reduction program, if the recommendation is supported by data and by the community steering committee/district;

Whereas, significant resources are needed to support CARB and air district staff work and to ensure community steering committees have the needed resources to effectively participate during the ongoing work to implement the Program;

Whereas, for those air districts that had communities selected in previous years for the development of community air monitoring only, it is important for those communities to transition to community emissions reduction program development as early as practical, based on data gathered through monitoring, prior to selection of additional communities in that air district;

Whereas, adding new communities poses risks that resource constraints could impact the Program's foundation and implementation work in all communities, existing and new;

Whereas, implementation of the Community Air Protection Program from 2020 through today has been impacted by COVID-19, and while all agencies and stakeholders have worked to ensure compliance, continued resources for these existing communities are needed until the community emissions reduction program and community air monitoring plan actions are completed, including, as reasonable, beyond the initial five-year implementation period;

Whereas, the community steering committees should be provided all available resources and all feasible tools necessary to develop and implement successful community air monitoring systems and emissions reduction programs;

Whereas, CARB staff released for public comment on June 14, 2024, the “*Recommendation to select the South Sacramento-Florin Community to transition to develop a Community Emissions Reduction Program*,” (Staff Report)¹ containing recommended community for Board consideration, with draft preliminary boundaries that will be finalized by community steering committee process;

Whereas, in consideration of the issues described above, and the existing resources being available to support the process, CARB staff are recommending the South Sacramento-Florin Community to the Board for selection to transition to develop a community emissions reduction program;

Whereas, the Staff Report included a preliminary inventory for the South Sacramento-Florin community;

Whereas, in consideration of the Staff Report, written and oral testimony presented by community members, the air districts, industry, and other interested parties, the Board finds that:

- Many communities throughout the State experience disproportionate cumulative environmental and health impacts from air pollution compared to other communities in the State;
- As no one person or agency was responsible for the air quality burdens that created and perpetuate environmental injustice, no one person or agency will achieve environmental justice without collective, sustained commitment to clean air for all;
- Community emissions reduction programs and community air monitoring systems are necessary tools to reduce pollution exposures and help address these exposure inequities;
- Continued resources are needed in the 19 communities previously selected to effectively implement ongoing work and deliver measurable reductions in emissions and exposure as intended by AB 617; and
- The Staff Report recommends an existing community with high exposure burden for toxic air contaminants and criteria pollutants that has developed a community air monitoring plan to transition to develop a community emissions reduction program based on a nomination received by CARB consistent with AB 617, Blueprint 2.0, and the Board’s prior direction for future recommendations.

¹ CARB, Community Air Protection Recommendation to Select the South Sacramento-Florin community to Transition to Develop a Community Emissions Reduction Program (July 2024), <https://ww2.arb.ca.gov/sites/default/files/2024-06/CAPP%20Rec%20Staff%20Report%20FINAL%2020240513.pdf>.

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) (Cal. Code Regs., tit. 14, § 15251(d)), and CARB conducts its CEQA review according to this certified program (Cal. Code Regs., tit. 17, §§ 60000- 60008); and

Whereas, staff has determined that the proposed Staff Report is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that selecting the South Sacramento-Florin community to transition to develop a community emissions reduction program may result in a significant adverse impact on the environment, as described in Appendix C of the Staff Report.

Now, therefore, be it resolved that the Board selects the transition of South Sacramento-Florin community to develop a community emissions reduction program and continue to implement the community air monitoring plan.

Be it further resolved that the Board finds that the proposed community selection is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment.

Be it further resolved that an air district containing a community selected for development of a community emissions reduction program must adopt an emissions reduction program that follows the requirements set forth in the Blueprint 2.0, for the community, within one year after the Board's selection of the community unless the air district, CARB, and the community steering committee agree to extend the time to develop and adopt a community emissions reduction program by one additional year pursuant to state law.

Be it further resolved that the air district must proceed quickly to convene community steering committee and work with the community to determine final community boundaries.

Be it further resolved that, within three months of CARB selection of the community, the air district must, in collaboration with the community steering committee, work to establish a charter to clearly set out the committee structure and process.

Be it further resolved that the Board directs CARB staff to, within three months after selection of the community, and as needed throughout the development process of the community emissions reduction program, present to the community steering committee the goals and requirements set forth in the Blueprint 2.0.

Be it further resolved that the Board directs CARB staff to work with communities and air districts to finalize baseline and forecasted community emissions inventories as soon as possible and present the updated inventories to the community steering committee for use in developing and/or implementing the community emissions reduction program.

Be it further resolved that the Board directs CARB staff to continue outreach activities and consult with community members, environmental justice organizations, air districts, affected industry, and other stakeholders to implement the Program and provide periodic updates to the Board.