

Assembly Bill 617 Community Air Protection Program – Consideration of the Stockton Community Emissions Reduction Program

Resolution 21-16

July 29, 2021

Agenda Item No.: 21-7-1

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

\$700 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 December 13, 2019, CARB selected the community of Stockton to develop a community emissions reduction program;

Whereas, the San Joaquin Valley Air Pollution Control District (District or SJVAPCD) convened a steering committee comprised of Stockton community residents, non-profit organizations, business, and local government representatives and developed a community emissions reduction program to improve air quality in Stockton, titled "Stockton Community Emissions Reductions Program" (CERP);

Whereas, the District conducted a public process to develop the CERP over the course of a year including a series of 20 public meetings, including community steering committee meetings and workshops;

Whereas, the District Governing Board approved the CERP on March 18, 2021, and submitted it to CARB on March 29, 2021;

Whereas, CARB staff hosted a virtual community public meeting, on June 21, 2021, to hear directly from the community steering committee and the public on the CERP;

Whereas, local decisions that determine land use and traffic patterns impact exposure to air pollution, and in many impacted communities throughout the State, including Stockton, 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 Port of Stockton (Port) contributes significantly to Stockton's economy and employment, but also to Stockton's air quality impacts due to emissions from ships, equipment, and vehicles, among other sources;

Whereas, the Stockton Community Steering Committee voted to exclude the use of the District's AB 617 incentive funds from going directly to operations at the Port;

Whereas, seven measures in the CERP that are not specifically port-related will reduce emissions and exposure to emissions from operations at the Port, including Vegetative Barriers, Urban Greening, Truck Reroute Study, Truck Replacement, Heavy-Duty Truck Charging, Truck Idling Plug-ins, and Locomotive Switchers;

Whereas, seven recent and upcoming CARB statewide regulations are included in the CERP and are expected to reduce emissions from Port operations, including the Control Measure for Ocean-Going Vessels At Berth, Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments, Heavy-Duty Vehicle Inspection and Maintenance, Commercial Harbor Craft Regulation Amendments, Advanced Clean Fleet Rules, Cargo Handling Equipment Regulation Amendments, and Transport Refrigeration Unit Regulations;

Whereas, CARB enforcement commitments in the CERP related to operations at the Port include increasing inspection frequency to determine compliance with CARB regulations within the community boundary, which will include operations at the Port;

Whereas, District enhanced enforcement commitments in the CERP related to operations at the Port include increased inspection frequency of stationary sources, many of which are facilities located at the Port, inspection of fugitive dust sources, and heavy-duty truck anti-idling;

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 through the Governor's Office of Planning and Research's General Plan Guidelines to implement those requirements;

Whereas, CARB staff reviewed the CERP 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 CERP as well as specific recommendations to support successful implementation by providing enhanced focus on technical information in implementation and addressing committee membership turnover and onboarding processes;

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

Whereas, staff has proposed that CARB approve the Stockton community emissions reduction program and direct CARB staff to work with the District to take additional actions to strengthen implementation as set forth in the Stockton Community Emissions Reduction Program Staff Report (Staff Report), released to the public on June 28, 2021, with the public comment docket opened from June 28, 2021, to July 19, 2021;

Whereas, on June 28, 2021, CARB published a notice for a public meeting to consider the community emissions reduction program for the Stockton community at a hearing scheduled for July 29, 2021;

Whereas, the District has continued to convene monthly meetings with the community steering committee in 2021 and work on the strategies specified in the CERP;

Whereas, the District should continue to work with the community steering committee and CARB to expeditiously implement the CERP, including measurable progress on the additional actions set forth in the Staff Report and include such progress in the reporting that is due annually;

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 district 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; and

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 CERP is a community emissions reduction program pursuant to 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 statute and the Blueprint and will benefit from additional actions to support successful implementation in the areas of providing enhanced focus on technical information in implementation and addressing committee membership turnover and onboarding processes; and
- 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 District, and community steering committee as set out in this Resolution:

- CARB staff, the District, and the community steering committee work together to continue prioritization of CERP measures implementation, providing particular focus on the seven measures that indirectly address Port emissions, including:
 1. VB.1 – Incentive Program for the Installation of Vegetative Barriers Around/Near Sources of Concern
 2. UG.1 – Urban Greening and Forestry
 3. HD.1 – Heavy Duty Truck Rerouting
 4. HD.2 – Incentive Program for Heavy Duty Trucks Replacement with Zero and Near Zero Emission Technology
 5. HD.3 – Support Planning and Development of Heavy-Duty Electric Vehicle Charging Infrastructure
 6. HD.4 – Truck Idling Plug-Ins

7. HD.7 – Incentive Program for Replacing Older Diesel Switcher Locomotives with New Clean-Engine Technology

- The District and CARB staff continue to work together with the community steering committee to address the committee's requests for transparent technical and budget information to support implementation.
- The District work with the community steering committee to address membership turnover, and to define and document in the committee's charter the process for fully onboarding new members to ensure a smooth transition into the existing committee.
- CARB staff proactively offer expertise and accessible technical information to support implementation, with such information being tailored to specific needs, and offered timely and regularly.
- CARB staff proactively support exchanges across AB 617 communities that are pursuing similar implementation strategies.
- CARB staff continue active participation in the Port Outreach Committee, and continue working with the Port to identify and implement innovative and cost-effective emissions reduction strategies.
- CARB staff review and comment on proposed plans subject to CEQA that contribute significantly to cumulative impacts on air quality in the Stockton community, including at the Port.
- CARB staff and the District identify and implement measures that will reduce emissions in and around the Port on an ongoing basis.
- The District is encouraged to work with the Community Steering Committee to determine allocation of an additional \$5 million of funding in the community.

Be it further resolved that the Board directs the District to submit annual reports to CARB by October 1 of each year beginning in 2021, developed in accordance with 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 be developed in collaboration with the community steering committee with steering committee input documented in the report.

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 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 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.

I hereby certify that the above is a true and correct copy of Resolution 21-16 as adopted by the California Air Resources Board.

Katie Estabrook

Katie Estabrook, Board Clerk

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July 29, 2021

Identification of Attachments to the Board Resolution

Attachment A: [*Proposed Stockton Community Emissions Reduction Program, submitted to CARB on March 29, 2021*](#)

Attachment B: [*Stockton Community Emissions Reduction Program Staff Report*](#)