

Assembly Bill 617 Community Air Protection Program – Community Emissions Reduction Program for the Portside Environmental Justice Neighborhoods

Resolution 21-23

October 14, 2021

Agenda Item No.: 21-10-1

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 September 27, 2018, CARB selected the community of Portside Environmental Justice Neighborhoods to develop a community air monitoring plan as one of the ten initial communities;

Whereas on December 13, 2019, CARB selected the community of Portside Environmental Justice Neighborhoods to transition into developing a community emissions reduction program;

Whereas, the San Diego Air Pollution Control District (District or SDAPCD) convened a steering committee comprised of Portside Environmental Justice Neighborhoods residents, non-profit organizations, business, and local government representatives and developed a community emissions reduction program to improve air quality in the Portside Environmental Justice Neighborhoods, titled "[Community Emissions Reduction Plan for the Portside Environmental Justice Neighborhoods](#)" (Plan);

Whereas, the District conducted a public process to develop the Plan over the course of a year and a half including a series of 21 public meetings, including community steering committee meetings and workshops;

Whereas, the Plan was adopted by the local air district board in two phases. On November 18, 2020, the San Diego Air Pollution Control Board adopted the Community Emissions Reduction Plan for the Portside Environmental Justice Neighborhoods – Phase I. On July 16, 2021, SDAPCD Governing Board adopted the

Community Emissions Reduction Plan for the Portside Environmental Justice Neighborhoods – Phase II and submitted both adopted documents as a single Plan to CARB on August 2, 2021;

Whereas, CARB staff hosted a virtual community public meeting, on August 24, 2021, to hear directly from the community steering committee and the public on the Plan;

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 Portside Environmental Justice Neighborhoods, 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 through the Governor's Office of Planning and Research's General Plan Guidelines to implement those requirements;

Whereas, CARB staff reviewed the Plan 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 Plan and recommendations to highlight for future communities as well as specific aspects of the Plan that will need further definition to support successful implementation in the areas of updating the community planning emissions inventory and community-level air monitoring;

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

Whereas, staff has proposed that CARB approve the Portside Environmental Justice Neighborhoods community emissions reduction program and direct the District to take additional actions to strengthen implementation as set forth in the ["Portside Environmental Justice Neighborhoods Community Emissions Reduction Program Staff Report"](#) (Staff Report), released to the public on September 23, 2021, with the public comment docket opened from September 23, 2021, to October 4, 2021;

Whereas, on September 23, 2021, CARB published a notice for a public meeting to consider the Community Emissions Reduction Program for the Portside Environmental Justice Neighborhoods at a hearing scheduled for October 14, 2021;

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

Whereas, the District should continue to work with the community steering committee and CARB to expeditiously implement the Plan, 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 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 Plan (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 District, and other stakeholders, the Board finds that:

- the Plan is a community emissions reduction program pursuant to AB 617;

- the Plan 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 Plan addresses key elements required in statute and the Blueprint and will benefit from additional actions to support successful implementation in the areas of updating the community planning emissions inventory, metrics to track progress of plan and community-level air monitoring; and
- the Plan 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 Plan with additional direction to CARB staff, the District, and community steering committee as set out in this Resolution:

- CARB staff works with the District, and the community steering committee (CSC) to take the additional actions to strengthen implementation, as defined in the Staff Report on pages 7 to 9 which specifies that:
- CARB staff continue to work with the District and community steering committee to improve the community emissions inventory and ensure a transparent process for providing inventory updates to the steering committee with sufficient time for steering committee review.
- CARB staff revise community-level emission inventories as relevant new information for estimating emissions from on-road vehicle brake-wear becomes available.
- The District work with the community steering committee to identify additional means for the community air monitoring plan to inform the community emissions reduction program to achieve and track emissions and exposure reductions.
- The District provide the necessary support and resources for the community steering committee to better understand the community-level air monitoring data collected through AB 617 efforts.
- CARB staff proactively offer expertise and accessible technical information to support and oversee 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.

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 Plan 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 Plan, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the Plan, 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 Plan.

I hereby certify that the above is a true and correct copy of Resolution 21-23 as adopted by the California Air Resources Board.



Katie Estabrook, Board Clerk