

Fifth Annual Community Recommendations and Update to the Board on the Annual Assembly Bill 617 Implementation Memorandum

Resolution 23-7

February 23, 2023

Agenda Item No.: 23-2-2

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, the Legislature enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568), declaring 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;

Whereas, section 39650, et seq., of the Health and Safety Code 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);

Whereas, Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes 2017) 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 and includes the following requirements;

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 deployment of a community air monitoring system to begin deployment of monitoring in the community within one year of the community being selected by CARB;

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 authorized by AB 1749 (C. Garcia, Chapter 340, Statutes 2023);

Whereas, in 2018, and as updated in 2021, utilizing available data, staff conducted a statewide assessment of the cumulative exposure burden in communities throughout the State, to help identify communities for selection;

Whereas, on September 27, 2018, CARB approved the *Community Air Protection Blueprint (Program Blueprint): For Selecting Communities (Program Blueprint, Appendix B), Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring*, which set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

Whereas, the Program Blueprint describes the importance of developing a community steering committee charter to clearly set out the committee process and structure for convened community steering committees,

Whereas, AB 617 requires CARB to update the Program Blueprint at least once every five years;

Whereas, as a result of CARB annually selecting communities since 2018, currently there are 17 communities implementing or developing community air monitoring and/or community emissions reduction programs throughout California;

Whereas, the Board directed staff in the September 2018 board meeting in which it selected the first-year communities to consider the following in developing recommendations for communities in subsequent years:

Prioritize moving those communities that were previously selected only for air monitoring into development of an emissions reduction program, if the recommendation is supported by data and by the community steering committee/district; and

Draw from those communities that were priority recommendations from air districts and community-based organizations in prior years but were not selected;

Whereas, the work of the air districts and community steering committees in the first years' selected communities are setting the foundation for successful long-term Program implementation to achieve AB 617's goals to deliver measurable reductions in emissions and exposure;

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, the State budget has generally remained flat for Program and air district implementation funds; the 2022-2023 budget provided a one-time increase of up to \$10 million to be administered by CARB for the development of new community emissions reduction programs;

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, 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 posted a pre-recorded webinar on its website in August 2022, and held a virtual community meeting in December 2022 to receive public input on the process for selecting new communities, introduced the concept of Program expansion, and discussed staff's proposed community recommendations;

Whereas, CARB staff released for public comment on January 24, 2023, the "[Fifth Annual Community Air Protection Program Recommendations Staff Report](#)," (Staff Report) containing recommended communities for Board consideration, with draft preliminary boundaries that will be finalized during each selected community's steering committee process;

Whereas, in consideration of the issues described above, CARB staff are recommending the communities described in the Staff Report and listed in Attachment A to this Board Resolution, to the Board for selection for deployment of community air monitoring and/or the development of community emissions reduction programs;

Whereas, the Staff Report included a preliminary inventory for the recommended communities; and

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;

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 17 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 additional communities with high exposure burdens for toxic air contaminants and criteria air pollutants to deploy community air monitoring systems and/or community emissions reduction programs, based on nominations received by CARB and the Board's prior direction to staff for future recommendations, and is consistent with the requirements of AB 617;

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, §§ 60000-60007);

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 the proposed activity may result in a significant adverse impact on the environment, as described in Appendix A of the Staff Report;

Now, therefore, be it resolved that the Board selects the communities listed in Attachment A to this Board Resolution for the deployment of air monitoring systems and/or development of community emissions reduction programs, as noted in Attachment A, Table 1 of the Board Resolution.

Be it further resolved that the Board finds that the proposed community

recommendations are 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 Program Blueprint, 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 per AB 1749.

Be it further resolved that the air districts must proceed quickly to convene community steering committees 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 districts 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 air monitoring systems and emissions reduction programs, present to the community steering committee the goals and requirements set forth in the Blueprint.

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 committees for use in developing and/or implementing all community air monitoring systems and/or emissions reduction programs.

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.

I hereby certify that the above is a true and correct copy of Resolution 23-7 as adopted by the California Air Resources Board.



Board Clerk

Resolution 23-7

February 23, 2023

Identification of Attachments to the Board Resolution

Attachment A: List of Staff Community Recommendations

Attachment A

List of Staff Community Recommendations

Table 1 identifies staff community recommendations for deployment of air monitoring and/or development of community emissions reduction programs.

Table 1. Fifth Annual Community Recommendations

Community (Air District) Action	Key Emission Sources	Rationale
<p>Bayview Hunters Point/Southeast San Francisco (Bay Area) Develop a Community Emissions Reduction Program (CERP)</p>	<p>Industrial facilities include organic recovery and waste, concrete batch plants, animal rendering plant, large diesel generators, toxic waste, federally designated Superfund sites, major freeways, and nearby Port of San Francisco.</p>	<p>Consistent with CARB Board support to prioritize communities recommended by community-based organizations in previous years but not yet selected.</p> <p>Bayview Hunters Point/Southeast San Francisco is a priority community for the Bay Area Air Quality Management District.</p> <p>Self-nomination supported by the Bayview Hunters Point Advocates and the Marie Harrison Community Foundation.</p>

Community (Air District) Action	Key Emission Sources	Rationale
<p>Westmorland, Brawley, and Calipatria Community - North End Phase 1 Community (Imperial County in partnership with Comite Civico del Valle, Inc (CCV))</p> <p>Develop a Community Air Monitoring Plan (CAMP) and CERP</p>	<p>Heavy-duty vehicles, agricultural equipment, and operations- which include truck idling and harvest transportation, utility fleet vehicles, and residential vehicles traveling on unpaved roads, the Salton Sea, and fugitive emissions from south of the U.S./Mexico border.</p>	<p>Consistent with CARB Board support to prioritize communities recommended by community-based organizations in previous years but not yet selected.</p> <p>The North End of Imperial was nominated in 2019, 2020, and 2021 by Imperial County Air Pollution Control District in partnership with CCV. In 2021, the nomination was withdrawn due to limited resources.</p> <p>This year’s nomination was modified to only include the cities of Westmorland, Brawley, and Calipatria. These are cities in the north end of Imperial County and are known as the North End Phase 1 Community.</p>

The *Fifth Annual Community Air Protection Program Recommendations Staff Report* is available at: <https://ww2.arb.ca.gov/capp-selection>