

Comment Letter #75



South Coast Air Quality Management District
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Via email - [AQMPteam@aqmd.gov](mailto:AQMPTeam@aqmd.gov)

Thank for the opportunity to comment on the draft 2022 AQMP for inclusion into the California SIP.

These comments supplement the many verbal comments we made in a series of working groups meetings and hearings held by the District in development of the AQMP. These comments have yet to be incorporated into the plan, perhaps awaiting the data necessary to complete the elements of the plan designed to meet California Ambient Air Quality Standards. Thus far, the District has not completed its determination of the carrying capacity of the basins in the air district, essential to determining a strategy to meet those standards, and consistent with meeting the requirements of the Clean Air Act and state law.

In light of that, the District is requested to recirculate a draft that fully incorporates modeling data, and the implications of that data, along with control measures that will allow the District to meet health-based state standards. This is one area where the public has not had a sufficient opportunity to review and comment on the overall and the detailed elements of the plan, as it is lacking a major piece.

So far, the Governing Board and public have been ill-served by charts and graphs included in workshops, Board Committee meetings, and Governing Board meetings that give decisionmakers and the public an inaccurate view of the job at hand. Those charts and graphs imply that the ozone air quality problem has been solved by limiting NOx emissions to 60 tons/day. As staff knows, the basin carrying capacity is lower than that if the mandate for meeting state ambient air quality standard is met.

Further, the plan should also acknowledge the likelihood, in light of current scientific data, that the standard will likely be tightened soon.

As we have already provided substantial comments up to this point, we include below a few key areas either not addressed in prior comments, or that are included for emphasis.

Measures Included, But Not Really Included

The draft plan includes a number of measures that are listed, but the associated emission reductions are listed as "TBD". The fine print indicates that these measures are not really included as commitments to adopt, but only commitments to evaluate, and are not included as part of the attainment demonstration. These measures include railyard ISR, fugitive emission

controls, and others. The District should commit to these measures, and associate emission reductions to them, because without associated emission reductions, they are rendered unenforceable. The plan should include commitments for all measures necessary to meet standards, and those measures should all have enforceable emission reduction commitments associated with them.

Adoption Tabletables

The plan should prioritize those measures which will have the co-benefit of reducing air toxics. It is of great concern that many of the measures (such as elimination of stationary Diesel engines) have no associated emission reductions for many years, The District should adopt these measures expeditiously, and compliance dates that are also expeditious.

Additional control measures

New Source Review

The District should include in the plan adoption of a New Source Review measure that would provide for new emission sources to provide a net benefit to the region's air. This can be done through a number of methods. For example, essential public services, rather than be gifted with "free" set-asides from shutdown emission sources, can reduce emissions elsewhere when needed, and the "surplus" emission reductions (not really surplus in actuality), can be used to clean the air. The District can also increase offset requirements, or use any of a number of strategies to provide for additional air quality benefits from new sources. These options are both feasible and available.

We understand that staff is reluctant to consider these changes. Some District staff believe that it is not workable for new sources to reduce emissions in order to locate new emission sources. As a result, the District has proposed numerous schemes to seemingly create emission reductions out of thin air. The District has even gone so far as to adopt rule changes that weaken provisions of New Source Review, such as upon adoption of rule 1109.1, and 1146. These changes seem to clearly violate the provisions of SB 288, which prohibits a weakening of NSR.

We make these last points because the difficulties in obtaining offsets indicate that NSR is not functional in the SCAQMD, as the NSR provisions in the Clean Air Act were designed to provide those incentives for new reduce emissions elsewhere. The current situation cannot remain in place, as it jeopardizes both the attainment of air quality standards, but the development of new technologies, and growth as well.

The District should convene a Task Force to address the lack of effectiveness of New Source Review, and seek ways of "fixing" it. In recent years, the efforts of staff only seem to be going in the wrong direction. The AQMP can set the performance goals of these changes, and begin to move the NSR provisions on track.

Separately, but still part of NSR, are the District policies regarding BACT and LAER. These policies ensure old technologies continue to be placed into service, which further delays the movement of clean technologies into the marketplace, and further adversely impacts cost improvements of new technologies. Further, as the District takes cost into account in developing rules, it further delays rule implementation, and leaves needed emission reductions on the table. A prime example of this is the District's failure to require available zero emission technologies as BACT and LAER for both prime and backup electrical generation.

Review of Existing Regulations

The District should review its regulations in all source categories where emission limits were set based on cost. This includes rules in the 1109x, 1146x, and 1135 categories, when some sources are given up to 32 years to comply, using technology already available today! In addition, rules that put off compliance dates based on the installation date of the existing equipment should be revised to provide for expeditious attainment. The most recent adoption of these rules mark the first time in the District ever that health-based emission reductions were delayed and not expeditiously implemented.

Many tons of feasible emission reductions have been left on the table due to the District's unfair, arbitrary and capricious cost limits in developing regulations. The District, in the last AQMP, adopted a cost cutoff per source category of \$50,000/ton reduced. In the current plan, it increases it by the cost of living, but sets a different limit for mobile sources, approximately triple that of stationary sources. The cost limits for stationary sources matches the limits in the 1982 AQMP, despite the fact that more stringent standards are now in effect. That is, the District is proposing to make no greater effort or spend no more money per ton reduced than under weaker standards.

And to set two different cost cutoffs, depending on whether a mobile or stationary source is involved, makes a mockery of the District's proclamations of "fair share". A truck driver may be asked to spend three times more than a petroleum refinery to reduce a pound of air pollution. If the District were to increase the cost-effectiveness limits to match what it is proposing for mobile sources, many additional tons of emissions can be reduced, all under the District's current authority. The AQMP is required demonstrate attainment of the standards without regard to cost. It is certainly reasonable, however, to implement the most cost-effective measures first. But the District, with its dual-cost proposal, is taking a different, and improper course, by failing both to implement the most cost effective first, and also failing to demonstrate attainment with all available measures.

The District should also include in the AQMP measures that local government could implement, but are under their authority, and not the District's. There are many ways to accomplish this which leave the authority under local jurisdictions, but which would have them commit to doing their "fair share".

Miscellaneous

- The District should assume that PSPS events will continue to be an issue, as the responsible state agencies have so far failed to adequately address this problem. Therefore, the emissions numbers for emergency backup generators should assume that current state policy will remain in place - requiring those with emergency generators use those engines instead of grid electricity, as this is the current situation under the Governor's emergency orders. As District staff has indicated, these emissions during PSPS events exceed those of refineries in the basin.
- In the chapter that includes a discussion of state standards, the District should indicate when the last analysis of those emission reduction requirements were assessed, and should identify additional control measures needed to meet those standards. The discussion of state standards is significantly less robust and detailed than that for federal standards, and the two should match, and include similar information.
- Any CEQA analysis should assess as a project alternative, inclusion of those emission reduction items (including cost-effectiveness cutoffs) that have been proposed, but are not

included in the AQMP, including any that remain listed as "TBD." All alternatives should include the attainment of state standards.

- The District has indicated that for many impacts of air pollution, the economic analysis does not attempt to quantify those impacts. It is essential that the District use the best data possible on those economic impacts, and provide quantitative analyses, properly characterized. If needed, the District should seek to have studies performed to quantify those impacts.
- We share the District's concerns about failure of the federal government to make needed commitments to reduce emissions that are outside of the authority of the State of California. However, rather than point fingers, and do little else. With just inclusion of the provisions that we have suggested, and perhaps others, the District and the State can go a long way towards reducing emissions that it does have authority to control. It begs comments on credibility when the District and the state have not everything in its power to expeditiously reduce emissions.

Again, as we have commented verbally in the past, the opportunity for public involvement in the development of the AQMP may have exceeded that of any past AQMP, and that effort by District staff was appreciated and welcomed.

Again, thank you for the opportunity to comment.

Sincerely,

Mark Abramowitz
President