Comment Letter #76

EARTHJUSTICE

July 5, 2022

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Re: Comments on Draft 2022 Air Quality Management Plan (AQMP)

Dear Ms. Lee:

On behalf of Earthjustice, we submit comments on the Draft Air Quality Management Plan (AQMP). While the plan has some important and long awaited conclusions, it is far too weak to address the current air quality crisis in our region. Importantly, the attainment demonstration in Appendix V recognizes an increase in design value in 2016 after years of design value decline. Design values, which are the targets for meeting air quality standards, should go down over time as the region reduces Nitrogen Oxide (NOx) and Volatile Organic Compound (VOC) emissions. This increased design value since the 2016 air plan should ring as an alarm bell to develop a much more ambitious plan, including achieving more near-term emissions reductions. We recognize that putting together an air plan is a difficult task and there is a hesitancy to overpromise on emissions reductions. But, for decades we have had air plans that have missed the mark. We ask this of the agency to do the following: Commit to absolutely everything within your authority to tackle air pollution over the next 15 years. The following sections provide input on how to improve the 2022 AQMP.

I. Our Air Pollution Crisis Demands a Stronger Plan.

We appreciate the Draft AQMP's recognition of what we have been saying for a long time – "there is no viable pathway to achieve the needed reductions without widespread adoption of zero emission (ZE) technologies across all mobile sectors and stationary sources large and small."[1] It is important for the District to recognize this fact as it will help align all decisions of the agency. And, we recognize the immense challenges that shifting to a zero-emissions framework to air planning poses. Most importantly, this approach will bring the lobbying and immense resources of the oil and methane gas industries to fight this necessary change. These entities have spent massive sums of money lobbying the agency to either derail or delay regulatory efforts. This is why this plan is so important. The plan says we need to move to zero-emissions to meet the 2015 8-hour ozone standard, yet the control strategy does not come close to achieving this vision in many of the categories of emissions. This must be fixed.

[1] 2022 Draft AQMP, at p. ES-5.

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II. California's Reliance on Section 182(e)(5) (the "black box") is a Terrible Strategy.

As we have raised in prior comments, reliance on black box measures presents an unfavorable trade-off for those who live in the South Coast Air Basin. While it may provide additional time to attain an ozone standard, the track record of failing to actually identify these measures has resulted in decades of South Coast residents breathing ozone-polluted air. Residents in the region are sick and tired of the failed promises of the "black box." The Draft AQMP fails to show how the "black box" will work this time despite failing three times already. It is arbitrary to keep relying on this strategy when the Air District know it has not worked in the past.

III. The District Commits to a Paltry Amount of Emission Reductions by the 2008 8-hour Ozone Deadline of 2032.

We remain exceptionally disappointed that as we are about to fail to meet the 1997 8-hour ozone standard, the Air District has backloaded the vast majority of its emissions reductions to 2037. The following charts provides an overview of the emissions reductions the Air District in this plan. The following charts in Appendix V summarize the emission reduction commitments for 2032.

TABLE 2. EMISSIONS REDUCTIONS FROM THE PROPOSED CONTROL MEASURES FOR THE 2032 CONTROL SCENARIO

	Average composite CF[1]			2032 planning control baseline (tons/day)			2032 planning remaining (tons/day)			2032 planning reduction (tons/day)		
Control Measures	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25
C-CMB-01: Commercial Water Heating	91.2%	100.0%	100.0%	0.45	0.09	0.14	0.41	0.09	0.14	0.04	0.00	0.00
C-CMB-02: Commercial Space Heating	90.7%	100.0%	100.0%	0.43	0.02	0.03	0.39	0.02	0.03	0.04	0.00	0.00
C-CMB-03: Commercial Cooking	79.8%	100.0%	100.0%	1.04	1.02	9.37	0.83	1.02	9.37	0.21	0.00	0.00
C-CMB-04: Small Internal Combustion Engines (Non-permitted)	100.0%	100.0%	100.0%	3.29	0.37	0.65	3.29	0.37	0.65	0.00	0.00	0.00
C-CMB-05: Miscellaneous Small Commercial Combustion Equipment (Non-permitted)	100.0%	100.0%	100.0%	5.74	2.10	0.41	5.74	2.10	0.41	0.00	0.00	0.00
L-CMB-01: NOx RECLAIM	100.0%	100.0%	100.0%	0.61	0.97	0.31	0.61	0.97	0.31	0.00	0.00	0.00
L-CMB-02: Large Boilers and Process Heaters	100.0%	100.0%	100.0%	2.55	0.37	0.44	2.55	0.37	0.44	0.00	0.00	0.00
L-CMB-03: Large Internal Combustion Prime Engines	100.0%	100.0%	100.0%	0.92	0.15	0.04	0.92	0.15	0.04	0.00	0.00	0.00
L-CMB-04: Large Internal Combustion Emergency Standby Engines	100.0%	100.0%	100.0%	4.38	0.27	0.15	4.38	0.27	0.15	0.00	0.00	0.00
L-CMB-05: Large Turbines	100.0%	100.0%	100.0%	0.21	0.14	0.16	0.21	0.14	0.16	0.00	0.00	0.00
L-CMB-06: Electric Generating Facilities	100.0%	100.0%	100.0%	1.93	0.20	0.37	1.93	0.20	0.37	0.00	0.00	0.00
L-CMB-07: Petroleum Refining	100.0%	100.0%	100.0%	5.14	1.85	2.12	5.14	1.85	2.12	0.00	0.00	0.00
L-CMB-08: Landfills and POTWs	100.0%	100.0%	100.0%	1.31	0.21	0.36	1.31	0.21	0.36	0.00	0.00	0.00
L-CMB-09: Incineration	100.0%	100.0%	100.0%	1.18	0.04	0.05	1.18	0.04	0.05	0.00	0.00	0.00
L-CMB-10: Miscellaneous Combustion	100.0%	100.0%	100.0%	1.46	6.77	1.79	1.46	6.77	1.79	0.00	0.00	0.00

TABLE 2. EMISSIONS REDUCTIONS FROM THE PROPOSED CONTROL MEASURES FOR THE 2032 CONTROL SCENARIO (CONTINUED)

Control Measures	Average composite CF[1]			2032 planning control baseline (tons/day)			2032 planning remaining (tons/day)			2032 planning reduction (tons/day)		
	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25
R-CMB-01: Residential Water Heating	74.2%	100.0%	100.0%	1.86	0.37	0.58	1.38	0.37	0.58	0.48	0.00	0.00
R-CMB-02: Residential Space Heating	81.8%	100.0%	100.0%	2.47	0.20	0.31	2.02	0.20	0.31	0.45	0.00	0.00
R-CMB-03: Residential Cooking	76.4%	100.0%	100.0%	1.27	0.07	0.10	0.97	0.07	0.10	0.30	0.00	0.00
R-CMB-04: Residential Other Combustion	72.8%	100.0%	100.0%	4.30	0.23	0.27	3.13	0.23	0.27	1.17	0.00	0.00
FUG-01: Improved Leak Detection and Repair	100.0%	86.0%	100.0%	0.00	4.27	0.00	0.00	3.67	0.00	0.00	0.60	0.00
CTS-01: Further Emission Reduction from Coatings, Solvents, Adhesives, and Sealants	100.0%	97.5%	100.0%	0.00	19.80	0.00	0.00	19.30	0.00	0.00	0.50	0.00
TOTAL STATIONARY:	**93.4%**	**97.2%**	**100.0%**	**40.54**	**39.49**	**17.64**	**37.85**	**38.39**	**17.64**	**2.69**	**1.10**	**0.00**

Through rulemakings over the next decade, the Air District is proposing to only achieve 2.69 tpd additional emissions reductions out of the 40.54 tpd of total emissions under the Air District's control in 2032. This commitment to achieve a 5% reduction in NOx emissions remains totally lacking in ambition. The tragedy of this approach to backload emissions reductions to a decade and half away are two-fold. First, immense health benefits could be accrued by advancing NOx reductions earlier. Second, it perpetuates environmental injustice by committing to 0 (zero) additional emissions reductions in the large combustion sector by 2032. Large combustion is by far the largest portion of the Air District's emissions, and there is a correlation between siting these facilities and disadvantaged communities. The AQMP must have more ambition to achieve significantly more NOx emissions reductions in the near term.

IV. The Draft AQMP Needs More Commitments that Control Measures in the Plan will Actually be Pursued.

The Draft AQMP includes a summary of the emissions reductions achieved from the control measures in the Final 2016 AQMP. The following chart summarizes the lack of progress for several of the measures from the 2016 AQMP.

TABLE 1-2

2016 AQMP EMISSION REDUCTIONS (TONS PER DAY) BY MEASURE/ADOPTION DATE

Control Measure #	Control Measure Title	Adoption Date	Commitment		Adopted to be Achieved	
			2023	2031	2023	2031
NOx EMISSIONS[a]						
CMB-01	Transition to Zero and Near-Zero Emission Technologies for Stationary Sources	--	2.5	6.0	--	--
CMB-02	Emission Reductions from Replacement with Zero or Near-Zero NOx Appliances in Commercial and Residential Applications [R1111]	2018	1.1	2.8	0.01[b]	--
CMB-03	Emission Reductions from Non-Refinery Flares [R1118.1]	2018	1.4	1.5	0.2[c]	--
CMB-04	Emission Reductions from Restaurant Burners and Residential Cooking	--	0.8	1.6	--	--
CMB-05	Further NOx Reductions from RECLAIM Assessment	2018-2021	0.0	5.0	9.4[d]	11.7[d]
ECC-02	Co-Benefits from Existing Residential and Commercial Building Energy Efficiency Measures	2018	0.3	1.1	0.3[e]	--
ECC-03	Additional Enhancements in Reducing Existing Residential Building Energy Use	--	1.2	2.1	--	--
MOB-03	Emission Reductions at Warehouse Distribution Centers	2021	TBD	TBD	0.7 to 1.5[f]	1.5 to 3.0[f]
MOB-04	Emission Reductions at Commercial Airports	2019	TBD	TBD	0.5	0.37
MOB-10	Extension of the SOON Provision for Construction/ Industrial Equipment	Ongoing	1.9	1.9	--[g]	TBD
MOB-11	Extended Exchange Program	Ongoing	2.9	1.0	<0.1	TBD
MOB-14	Emission Reductions from Incentive Programs	Ongoing	11	7.8	11.2	TBD
TOTAL NOx REDUCTIONS			23.1	31.0	22.3 to 23.1	13.6 to 15.1

Aside from a few of the control measures like CMB-05, which was the transition of RECLAIM from market-based to command and control, many of the measures in the prior plan (e.g. CMB-01, 02, 03, 04, ECC-02, and MOB-10, 11) have not been completed. While we assume Air District staff will claim they are close to or have met its emissions reduction target of 23.1 tpd NOx from the 2016 AQMP, there are many more emissions reductions that could have been achieved, further reducing the size of the "black box." We recognize that some control measures achieved far more emissions reductions than the plan committed to in the 2016 AQMP (e.g. CMB-05).[2] But, that should not alleviate the District from pursuing these other measures. It could be worse in the current draft plan as several measures that the

[2] We raise this example of CMB-05 not to critique the amount of time and effort the agency took to unravel the RECLAIM program. That was a critical change to protect public health. We raise it as an example to show that the agency needs to pursue more robust staffing to allow many large projects to proceed over time.

Air District is pursuing have no emissions reductions associated with them (e.g. several indirect source rules), so if emissions reductions are achieved there, it could serve as way to stop or delay rulemakings on the control measures in this plan. The public and the Governing Board need greater assurances that if measures are adopted in the plan, they will be pursued.

V. The Air Plan Should Exclude Arbitrary Cost Effectiveness Thresholds.

The Draft AQMP seeks comment on whether it should continue to include arbitrarily developed cost thresholds for stationary source control measures.[3] The short answer is no. There is no legal requirement for this measure. In fact, it creates duplicate and onerous requirements that contradict with the South Coast AQMD's direction to control emissions from stationary sources of pollution.

Importantly, California Health & Safety Code § 40922 does not require a cost effectiveness threshold for stationary sources. It requires that each plan generally assess the cost effectiveness of available and proposed control measures and rank the measures' relative cost effectiveness; a control measure's cost effectiveness should be evaluated relative to other measures, not relative to a threshold.

Further, arbitrarily including a cost effectiveness threshold may prevent the district from pursuing regulations that would otherwise be permissible and within its discretion. Socioeconomic impact in South Coast means "only" six listed factors, and cost effectiveness is solely mentioned in saying that part of socioeconomic impact is "the availability and cost-effectiveness of alternatives to the rule or regulation." South Coast is not allowed to consider other factors, like a cost effectiveness threshold, in its socioeconomic analysis. However, South Coast's 2022 Draft AQMP states that the district rejected emission standards with controls "well above" the cost effectiveness threshold. Rejecting controls because they "well" exceed this threshold prevents the district from considering other factors that, individually or together, could outweigh the amount that the control exceeds the cost effectiveness threshold. In this way, using a threshold may block measures that the AQMD might otherwise advance.

South Coast itself seems to know this; in its draft, South Coast states that emissions standards that can achieve significant reductions, but that are above the cost-effectiveness threshold, should be considered to ensure that the district can achieve maximum emissions reductions. The District seems to contradict itself by stating the importance of not allowing a threshold to exclude a standard when trying to achieve reductions but then stating it rejected controls for exceeding the threshold.

Further, incorporating a cost effectiveness threshold into the analysis that is already required is duplicative; the Health and Safety Code requires that districts conduct a socioeconomic analysis whenever they propose to adopt, amend, or repeal a rule or regulation that significantly affects air quality or emissions limitations. Air Districts must actively consider the socioeconomic impact of proposed regulations and make a good faith effort to minimize adverse socioeconomic impacts. Socioeconomic impact refers to: the types of businesses and industries that the regulation affects; its

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[3] 2022 Draft AQMP, at 4-63.

effect on employment and the economy of its targeted region; the range of probable costs that the regulation could have, including costs to businesses and industries; the availability and cost-effectiveness of alternative regulations; the regulation's potential to reduce emissions; and the necessity of the regulation for achieving the NAAQS. The requirements that the Health and Safety Code already set forth in examining socioeconomic impact are both more rigorous and more holistic than the cost effectiveness threshold.

To the extent, staff believes it must include cost effectiveness thresholds (even though the law does not require this) – it should abide by these three suggestions:

1) The stationary source cost effectiveness threshold of $59,000 is far too low. It makes no sense why incentive programs – where taxpayer dollars are spent – have much higher cost effectiveness than requiring some of the largest and most lucrative corporations in the world (e.g. Exxon Mobile, Southern California Edison, etc) to clean up in a more expensive manner. This amount should be at least double the current value proposed for stationary sources. Moreover, the $36,000 threshold for VOC controls is entirely too low and should be doubled at least as well.
2) Mobile Source cost effectiveness should similarly be greater than $200,000. The Air District provides no justification why an average is appropriate for this standard. Several programs and regulations have a cost effectiveness well above this $200,000 mark. The cost effectiveness should be at least double this $200,000 mark, if not higher.
3) The Air District should create a third category of cost effectiveness for area sources, which should have a cost effectiveness set much higher than the artificially low cost effectiveness threshold for stationary sources.

VI. A True Zero-Emissions Approach Requires Significant Shifts to Several Air District Programs.

The Air District has been operating under an incrementally cleaner combustion framework for decades, and many of the programs that serve as pillars of air planning have this approach. To be effective in advancing zero-emissions, the Air District must revisit many of these programs, which have baked in incentives for combustion. There are myriad examples, but this comment will focus on two.

First, the Air District's Priority Reserve in Rule 1309.1 is a subsidy for combustion. By providing free credits to the categories of facilities and equipment articulated in that rule, the Air District subsidizes combustion because the NOx emissions are generally the byproduct of combustion. The Air District could fix this in many ways, but more importantly, there need to be equal or more generous incentives to move to zero-emissions than pursing combustion. At a minimum, the AQMP must explain the plan to shift this and other New Source Review programs to promote zero-emissions.

Second, many of the incentive programs the Air District implements are funding large quantities of combustion vehicles. The Air District needs to shift these programs away from combustion towards zero-emissions. This commitment and direction must be included in the AQMP.

VII. The Control Measure Strategy Must Be Strengthened.

The draft plan concedes that there is a need to move to zero-emissions in mobile and stationary sources. Unfortunately, the control strategy does not get anywhere close to this approach. In fact, many of the measures do not even commit to zero-emissions to achieve the emissions reductions. The following sections highlight the concerns.

a. CARB and EPA Must Do More.

Initially, we want to recognize that other agencies must do more. We are advocating for these agencies to do more. But, this acknowledgement cannot be used as a justification for the Air District to pursue less ambitious programs to clean up stationary, area, and indirect sources.

b. Commercial and Large Combustion Commitments Are Lacking.

Large Combustion and Commercial combustion are by far the largest sources of emissions within the District's stationary and area source authority in 2037 as evidenced by this chart from the Draft AQMP.

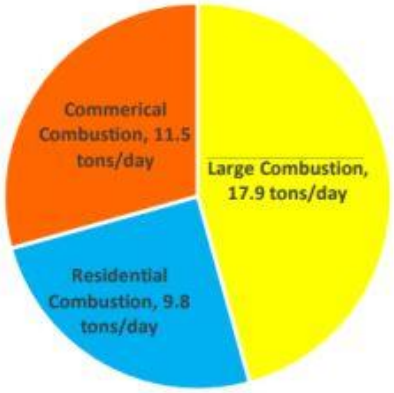

FIGURE 4-3
STATIONARY SOURCE NOX EMISSIONS IN 2037

Yet, these are the two categories that are achieving the least when it comes to overall percentage of emissions reductions committed. The following chart summarizes the Air District's proposal.

	2037 NOx Inventory	NOx Reductions in 2037	Percentage Reduction
Commercial Combustion	11.5 tpd	7.42 tpd	64.5%
Large Combustion	17.9 tpd	6.92 tpd	38.7%
Residential Combustion	9.8 tpd	6.43 tpd	65.6%

While the Air District needs greater ambition in all three sectors, the lack of ambition is best exhibited in the Large Combustion sector. This sector includes some of the largest corporations in the world that should be asked to do more to address the air pollution crisis in the region. For example, the largest subsector of the large combustion sector are refineries, which are being asked to do very little as the following chart in Appendix V demonstrates.[4]

TABLE 1. EMISSIONS REDUCTIONS FROM THE PROPOSED CONTROL MEASURES FOR THE 2037 ATTAINMENT SCENARIO

Control Measures	Average composite CF[1]			2037 planning control baseline (tons/day)			2037 planning remaining (tons/day)			2037 planning reduction (tons/day)		
	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25	NOX	VOC	PM25
C-CMB-01: Commercial Water Heating	42.9%	100.0%	100.0%	0.42	0.08	0.13	0.18	0.08	0.13	0.25	0.00	0.00
C-CMB-02: Commercial Space Heating	38.2%	100.0%	100.0%	0.34	0.02	0.03	0.13	0.02	0.03	0.21	0.00	0.00
C-CMB-03: Commercial Cooking	35.8%	100.0%	100.0%	0.95	1.04	9.61	0.34	1.04	9.61	0.64	0.00	0.00
C-CMB-04: Small Internal Combustion Engines (Non-permitted)	34.4%	100.0%	100.0%	3.20	0.50	0.70	1.10	0.50	0.70	2.10	0.00	0.00
C-CMB-05: Miscellaneous Small Commercial Combustion Equipment (Non-permitted)	27.0%	100.0%	100.0%	5.81	2.20	0.40	1.57	2.20	0.40	4.24	0.00	0.00
L-CMB-01: NOx RECLAIM	53.3%	100.0%	100.0%	0.60	0.97	0.31	0.32	0.97	0.31	0.28	0.00	0.00
L-CMB-02: Large Boilers and Process Heaters	75.0%	100.0%	100.0%	2.00	0.38	0.45	1.50	0.38	0.45	0.50	0.00	0.00
L-CMB-03: Large Internal Combustion Prime Engines	68.0%	100.0%	100.0%	0.97	0.16	0.05	0.66	0.16	0.05	0.31	0.00	0.00
L-CMB-04: Large Internal Combustion Emergency Standby Engines	54.5%	100.0%	100.0%	4.40	0.13	0.10	2.40	0.13	0.10	2.00	0.00	0.00
L-CMB-05: Large Turbines	71.4%	100.0%	100.0%	0.21	0.14	0.16	0.15	0.14	0.16	0.06	0.00	0.00
L-CMB-06: Electric Generating Facilities	67.9%	100.0%	100.0%	1.93	0.20	0.36	1.31	0.20	0.36	0.62	0.00	0.00
L-CMB-07: Petroleum Refining	79.8%	100.0%	100.0%	3.82	1.85	2.12	3.05	1.85	2.12	0.76	0.00	0.00
L-CMB-08: Landfills and POTWs	75.0%	100.0%	100.0%	1.32	0.22	0.37	0.99	0.22	0.37	0.33	0.00	0.00
L-CMB-09: Incineration	25.2%	100.0%	100.0%	1.19	0.04	0.05	0.30	0.04	0.05	0.89	0.00	0.00
L-CMB-10: Miscellaneous Combustion	20.0%	100.0%	100.0%	1.45	6.71	1.80	0.29	6.71	1.80	1.16	0.00	0.00

[4] Draft AQMP, Appendix V, Attachment 3, at p. 2 (Table 1).

As this chart shows, the Draft Plan proposes achieving 0.76 tpd reductions from Petroleum Refining out of the 3.82 tpd this sector will produce in 2037. As one of the largest portions of emissions within the Air District's control, pursuing 19.9% reductions from this sector makes no sense.

We would also like to see more ambition in L-CMB-02. This is another large source of emissions within the Air District's control. Yet, the Air District only proposes to achieve 0.5 tpd of NOx reductions by 2037. The control measure description in Appendix IV-A for this measure also needs to be updated to actually discuss zero-emission control strategies for boilers and process heaters. No zero-emission technologies are listed in the measure description starting on page IV-A-85. We fear that the plan is only looking at electric boilers as a zero-emission control strategy – even though absent from the measure description – and not other technologies like industrial heat pumps, which could be an even more cost effective way to reduce emissions as industrial facilities.

There are many other places where the control measure descriptions leaves out zero-emissions technologies, and the revised plan draft should fix that to make sure each control measures clearly anticipates inclusion of zero-emission strategies as part of the control strategy. We also provide these three reports for the large and commercial combustion sectors to provide support for the availability of zero-emission technologies across a range of the categories in the commercial and large industrial combustion as staff is developing the plan.

- Renewable Thermal Collaborative;
- FoodDrink Europe; and
- Schatz.

The next draft of the 2022 AQMP should include more ambitious emissions commitments, in addition to more clearly articulating zero-emission strategies as opposed to the large quantity of space allocated to incrementally cleaner combustion strategies.

VIII. Residential Combustion Sources Measures

We join the comments on AQMP proposed measures related to commercial and residential sources submitted by our colleagues at RMI, Sierra Club, Climate Action Campaign, CCEAJ, Active SGV, and other environmental and environmental justice organizations. We agree with our colleagues that the District must pursue regulation in this sector. Area sources from buildings represent a major source of NOx emissions in our region and has the potential of delivering significant reductions to help attain the 70 ppb 8-hour NAAQS—but only through deliberate and unequivocal commitments to zero-emissions solutions.

With the wide range of available zero-emissions technology currently available to address area sources from buildings, the District can and must do more to catalyze a swift transition away from combustion-based technology. Continuing to offer regulatory "off-ramps" like "near-zero" or "low-NOx" alternatives for compliance, will only dig the region deeper into the non-attainment hole it's currently in. We need aggressive steps toward a zero-emissions future and the appliances and equipment

used to control temperatures and cook in our buildings offer the best opportunity to reach that goal given the technology already available. We join our partners in calling for the District to do the following:

1. Make stronger commitments to the deployment of zero-NOx-emissions solutions in appliances and commercial equipment making implementation of Zero-NOx-emissions technologies for 100 percent of applicable sources the target for this regulatory approach;
2. Accelerate implementation dates for requiring zero-emissions solutions;
3. Resist offering stop-gap measures like near-zero-NOx and "low-NOx" combustion-based technology as a means for compliance;
4. Use incentives and subsidies strategically to prioritize the equitable conversion of residential and commercial properties in environmental justice communities;
5. Establish a stakeholder working group that can Direct the district on how to address complex equity issues, especially concerning the decarbonization of existing residential buildings that house under-resourced households and individuals;
6. Eliminate cost-effectiveness thresholds to the extent they are being contemplated to vet viable zero-emissions solutions; and
7. Use the District's resources to help foster a quicker transition to zero-emissions solutions, like heat pumps, that offer long-lasting benefits in the form of building community resilience to extreme weather events, and social benefits related to improvements in public health.

IX. Facility-Based Mobile Source Measures

The AQMP sets out a plan for four facility-based mobile source measures to play a role in mobile source 8-hour ozone attainment, including, Commercial Marine Ports, Railyards and Intermodal Facilities, Warehouse Distribution Centers, and Commercial Airports. None of these proposed measures are new. In fact, several of the proposed measures were referenced in past Air Plans for over a decade, with most appearing in the 2016 AQMP. For example, the 2016 AQMP slated several of these proposed measures for adoption in 2018 with implementation in 2019. We know today that these projections from the now six-year-old plan did not pan out. Of the measures on the list, the District only adopted the Warehouse Indirect Source Rule (ISR)—and that was three years behind schedule.

Perhaps most disconcerting is the fact the district continues to omit emissions reduction targets expected from the measures' implementation—except for the Warehouse ISR rule. For each of the rest of the future Facility-Based Mobile Source Measures, projections for future emissions reductions are marked "TBD"—with no commitment to the level of emissions reduction the public can expect from these rules. Without setting emissions reduction targets, the District is functionally committing to nothing particular.

Unfortunately, the 2022 AQMP is replete with these types of omissions. For example, the Control Measure Summary produced for MOB-01: Emissions Reductions at Commercial Marine Ports

lists significant annual average emissions for years 2018, 2031, 2032, and 2037 ranging from 29.7 tpd to 36.99 tbd of NOx. Yet NOx emissions reduction expected from the rule are marked "TBD" across each of the attainment years listed— leaving one to guess what precisely the measure will accomplish. Similarly, the Control Measure Summary for MOB-02A: Emissions Reductions at New Rail Yards and Intermodal Facilities leaves NOx inventory and reduction forecast as "TBD" across all categories for each of the years —raising doubts about the effectiveness of the draft AQMP as a planning document and the likely impact that this measure will have on emissions levels. The following chart from Appendix IV-A exhibits this lack of ambition.

MOB-02A: EMISSION REDUCTIONS AT NEW RAIL YARDS AND INTERMODAL FACILITIES [NOx, PM]

CONTROL MEASURE SUMMARY				
SOURCE CATEGORY:	NEW RAIL YARDS AND INTERMODAL FACILITIES			
CONTROL METHODS:	DEPLOYMENT OF CLEANER TECHNOLOGIES			
EMISSIONS (TONS/DAY):				
ANNUAL AVERAGE	2018	2031	2032	2037
NOX INVENTORY	TBD	TBD	TBD	TBD
NOX REDUCTION	TBD	TBD	TBD	TBD
NOX REMAINING	TBD	TBD	TBD	TBD
SUMMER PLANNING	2018	2031	2032	2037
NOX INVENTORY	TBD	TBD	TBD	TBD
NOX REDUCTION	TBD	TBD	TBD	TBD
NOX REMAINING	TBD	TBD	TBD	TBD
CONTROL COST:	TO BE DETERMINED			
IMPLEMENTING AGENCY:	SOUTH COAST AQMD			

These significant shortfalls from two of the greatest sources of emissions for the region (ports and railyards) highlight the need for the District to expedite the finalization and adoption of these indirect source rules. But, a critical first measure is to make actual emission reduction commitments in the 2022 AQMP to set the direction that 1) the agency will finally follow through on its promises to adopt these regulations and 2) set a guide post for regulatory development on how much emissions reductions are needed to help attain ozone standards.

X. Conclusion

We appreciate your consideration of these comments. Please do not hesitate to contact us if you have any questions.

Sincerely,

Adrian Martinez
Fernando Gaytan