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To: Ian MacMillan <imacmillan@aqmd.gov>
Subject: [EXTERNAL]Public Comment

SCAQMD Rail MOU Public Comment

Monday, October 23rd, Wilmington Senior Citizen Center

My name is Dori Chandler, I am a Policy Advocate with the Coalition for Clean Air. We have significant concerns regarding a proposal to pursue an MOU on emission reductions with the Class I Railroads:

1. This is a sudden shift from a multi-year-long process with a rail ISR
2. We are skeptical of the MOU's process, substance, enforceability, and potential impact on other rulemaking proceedings. We are concerned that this is a delay tactic used to divert attention away from the ISR process as done by the railroads during the CARB "In-use Locomotive Regulation" process.
3. By design, an MOU will only achieve what the railroads are willing to "live with" while preventing further emission reductions or establishing more aggressive implementation schedules.
4. The MOU could be intentionally designed to be difficult to implement and enforce through complex one-sided provisions. A rail MOU reopens the door for a ports MOU, which wasted years, and resources and resulted in zero emission reductions.

We find the ISR far preferable to an MOU. Pursuing an ISR on railyards is less ambiguous and has community support. Any deviation in a promise of an ISR made in the AB 617 Community Air Protection Plan should be discussed with the respective steering committees and communities.

Any consideration of an MOU should include:

1. Strong enforcement mechanisms. What would notification of non-compliance look like? Would it be like the current public Notice of Violation system or through a different mechanism? This process should be public. What are the currently envisioned financial penalties? Would it be fines assessed by the district, like with rule violations? If the district enacts a financial penalty for non-compliance, can the railroads appeal the fine and drag it out through dispute resolution or abandon the MOU? Are EPA actions and citizen lawsuits the only avenue for third-party enforcement or will there be community stakeholders included in the implementation process? An ISR provides the district with enforcement tools like punitive

finances and legal remedies.

2. An MOU should be made available to the public soon for stakeholders to review and provide meaningful feedback.
3. Undergo environmental review under CEQA to prevent a legal challenge.
4. Maximize emission reductions and local health benefits with a focus on localized pollutants in communities near railyards.
5. Deploy the cleanest technology available in every category of emissions source and prioritize zero-emissions technology with a concurrent ramp-up of renewable and zero-emissions electricity and clear and aggressive intermediate milestones.
6. Both an ISR and an MOU need to exceed requirements already set by federal and state laws and regulations.
7. Could you please give us emission reduction projections for an ISR that includes both new and existing rail against an MOU? The data is insufficient here to give a true comparison (slide 10).

We need to achieve emission reductions to protect our communities in the smoggiest air basin in the country. From our perspective, strong rules have yielded better results for and trust with the community. The past few years have proven fruitful, with the passage of the warehouse ISR, reductions of NO_x and VOC emissions from petroleum refineries and storage tanks, and implementation of AB 617. Key to these successes was the partnership and improved trust between AQMD and environmental, environmental justice, and community stakeholders. Let's not threaten the progress we have made so far, as well as future progress in providing healthy, breathable air to all Southern Californians.