



August 1, 2023

VIA: ELECTRONIC MAIL

Chair Vanessa Delgado & Members of the Governing Board
South Coast Air Quality Management District (South Coast AQMD)
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Re: Agenda Item No. 22 - Support Approval of Proposed Amended Rule 1153.1

Dear Chair Delgado and Members of the Governing Board:

The undersigned organizations are grateful for the opportunity to provide comments on Proposed Amended Rule 1153.1. This is the first major regulation targeting Nitrogen Oxide (NOx) emissions after the adoption of the 2022 Air Quality Management Plan (AQMP). As such, it is a critical regulatory proceeding that could set the template for future action. Overall, we are pleased that the South Coast AQMD staff will adopt the nation’s first zero-emission standards for a small subset of stationary source categories covered under this rule. We recognize that this rule will continue to encourage combustion for a large subset of the equipment covered under the rule, so we encourage the Air District to continue to help push the conversion of this equipment to zero emissions through incentives and other strategies to eliminate negative health effects. Accordingly, we encourage swift adoption of this regulation and work to continue to push zero-emission equipment deployments in the industrial sector.

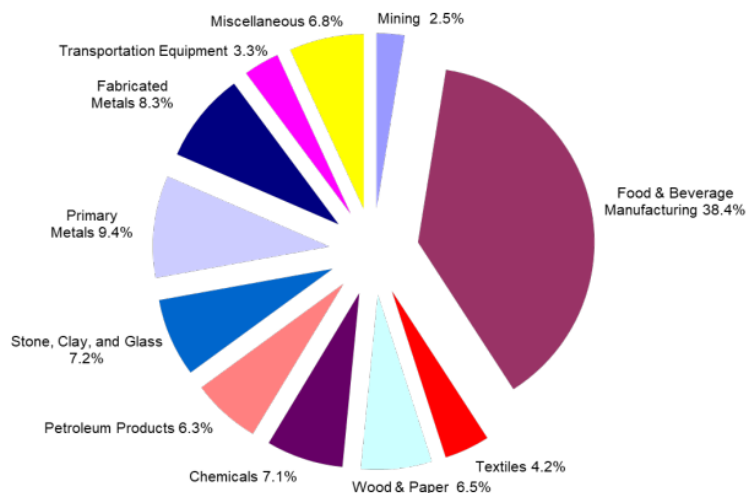
I. Commercial ovens are a prime place for electrification.

This is a perfect category to start advancing zero-emission technologies in the stationary source arena. We particularly appreciate reevaluating BARCT based on the new imperative articulated in the 2022 AQMP. We encourage future rulemakings in the large combustion and commercial combustion categories to proceed with this speed in the coming years.

While the South Coast AQMD’s primary regulatory concern is reducing traditional criteria pollutants, there is an overwhelming consensus that we must dramatically drive down the use of methane to stave off the worst consequences of climate change. The sector being discussed today – food and beverage manufacturing – is far and away the largest methane-

burning non-refining industrial sector in SoCal Gas territory. The chart below¹ shows that food and beverage manufacturing burns close to 4 times the methane as the next largest sector.

FIGURE 19 INDUSTRIAL GAS DEMAND BY BUSINESS TYPE COMPOSITION OF INDUSTRY (2021)–



As such, this industry will be a priority target for addressing greenhouse gas emissions moving forward, in addition to tackling harmful criteria pollutant emissions.

II. Finalizing this rule is critical to transitioning away from RECLAIM.

As implementation of the 2016 and 2022 AQMP continues, we really appreciate the Governing Board’s wise decision to shift the Nitrogen Oxide (NO_x) and Sulfur Oxide (SO_x) RECLAIM program to a command-and-control system. Ensuring the largest stationary sources in the South Coast Air Basin actually install state-of-the-art and life-saving pollution controls is critical to providing cleaner air to millions of breathers in the region. With few landing rules left to finalize, the South Coast AQMD is very close to wrapping up this transition.

And wrapping up is crucial. Indeed, the evidence shows that facilities in the RECLAIM program pollute our air more than they would if a command-and-control system was in place. In fact, the South Coast AQMD staff’s review of the permit database determined that “well over half of the equipment at RECLAIM facilities is currently **not at BARCT**.”² AQMD Staff’s analysis shows that approximately 60% of the equipment in the RECLAIM program does not

¹ California Gas & Electric Utilities, 2022 California Gas Report, at 126.

² SCAQMD, RECLAIM Transition Plan Version 1.0, at p. vi (March 2018), available at <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/regxx/draft-transition-plan-version-1-final.pdf?sfvrsn=6> (emphasis added).

meet the Best Available Retrofit Control Technology (BARCT) standard. This means the most ozone-polluted basin in the country operates a pollution control system where more than half of the equipment does not even meet standards that staff has determined are achievable when taking into account costs and technological feasibility. Moving forward quickly to complete the RECLAIM transition work is therefore very important.

III. Technology Investments.

On June 2, 2023, South Coast AQMD staff presented a new version of this proposed rule that changed the prior version of the regulation dramatically. Instead of having zero-emission standards across all categories – even if not for several years – the new rule language only preserves zero-emission standards for four categories, about 25% of the equipment, cutting the proposed emission reductions in half. Zero-emission options for categories like tortilla ovens and larger batch ovens are not being presented to you because the cost-effectiveness exceeded the threshold as presented – even in cases where projected costs were based on very rough and contingent long-term forecasts and/or where projected costs came in very close to the threshold. Given that the proposed rule does not provide a zero-emission market signal for technology development for large categories of equipment, the South Coast AQMD should work to find federal and/or state funds to develop a \$15 million program to encourage the development of zero-emission commercial ovens. These monies could come from state or federal funds, such as the Food Production Investment Program at the California Energy Commission.

We appreciate your consideration of these comments, and we look forward to the adoption of this rule to get one step closer to wrapping up the environmental justice nightmare that has been the RECLAIM program.

Sincerely,



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