

# Appendix M

## Summary of Significant Comments and Responses

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**SUMMARY OF SIGNIFICANT COMMENTS FOR THE  
PROPOSED 2016 PLAN FOR THE 2008 8-HOUR OZONE STANDARD  
POSTED ON MAY 17, 2016**

No significant comments were received following the posting of the proposed *2016 Plan for the 2008 8-hour Ozone Standard* on May 17, 2016

## SUMMARY OF SIGNIFICANT COMMENTS FOR THE PROPOSED 2016 PLAN FOR THE 2008 8-HOUR OZONE STANDARD

The District received the following significant comments for the draft *2016 Plan for the 2008 8-Hour Ozone Standard* presented at the public workshops held on March 22, 2016.

### EPA Region IX Comments:

No comments were received from EPA.

### ARB Comments:

No comments were received from ARB.

### Public Comments:

Comments were received from the following:

Aera Energy (Aera)  
Earth Justice (EJ)  
Evan Ship (ES)  
San Joaquin County of Public Works (SJCPW)  
Tom Frantz (TF)  
Western States Petroleum Association (WSPA)

- COMMENT:** Based on studies performed, no further controls are needed to meet the 2008 ozone standard. The District should finalize this plan without committing to any additional control measures. (Aera, WSPA)

**RESPONSE:** The District's strategy is to attain the standards as expeditiously as practicable, leaving no stone unturned in terms of finding and implementing emissions reductions for sources under its authority to control. This aggressive strategy ensures emission reductions that improve air quality are put into place as expeditiously as practicable to protect public health.

As with all air quality attainment plans for the Valley, the District left no stone unturned in evaluating and identifying further opportunities to advance attainment of the ever-tightening ambient air quality standards for the development of this 2016 Ozone Plan. A comprehensive evaluation of all District rules, including source categories not subject to District rules, was performed to identify potential emissions reductions opportunities (see Appendix C of the plan). The analysis searched for new controls and compared existing District rule requirements with federal regulations in Control Techniques Guidelines, Alternative Control

Techniques, New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology; state regulations; and rules in other air districts. The analysis looked at both NO<sub>x</sub> and VOC. In fact, as a result of this exhaustive evaluation, the District is proposing in this plan to include regulatory commitments for evaluating additional potential emission control requirements in District Rule 4311 (Flares) to reduce NO<sub>x</sub> emissions and District Rule 4694 (Wine Fermentation and Storage Tanks) to reduce VOC emissions.

2. **COMMENT:** The District should consider an approach to attaining air quality standards that targets areas with the highest concentrations of ozone, rather than burdening all areas of the Valley with the same controls. (Aera)

**RESPONSE:** The District is in the process of evaluating a potential “Hot Spot” approach for use in upcoming plans to attain the federal standards in a more cost-effective fashion by targeting a portion or the bulk of District regulatory and incentive-based strategies in areas with the highest concentrations. For more information, please refer to the following:

[http://www.valleyair.org/Board\\_meetings/GB/agenda\\_minutes/Agenda/2015/May/StudySession/final/07.pdf](http://www.valleyair.org/Board_meetings/GB/agenda_minutes/Agenda/2015/May/StudySession/final/07.pdf)

3. **COMMENT:** How is the modeling accurate for the Ozone standard without the Arvin Bear Mountain monitor? The relocation of the site from Arvin-Bear Mt. to Arvin-DiGiorgio needs more investigation into the possible fluctuations in data due to this move. (TF and ES)

**RESPONSE:** The comparability of the data between the Arvin-Bear Mountain and Arvin-Di Giorgio sites has been extensively investigated by both the District and ARB. More specifically, the recently completed Arvin Ozone Saturation Study assessed ozone levels throughout the Arvin area. Through this study, it was observed that the peak ozone level in the Arvin area varied geographically during the field campaign, and that no one location consistently captured the peak, including the Arvin-Bear Mountain location. It was also observed that the Arvin-Di Giorgio measurements were often a good representation of the peak ozone levels measured across the Arvin area through the monitoring period, and that the Arvin-Di Giorgio 1-hour and 8-hour average peak values were often higher than those recorded at the Arvin-Bear Mountain location. Based on this, it has been concluded that the Arvin-Di Giorgio location is an adequate replacement site for the Arvin-Bear Mountain site location. This conclusion is further supported by EPA’s official approval of the relocation of the ozone monitor at Arvin-Bear Mountain to Arvin-Di Giorgio.<sup>1</sup>

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<sup>1</sup> United States Environmental Protection Agency, Region IX. Letter to Ms. Karen Magliano, Chief Air Quality Planning and Science Division, ARB. (2016, May 2)

4. **COMMENT:** NO<sub>x</sub>-only reductions can result in increases in ozone in certain locations. Has the District looked at the spatial modeled plots to see whether there are local areas of ozone increases in the future with NO<sub>x</sub>-only reductions? Please explain how NO<sub>x</sub> plays a stronger role than VOC in reducing ozone in the Valley? (TF and ES)

**RESPONSE:** Both VOC and NO<sub>x</sub> emissions contribute to the formation of ozone. Under high-NO<sub>x</sub> and low-VOC conditions, the reaction is more sensitive to the amount of VOCs and is considered a *NO<sub>x</sub>-rich regime*. Alternatively, when the atmosphere is under high-VOC and low-NO<sub>x</sub> conditions, the formation of ozone is influenced by a *NO<sub>x</sub>-limited regime*, which means ozone formation is sensitive to changes in NO<sub>x</sub> concentration. Determination of an ozone formation regime requires an understanding of chemical kinetics and the ability to model the spatial and temporal intricacies of the interactions between reactants and products. To date, grid-based photochemical models remain the best available tool to determine relative precursor limitations.

Analysis on the changes in weekday/weekend ozone ratio presented in the modeling protocol and attainment demonstration suggests that the Central and Southern regions of the Valley have already transitioned to a NO<sub>x</sub>-limited chemistry regime, while the Northern region is in the process of transitioning, such that further NO<sub>x</sub> emission reductions will push the north into a NO<sub>x</sub>-limited regime. This is consistent with research findings from UC Berkeley scientists (Pusede et al., 2012<sup>2</sup> and Pusede et al., 2014<sup>3</sup>) and the modeling conducted in support of this SIP. Since all regions of the Valley are either NO<sub>x</sub>-limited or transitioning to NO<sub>x</sub>-limited, a NO<sub>x</sub> focused control strategy will continue to reduce ozone. Sophisticated atmospheric modeling shows that the higher design value regions of the Valley are *NO<sub>x</sub>-limited regimes*, especially in projections of future years. Therefore, NO<sub>x</sub> reductions are the most effective way to reduce Valley ozone concentrations.

5. **COMMENT:** What are the contingency measures if there is a failure to make RFP or final attainment deadlines? (TF)

**RESPONSE:** The District plan as initially proposed demonstrated attainment as expeditiously as possible before the 2031 deadline without the need to rely on a “black box” under §182(e)(5) of the Clean Air Act. By definition, a black box represents reductions that would be needed to attain the standard for which

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<sup>2</sup> Pusede, S. E., and R. C. Cohen, 2012, On the observed response of ozone to NO<sub>x</sub> and VOC reactivity reductions in San Joaquin Valley California 1995–present, *Atmos. Chem. Phys.*, 12, 8323–8339.

<sup>3</sup> Pusede, S. E., Gentner, D. R., Wooldridge, P. J., Browne, E. C., Rollins, A. W., Min, K.-E., Russell, A. R., Thomas, J., Zhang, L., Brune, W. H., Henry, S. B., DiGangi, J. P., Keutsch, F. N., Harrold, S. A., Thornton, J. A., Beaver, M. R., St. Clair, J. M., Wennberg, P. O., Sanders, J., Ren, X., VandenBoer, T. C., Markovic, M. Z., Guha, A., Weber, R., Goldstein, A. H., and Cohen, R. C.: On the temperature dependence of organic reactivity, nitrogen oxides, ozone production, and the impact of emission controls in San Joaquin Valley, California, *Atmos. Chem. Phys.*, 14, 3373-3395, doi:10.5194/acp-14-3373-2014, 2014.

specific measures or technologies are not currently available. The District was forced to rely on the black box provision to satisfy the contingency requirements under the Clean Air Act. To satisfy these requirements, the District had to hold back 1.6 tons per day of NOx emissions reductions that could have otherwise been used to take credit toward attaining the standard in a timely fashion without using a black box.

The above circumstances that force the District to hold back on reductions to satisfy contingency requirements under the Clean Air Act represent a real example of the well-intentioned provisions that were included in the Clean Air Act over 25 years ago that are now leading to unintended consequences. By definition, a region is classified as extreme nonattainment if, despite implementing all available control measures, reductions achieved are not enough to meet the standard. The only way a region can meet the contingency requirements is to hold back on implementing clean air measures and save them for later as a contingency. Of course, this would result in delays in cleaning the air and reducing air pollution. As currently written, the requirements in the Clean Air Act that require extreme areas to include all available measures to ensure expeditious attainment and the requirement for holding back measures as contingency are contradictory.

The District is pursuing legislative efforts to modernize the Clean Air Act with common sense provisions that help prevent similar circumstances as described above for this plan or for future plans where the contingency requirements can actually lead to delayed attainment or reliance on undefined strategies under “black box” provisions. The District, however, hopes that the state Air Resources Board (ARB) or the federal Environmental Protection Agency (EPA) can adopt and implement necessary strategies relating to mobile sources resulting in further reductions in emissions that could satisfy contingency requirements and avoid delays in attaining the standard expeditiously.

6. **COMMENT:** Why is the District working to develop legislative and administrative solutions for addressing implementation issues faced by the Valley under the Clean Air Act? (TF)

**RESPONSE:** Since its adoption, the Clean Air Act has led to significant improvements in air quality and public health benefits throughout the nation. In many areas of the nation, pollution levels have been reduced to historical lows. In fact, in the San Joaquin Valley, overall emissions have been reduced to historically low levels with the Valley experiencing record clean summer and winter air quality this past year. The District supports the well-intentioned concepts in the Clean Air Act that call for routine review of health-based air quality standards, clean air objectives that are technology-forcing, and clean-air deadlines that ensure expeditious clean-up and timely action.

The Clean Air Act was last amended in 1990. Over the last 25 years, local, state, and federal agencies and affected stakeholders have learned important lessons from implementing the law and it is clear now that a number of well-intentioned provisions in the Act are leading to unintended consequences. For example, in order to comply with the federal Clean Air Act contingency requirements, the *2016 Ozone Plan* must hold back emission reductions and rely on undefined strategies under “black box” provisions that can lead to delayed attainment.

Therefore, the District is pursuing legislative efforts to modernize the Clean Air Act with common sense provisions that help prevent similar circumstances as described above for this plan and for future plans and has prepared a proposal that provides solutions aimed at improving the Act’s effectiveness and efficiency. Without action to address these issues, the Clean Air Act sets the Valley and many other regions up for failure and economic devastation as the new federal standards encroach on background pollution concentrations.

7. **COMMENT:** How does the District justify keeping 20 year old emission credits (ERC) in the bank? Does the District give emission reduction credits to facilities that are forced to shut down? (TF)

**RESPONSE:** All ERCs are tracked in state implementation plans and the quantity of the ERCs used is added to the plan as emissions for the year. This is done regardless of the age or the source of the credits. For instance, even for credits generated decades ago, the portion being used each year is added to the emissions inventory for the State Implementation Plan. This adds to the District’s emission reduction obligations to the plan requiring further mitigation to accommodate future growth. Additionally, the District’s ERC program has been approved by the state ARB and the federal EPA as being equivalent to federal requirements. The District is required to demonstrate on an annual basis that the District ERC program is at least equivalent to the federal program.

Emission reduction credits are only granted for voluntary reductions in emissions that are not required by law. These credits are granted through a rigorous process, in accordance with District Rule 2301, to ensure that the reductions are real, surplus, permanent, quantifiable, and enforceable. Furthermore, the credits are discounted for current and future controls that are applicable to the source generating the reductions. This often results in discounts as high as 80-90%. The District then reduces 10% of the remaining credit as an additional Air Quality Improvement Deduction (AQID). To further increase air quality benefit, then at the time of use, the new or expanding facility needing ERCs is required to provide 20-50% more in credits compared to proposed increase in emissions.



8. **COMMENT:** The plan presented on March 22, 2016 is missing several key pieces of information required for evaluating the adequacy of the plan and its requirements, the District should post a complete draft plan and provide ample opportunity for the public to review and provide meaningful input prior to considering the plan for adoption. (Aera, EJ, WSPA)

**RESPONSE:** This 2016 Ozone Plan was prepared through an involved public process that provided multiple opportunities for the public and interested stakeholders to offer suggestions and comments for improving and strengthening the plan. The District initiated the public process for the 2016 Ozone Plan in mid-2014. This public process included providing monthly updates at District Governing Board meetings, CAC meetings, and EJAG meetings. Each of these updates was accompanied by an opportunity for the public to provide comment, ask questions, or request additional information. Additionally, under the guidance of the District Governing Board, the Executive Director/Air Pollution Control Officer (APCO) formed the Public Advisory Workgroup (PAW) ad hoc committee. The PAW committee members consisted of representatives from regulated entities (industry, farms, dairy families and municipalities), community advocates, and advisors from EPA and ARB. The PAW committee held numerous meetings which were also open to the public. As part of the public process for developing this plan, the District also hosted a public workshop in May 2014 and two additional workshops in March 2016. These meetings provided opportunities for the public to provide verbal comments, and written comments have also been encouraged throughout development of this plan. These comments have been integral to the development of this plan, and have been incorporated as appropriate.

The District posted the proposed plan for public review on May 17, 2016, with an associated two week public comment period. Additionally, members of the public wishing to be heard are invited to attend the public hearing and present comments to the Governing Board for their consideration before attainment plan adoption.

9. **COMMENT:** The District should adopt local public fleet regulations in addition to ARB's public fleet regulations. (EJ)

**RESPONSE:** Advancing the turnover of mobile source fleets is critical to achieving the emissions reductions necessary to attain federal air quality standards. Under pressure from local air districts and as a component of the State's mobile source emission reduction strategy, ARB has adopted fleet regulations that have greatly reduced emissions from public fleet vehicles. These regulations have served as the primary mechanism for reducing emissions from these fleets and have superseded efforts at the local level to regulate public fleets. Additionally, ARB is currently in the latter stages of developing a new *Mobile Source Strategy* that will establish additional requirements for public and

other mobile source fleets. As a complementary strategy to mobile source regulations, the District also operates some of the most effective and robust vehicle grant programs in the nation which have successfully accelerated the clean-up of these fleets and have achieved significant additional emissions reductions.

In preparing the *2016 Ozone Plan*, the District performed an exhaustive analysis of potential emission reduction opportunities from all public fleets, including public transit vehicles, solid waste collection vehicles, school buses, commercial airport ground access vehicles, and other public fleet vehicles (Chapter 5, Section 5.4.3.2 (Public Fleets)). Through this evaluation, the District found that ARB's adopted fleet rules and newly proposed rules under the draft *Mobile Source Strategy* fully address the remaining limited emission reduction opportunities from public fleets.

- 10. COMMENT:** Off-road agricultural equipment is currently unregulated by the District and ARB, and yet constitutes a large portion of the Valley's NOx emissions. Regulation of agricultural equipment should be a critical piece of the Draft Plan's attainment strategy. (EJ)

**RESPONSE:** The commenter's statement that off-road agricultural engines are unregulated is incorrect. Both ARB and the District have the most stringent rules in the nation limiting emissions from off-road agricultural engines including District Rule 4702 (Internal Combustion Engines), the State Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, the Statewide Portable Equipment Registration Program (PERP), and the State Airborne Toxic Control Measure for Stationary Compression Ignition Engines.

Additionally, the District along with Valley farmers have invested over \$166 million to replace over 7,000 agricultural pump engines, reducing over 54,000 tons of emissions. Furthermore, the District along with Valley farmers have invested over \$475 million to replace over 5,000 agricultural tractors and other equipment, reducing over 42,000 tons of emissions.

ARB is currently evaluating the best long-term strategy for reducing emissions from off-road agricultural equipment through a combination of incentives and regulation. The District is continuing to work with the agricultural industry and ARB to enhance the successful voluntary incentives programs already achieving significant reductions from off-road agricultural equipment. This includes recently-allocated funds for the tractor trade-up program, which helps farmers who would not normally qualify for these incentives to replace their old, uncontrolled equipment with used, cleaner equipment.

11. **COMMENT:** Why is it important to understand the impact of air pollution transported across the Pacific Ocean on Valley ozone concentrations? (TF)

**RESPONSE:** As ozone research continues, there is strong evidence that the Valley's ozone concentrations are increasingly being affected by transboundary emissions migrating into the Valley from sources across the Pacific Ocean. The Clean Air Act recognizes this potential threat of international transboundary pollution transport on the ability for regions to attain federal air quality standards. While still responsible for implementing reasonably available controls to reduce emission from sources under their control, Clean Air Act §179B (International Border Areas) mandates that state, local, and regional authorities not be penalized or held responsible for the impact of pollution emissions from foreign sources.

The *2016 Ozone Plan* demonstrates that the Valley will attain the 2008 8-hour ozone standard by the federally mandated deadline even with impacts from transboundary ozone pollution without the need to utilize the provisions under §179B. As the Valley addresses increasingly stringent federal standards and their associated mandates in the coming years, it is imperative that the extent of transboundary pollution impacts be fully understood to ensure that Valley businesses and residents already subject to costly and stringent regulations are not penalized for emissions outside of local control.

12. **COMMENT:** Will the District ask commercial sized dairies to further reduce VOC emissions due to the new ozone standard? The District should require all confined animal facilities regulated under Rule 4570 to demonstrate that the emission reductions associated with selected mitigation measures meet or exceed a set emission reduction amount (TF and EJ)

**RESPONSE:** District Rule 4570 was originally adopted on June 15, 2006 and was again amended on October 21, 2010. The purpose of this rule is to limit emissions of volatile organic compounds (VOC) from Confined Animal Facilities (CAF). In addition to limiting VOC emissions, District Rule 4570 also includes measures that limit ammonia (NH<sub>3</sub>) emissions from these operations. Operators subject to the rule requirements must implement a specified number of mitigation measures from various categories to reduce VOC emissions.

District Rule 4570 is the most stringent rule for this source category and has resulted in more than 36 tons per day of VOC emission reductions from CAFs. EPA has determined that District Rule 4570 satisfies Reasonably Available Control Technology (RACT) for VOC emissions from CAFs and incorporated District Rule 4570 into the State Implementation Plan (SIP).

13. **COMMENT:** Will the District allow new installations of combustion agriculture pumps in locations where electricity is readily available? (TF)

**RESPONSE:** New installation of internal combustion engines used to power agriculture pumps are subject to the Best Available Control Technology (BACT) requirements of District Rule 2201 (New Source Review). BACT requires the use of electric pumps if determined to be cost effective.

14. **COMMENT:** The District should not commit to additional controls on flares. The evaluation of any control measure for flares should consider how the flare is utilized and the quality of the flare gas, as not all flares are utilized in the same manner. It is very difficult to adapt low-NOx technology to safety flares due to its inability to handle drastic changes in flowrates. (WSPA, Aera)

**RESPONSE:** Given the enormity of reductions needed to develop plans that demonstrate attainment with the latest federal ozone and PM2.5 standards and based on findings from the recent flare further study, the District has committed to include additional ultra-low NOx flare emission limitations for existing and new flaring activities and include additional flare minimization requirements as appropriate. The District will work closely with affected operators to undergo a regulatory amendment process for Rule 4311 that includes an extensive public procedure that provides the public and all effected stakeholders with ample opportunities to provide input. Furthermore, a thorough and detailed analysis will be performed to assess the technological achievability and economic feasibility of the requirements.

15. **COMMENT:** An evaluation of flare minimization practices should be included in the plan, with an opportunity for public review and comment on proposed Rule 4311 amendments. (EJ)

**RESPONSE:** Given the enormity of reductions needed to develop plans that demonstrate attainment with the latest federal ozone and PM2.5 standards and based on findings from the recent flare further study, the District has committed to include additional ultra-low NOx flare emission limitations for existing and new flaring activities and include additional flare minimization requirements as appropriate. The District will work closely with affected operators to undergo a regulatory amendment process for Rule 4311 that includes an extensive public procedure that provides the public and all effected stakeholders with ample opportunities to provide input. Furthermore, a thorough and detailed analysis will be performed to assess the technological achievability and economic feasibility of the requirements.

16. **COMMENT:** Will the District continue to allow flaring at oil facilities under emergency permits due to lack of a buyer for the gas? (TF)

**RESPONSE:** District rules do not provide any exemptions to allow flaring of gas due to a lack of buyer for the gas. The exemption the commenter is incorrectly referring to is the “Emergency” exemption, which is defined in Rule 4311 as any situation or a condition arising from a sudden and reasonably unforeseeable and unpreventable event beyond the control of the operator. Examples include, but are not limited to, unpreventable equipment failure, natural disaster, act of war or terrorism, or external power curtailment, excluding a power curtailment due to an interruptible power service agreement from a utility. An emergency situation requires immediate corrective action to restore safe operation. A planned flaring event is not considered an emergency.

17. **COMMENT:** The District should review and strengthen Rule 4402, which controls VOC emissions from sumps, and should assess new potential controls for open-air sumps as part of the Draft Plan’s attainment strategy. (EJ)

**RESPONSE:** As with all air quality attainment plans for the Valley, the District left no stone unturned in evaluating and identifying further opportunities to advance attainment of the ever-tightening ambient air quality standards for the development of this 2016 Ozone Plan. A comprehensive evaluation of Rule 4402 was performed to identify potential emissions reductions opportunities (see Appendix C of the plan). The analysis compared existing District rule requirements with federal regulations in Control Techniques Guidelines, Alternative Control Techniques, New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology; state regulations; and rules in other air districts.

No potential emission reduction opportunities were found for Rule 4402 in this evaluation. The District will continue to evaluate potential emission reduction opportunities for this rule in future attainment plans.

18. **COMMENT:** The Draft Plan should commit to strengthening the standards for internal combustion engines emissions under Rule 4702 and not allow owners of internal combustion engines to pay mitigation fees in lieu of compliance with Rule 4702 emission requirements. (EJ)

**RESPONSE:** As with all air quality attainment plans for the Valley, the District left no stone unturned in evaluating and identifying further opportunities to advance attainment of the ever-tightening ambient air quality standards for the development of this 2016 Ozone Plan. A comprehensive evaluation of District Rule 4702 was performed to identify potential emissions reductions opportunities (see Appendix C of the plan). This exhaustive evaluation demonstrates that Rule

4702 currently has in place the most stringent measures feasible to implement in the Valley.

In regards to mitigation fees, the District elected to incorporate this annual fee option (similar to Rule 4320) in Rule 4702 based on economic feasibility and socioeconomic analyses performed during the rule development process that indicated some operators would incur significant economic hardships, up to and including potentially closing the business, in order to comply with new NO<sub>x</sub> limits. Section 5.2 allows operators of non-AO spark-ignited engines the option to pay annual fees in lieu of complying with new NO<sub>x</sub> limits. The District applies the fees generated by the annual fee option to fund other emission-reducing projects that would get equivalent or greater emissions reductions. Operators remain subject to current NO<sub>x</sub>, CO, and VOC emission concentration limits. To further clarify, if an operator elects to use the fee payment option, the current emission limits would remain in place for these engines. This provision prevents existing engines that are included in a fee payment program from increasing their emissions above the current emission limits. Including this provision fulfills an EPA requirement called “anti-backsliding,” meaning changes to a rule cannot allow operators to increase their emissions above whatever is currently in place. The owner of a Non-AO spark-ignited engine who elects to pay annual NO<sub>x</sub> emission fees to the District in lieu of complying with the new NO<sub>x</sub> emission limits would be required to submit an Emission Control Plan and the payment would continue annually until the engine is either permanently removed from use in the Valley and the Permit-to-Operate is surrendered, or the operator demonstrates compliance with the rule’s emission limits.

As the District continues to develop future attainment plans to address increasingly stringent federal air quality standards, this source category will be re-evaluated for additional potential opportunities to reduce emissions.

- 19. COMMENT:** The District should continue to evaluate additional control options for NO<sub>x</sub> emissions originating from solid fuel fired boilers, steam generators, and process heaters. Rule 4352 should require more stringent controls on solid fuel fired boilers consistent with industry standard control technologies. (EJ)

**RESPONSE:** Bio-energy plants utilizing biomass waste from agriculture, regulated under Rule 4352, are a cleaner alternative to open burning. Without bio-energy plants, much of the progress in reducing open burning is likely to be undone. Additionally, reducing fuel loads in the forest is a primary method of controlling wild fires. The bio-energy industry provides an outlet for forest debris and materials from forest thinning projects. This reduces the occurrence of catastrophic wildfires and the attendant damage to public resources, property, and air quality impacts. Finally, bio-energy plants burn materials that would likely be placed in landfills if the plants were no longer viable, so bio-energy plants play a role in meeting the state’s landfill diversion requirements.

Since 2012, six Valley biomass facilities have shut down operations and only five remain open today. The loss of these facilities has considerably reduced the available options to dispose of agricultural wood waste, especially material from large orchard removals. As a result, many agricultural growers have lost the primary economically feasible disposal option for their orchard removal material. This could not come at a worse time as there has been an increase in the number of large orchard removals over the past year due in large part to the effects of the extreme drought emergency currently facing the state.

As with all air quality attainment plans for the Valley, the District left no stone unturned in evaluating and identifying further opportunities to advance attainment of the ever-tightening ambient air quality standards for the development of this 2016 Ozone Plan. The District evaluated potential emission reduction and demonstrated that Rule 4352 currently has in place the most stringent measures feasible to implement in the Valley.

- 20. COMMENT:** The current Rule 9510, Indirect Source Review, should be updated to require further NO<sub>x</sub> emission reductions and encourage investment in zero emission vehicle infrastructures such as charging stations. (EJ)

**RESPONSE:** The District is the first air agency to adopt an indirect source rule regulating new development projects. The District's rule is recognized as the benchmark, or best available control, for regulating indirect sources. The state and federal laws are prescriptive in establishing the District's authority regulating indirect sources. These complex legal requirements were well documented and litigated as the District spent over five years successfully defending its existing rule through the highest courts at the state and federal levels. The emission control requirements under the District's current rule are as stringent as possible in adherence with all applicable state and federal regulations and case law. Nonetheless, Rule 9510 is currently being amended to strengthen the rule by expanding the applicability requirements to cover all large indirect sources even when a lead agency chooses to process the project as non-discretionary under CEQA.

In regards to encouraging investment in zero emission vehicle infrastructures, the District's "Charge Up!" program funds the purchase and installation of publicly accessible electric vehicles chargers, helping build a robust charging network throughout the San Joaquin Valley. Since 2015, the District has awarded more than \$1.4 million in incentives for the installation of 140 Level 2 and Level 3 electric vehicle chargers. In addition, the District is currently developing new ways to leverage its Charge Up! program by working with several different Valley entities to take advantage of current funding opportunities with the California Energy Commission and ARB to further meet the electric vehicle goals in California of reaching 1.5 million electric vehicles by 2025.

21. **COMMENT:** The District Health Risk Reduction Strategy (HRRS) ignores sectors and pollutants that should be controlled in the 2016 Ozone Plan. The 2016 Ozone Plan should focus on achieving emissions reductions from the highest stationary source NOx emitters rather than lawn care equipment and consider the impacts of VOC emissions with carcinogenic components to nearby communities. (EJ)

**RESPONSE:** It appears that the commenter does not have a clear understanding of the District's Health Risk Reduction Strategy, the attainment strategy outlined in Chapter 5 of the 2016 Ozone Plan, and how location specific risk from toxic emissions are addressed.

While the federal air quality standards and plan process are motivated by public health, the process set forward under the federal CAA does not guarantee that the public health benefits of control strategies will be maximized. The HRRS implements diverse control measures and strategies throughout the Valley with clear and quantifiable public health benefits that are not fully accounted for under the conventional approach. The 2016 Ozone Plan has gone well beyond just evaluating the highest stationary source NOx emitters. A comprehensive evaluation of all District rules, including source categories not subject to District rules, was performed to identify potential emissions reductions opportunities (see Appendix C of the plan). The District has also been highly successful in decreasing the urban, localized health risks associated with the use of gas-powered equipment by replacing over 3,900 high-polluting gas-powered lawn mowers with clean electric mowers.

In regards to addressing impacts of VOC emissions with carcinogenic components to nearby communities, the District operates a comprehensive air toxic program that integrates the state and federal requirements and is aimed at protecting public health. Under this program, Toxic Best Available Control Technology must be applied to all units that may pose greater than de minimus levels of risk (i.e., a cancer risk greater than one in one million). Projects that would pose significant impacts to nearby residences or businesses (i.e., a cancer risk of greater than 20 in one million) are not approvable. Additionally, under the Air Toxics "Hot Spots" Information and Assessment Act (AB2588), the District works with Valley facilities to quantify emissions of air toxics, determine the health impacts caused by those emissions, report emissions and any significant risks through written public reports and neighborhood public meetings, and take steps to reduce such risks. As a result of these efforts and the resulting emissions reductions, the risk from new and existing Valley facilities have been reduced significantly.



- 22. COMMENT:** To ensure that grant funding for emissions reductions provide benefits for environmental justice communities, the District should adopt a rule that requires a certain percentage of grant funding received to spend on projects that specifically benefit environmental justice communities. (EJ)

**RESPONSE:** It is not clear if the commenter is suggesting whether certain communities deserve less action to reduce air pollution and improve quality of life. In working to improve public health, the District does not believe that any community in the San Joaquin Valley be left behind. The District places a strong emphasis in providing funding in a manner that benefits environmental justice communities. The District Governing Board adopted the Environmental Justice Strategy in 2007 and was the first air district to establish the Environmental Justice Advisory Group in 2010. The District works cooperatively with the Environmental Justice Advisory Group to understand the Valley's environmental justice communities and issues, and craft programs that reduce emissions in these areas. As a result of this focused effort, the District has been highly successful in designing a wide range of incentive programs that prioritize the needs of Valley Environmental Justice communities. Examples of these programs include:

- Under the District's Public Benefits Grant program, District provides additional funding of \$10,500 per ton of reductions achieved in Environmental Justice communities.
- Under the Lower Emission School Bus Program, District provided match assistance to school districts in Environmental Justice communities, as determined by participation in the Free and Reduced Price Meal (FRPM) Program.
- Under the District's "Burn Cleaner" Program, District provides extra incentive (\$2,500) for woodstove upgrades in low-income households.
- Under the District's Tune In Tune Up Program, District provides incentives for repairing high polluting vehicles with focused outreach in low-income communities (majority of participants from Environmental Justice communities)
- Under the District's Enhanced Fleet Modernization Program, District provides up to \$15,000 in incentives for replacing high polluting vehicles for low income residents in Environmental Justice communities.

Overall, the majority of the District's incentive program grant funds have been invested in projects that have provided direct benefits to Valley Environmental Justice communities.

- 23. COMMENT:** The District should require that fines or penalties paid as a result of permit violations be spent in the communities affected by the violation. (EJ)

**RESPONSE:** Fines or penalties paid as a result of permit violations are used efficiently to help administer an active and effective permitting and enforcement

program throughout the Valley. As has been documented in a number of independent audits of District operations, including those by oversight agencies and environmental groups, the District's robust programs have a history of exceptional performance in both effectiveness and efficiency.

- 24. COMMENT:** The San Joaquin County Department of Public Works submitted a No Comment letter. (SJCPW)

**RESPONSE:** Comment letter has been received.

**SUMMARY OF SIGNIFICANT COMMENTS  
FOR THE PUBLIC WORKSHOP ON  
THE DEVELOPMENT OF THE PLAN TO ADDRESS  
THE 2008 8-HOUR OZONE STANDARD  
HELD ON MAY 23, 2014**

The District received the following comments for the public workshop on the development of the plan to address the 2008 8-hour ozone standard held on May 23, 2014.

**EPA REGION IX COMMENTS:**

No comments were received from EPA.

**ARB COMMENTS:**

No comments were received from ARB.

**PUBLIC COMMENTS:**

Comments were received from the following:

Aera Energy (Aera)  
Milk Producers Council (MPC)  
Southern California Gas Company (SoCal Gas)  
United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS)  
Valley Improvement Projects (VIP)

1. **COMMENT:** What is the base year of the emissions inventory used for this plan? (SoCal Gas)

**RESPONSE:** The base year for this plan is 2012.

2. **COMMENT:** Do high temperatures or direct ultraviolet (UV) radiation increase ozone formation? (SoCal Gas)

**RESPONSE:** Ozone formation is the result of photochemical reactions between oxides of nitrogen and volatile organic compounds in the presence of sunlight. Variable weather parameters, such as temperature, wind, ultraviolet radiation, and vertical stability impact ozone concentration levels. In general, strong sunlight and weak dispersion generate relatively high ozone levels while weak sunlight and strong dispersion generate relatively low ozone levels.

3. **COMMENT:** Provide more information on the air quality modeling performed for this plan. (SoCal Gas)

**RESPONSE:** The air quality modeling for this *2016 Plan for the 2008 8-Hour Standard (2016 Ozone Plan)* is an ongoing process that is currently underway with collaboration between the District and California Air Resources Board (ARB). The methodology and results from the modeling will be discussed in greater detail in future public workshops and drafts of the plan.

4. **COMMENT:** Is section 179B of the Clean Air Act (CAA), which states that an area shall not be penalized for the impact of emissions from foreign sources, addressed in the planning guidelines for the 2008 8-hour ozone standard? Has it been used by other areas in other plans, and is the District going to attempt to use it for this plan? (SoCal Gas)

**RESPONSE:** EPA accounts for CAA section 179B in its implementation rule for the 2008 8-hour ozone standard and sets up a framework for air districts to use it if the area would attain were it not for emissions from foreign sources; however, there is very little detail on what analyses would be required in order to rely on CAA section 179B to demonstrate attainment. Four other air districts have used section 179B, but only to address emissions from Mexico traveling into Arizona, Texas, and San Diego. If the District were to use section 179B, it would be to account for the transboundary ozone emissions emanating from China into the Valley. There is a distinction in EPA guidelines between using section 179B in a single instance, comparable to an exceptional event, and integrating it into actual attainment plan modeling which incorporates impacts over a greater period of time.

The District and Western Regional Air Partnership held a conference on the impacts of transboundary ozone in the spring of 2015.<sup>4</sup> This conference was a collaboration between the scientific community, air quality managers, ARB, and EPA to explore the complex issues of transboundary ozone and the use of CAA section 179B for air quality plans.

As the development of the attainment plan progresses, the District will determine the need to include a Section 179B discussion.

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<sup>4</sup> SJVAPCD. Transboundary Ozone Pollution Conference at Tenaya Lodge. (2015) Webpage and supporting documents available at: <http://www.valleyair.org/topc/presentations.htm>.

5. **COMMENT:** What is the difference between modeling and planning inventories? (SoCal Gas)

**RESPONSE:** The modeling inventory uses the planning inventory and allocates emissions in each category to certain times in the year and certain locations in the District for modeling purposes.

6. **COMMENT:** What are spatial surrogates? (SoCal Gas)

**RESPONSE:** Spatial surrogates are used to allocate emissions to specific locations for purposes of modeling inventory development. Because air quality modeling attempts to replicate the physical and chemical processes that occur in an inventory it is important that the physical location of emissions be specified as accurately as possible. Ideally, the actual location of all emissions would be known exactly. In reality, however, some categories of emissions would be virtually impossible to determine – for example, the actual amount and location of consumer products used every day. Therefore, the spatial allocation of emissions in a modeling inventory approximates the actual location of the emissions. For the spatial allocation of emissions to be performed, each area source category is assigned a spatial surrogate. Examples of surrogates include population, land use, and other data with known geographic distributions for allocating emissions to grid cells.

7. **COMMENT:** If the Valley is deemed in attainment for the 1-hour ozone standard, will that change the District's obligations for submitting attainment plans with reasonably available control technology (RACT) analyses? (MPC)

**RESPONSE:** Attainment of the 1-hour ozone standard would not alleviate the District's legal requirements to submit attainment plans and associated demonstrations for other federal ozone or PM<sub>2.5</sub> standards, including RACT analyses.

8. **COMMENT:** In measuring background ozone levels, is it possible to distinguish between biogenic emissions and emissions from transboundary anthropogenic sources? (MPC)

**RESPONSE:** Yes, the District and ARB have estimates of the background contributions from biogenic emissions and transboundary anthropogenic ozone. However, many challenges remain to refine estimates of the influence of transboundary anthropogenic ozone, its precursors, and the evolving fraction of the total transboundary flow that is anthropogenic.

9. **COMMENT:** Conversations with ARB have led me to believe that they do not support voluntary incentive-based emission reductions because they are ineffective in reducing air pollution concentrations and mandatory regulatory measures are far more effective. (VIP)

**RESPONSE:** This is incorrect. The District currently operates one of the largest and most well-respected incentive programs in California. Since 1992, the District's incentive programs have provided over \$688 million in incentive funds. This has been matched by cost-sharing on the part of participating businesses, public agencies, and residents, who together have invested over \$526 million, for a total public/private investment of well over \$1.2 billion in low and zero emissions equipment and operations. These combined efforts have accelerated the adoption of cleaner technologies (beyond that achieved by stringent regulations alone), achieved over 117,000 tons of lifetime emission reductions, improved air quality and public health, and progressed the San Joaquin Valley towards attainment of increasingly stringent federal air quality standards. In addition to District-administered incentive programs, the California Air Resources Board (ARB) and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) also implement highly effective incentive programs, further reducing emissions in the Valley.

10. **COMMENT:** Public workshops should be held at times that are more accessible to the general public, such as in the evening or on weekends. (VIP)

**RESPONSE:** The District appreciates the comment and will consider alternative times when scheduling future workshops.

11. **COMMENT:** Why has more information not been presented on the Covanta incinerator in Stanislaus County? (VIP)

**RESPONSE:** This plan includes a comprehensive evaluation of emissions from all sources within the District, including the Covanta incinerator in Stanislaus County.

12. **COMMENT:** Are the impacts of all NO<sub>x</sub> emission reductions the same no matter where the reductions occur geographically, or is it more effective to reduce NO<sub>x</sub> in some areas rather than others? (Aera)

**RESPONSE:** The District is in the process of evaluating a potential "Hot Spot" approach for use in upcoming plans to attain the federal standards in a more cost-effective fashion by targeting a portion or the bulk of District regulatory and incentive-based strategies in areas with the highest concentrations. For more information, please refer to the following:

[http://www.valleyair.org/Board\\_meetings/GB/agenda\\_minutes/Agenda/2015/May/StudySession/final/07.pdf](http://www.valleyair.org/Board_meetings/GB/agenda_minutes/Agenda/2015/May/StudySession/final/07.pdf)

13. **COMMENT:** Did the results of ARB's update to the farm equipment inventory make it into the 2012 baseline inventory, and were any of the voluntary incentive reductions included? (USDA-NRCS)

**RESPONSE:** The results of that update were included in the 2012 baseline inventory. The emissions reductions achieved through the District or USDA-NRCS agricultural equipment incentive programs were not included in the baseline inventory and are therefore additional to the emission reduction projections included in the plan.

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