

Appendix K

Summary of Comments and Responses



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SUMMARY OF COMMENTS AND RESPONSES 2022 PLAN FOR THE 2015 8-HOUR OZONE STANDARD

COMMENTERS:

Beltan, Lupita (Beltan)
California Environmental Justice Coalition (CEJC)
California Nurses for Environmental Health & Justice (CNEHJ)
Californians for Pesticide Reform (CPR)
CPR, et. al. group comment letter (CPR, et. al.)ⁱ
Central California Environmental Justice Network (CCEJN)
Central Valley Air Quality Coalition (CVAQ)
CVAQ et. al. group comment letter 1 (CVAQ, et. al.)ⁱⁱ
CVAQ et. al. group comment letter 2 (CVAQ, et. al.)ⁱⁱⁱ
Elizabeth, Mary (Elizabeth)
Leadership Counsel for Justice & Accountability (LCJA)
National Parks Conservation Association (NPCA)
Pesticide Action Network (PAN)
Valley Improvement Projects for Social & Environmental Justice (V.I.P)
Vector Environmental, Inc. (Vector)
Western States Petroleum Association (WSPA)

Agriculture

- COMMENT:** The Plan should include a measure addressing pesticide emissions, and also include emission reduction targets and an expedited timeline for implementation. Agencies should also clarify their authority to regulate pesticide emissions. (Beltan, CCEJN, CNEHJ, CPR, CVAQ, LCJA, PAN, V.I.P.)

RESPONSE: The District appreciates your comment. As summarized in the Plan, the Department of Pesticide Regulation has been including SIP controls to reduce VOC emissions from pesticide applications through various commitments included in plans and submitted to EPA. Consistent with ongoing efforts by DPR, this Plan includes a DPR measure to develop new 1,3-Dichloropropene regulations to further reduce non-occupational bystander exposure by shifting to application methods with lower 1,3-D emissions or that use other measures to reduce exposure. Chapter 5 of the California Air Resources Board's (CARB) *2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy)* further details this measure.¹ Additionally, CARB plans to include additional information in the staff report for the proposed Plan at their January 2023 hearing regarding emissions reduction quantification for the proposed measure and regulatory authority with respect to pesticides.

¹ CARB. *2022 State Strategy for the State Implementation Plan*. Retrieved from: <https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy>

2. **COMMENT:** This Plan underestimates the amount of NO_x emitted and that could be controlled through better management practices from soil-based NO_x sources. Measures should be included to reduce the soil NO_x contribution to overall ozone levels in the Valley to ensure that Reasonably Available Control Measures (RACM) is satisfied. (CVAQ, LCJA)

RESPONSE: The District appreciates your comment and is committed to evaluating all potential sources of emissions and their contributions to the Valley's air quality challenges. A recent study conducted by CARB² concluded that, "soil NO_x is a relatively minor fraction of the total NO_x budget in California and has a minor effect on atmospheric concentrations of particulate nitrate in the SJV. Ambient and satellite data analyses show traffic combustions being the dominant source of NO_x emissions in both urban and agricultural areas of the SJV." The modeling conducted as part of the CARB study concludes that cropland is the dominant source of soil NO_x emissions in California, contributing nearly 60% of statewide soil NO_x emissions. However, according to this study, these emissions only contribute approximately 1.1% of total anthropogenic NO_x emissions in California. Additionally, EPA stated in a recent action that they do not "believe that available research provides sufficient certainty about the magnitude and proportion of soil NO_x emissions attributable to agricultural fertilizer application..."³ The District and CARB will continue to evaluate the potential contribution of soil NO_x emissions to air quality in the Valley, including ongoing efforts to reduce nitrogen application rates in response to water quality requirements.

Incentives

3. **COMMENT:** The District should evaluate either retiring or rerouting dirtier trucks to lessen the pollution impact on disadvantaged communities. (CCEJN)

RESPONSE: The District appreciates your comment and agrees that heavy duty truck emissions must continue to be reduced in order to reach attainment of air quality standards and improve public health in Valley communities. Although the District does not have jurisdiction to directly regulate tailpipe emissions from mobile sources or establish truck routing, the District provides incentives to accelerate emissions reductions and encourage technology advancement from mobile sources. The District has administered numerous incentive programs targeted at on-road heavy-duty trucks, one of the biggest sources of NO_x emissions in the Valley. Through a variety of incentive programs funded by local,

² Guo, L., Chen, J., Luo, D., Liu, S., Lee, H. J., Motallebi, N., et al. (2021). Assessment of nitrogen oxide emissions and San Joaquin Valley PM_{2.5} impacts from soils in California. *Journal of Geophysical Research: Atmospheres*, 126, e2020JD033304. Retrieved from: <https://doi.org/10.1029/2020JD033304>

³ EPA. Pre-Publication Copy, Clean Air Plans; 2012 Fine Particulate Matter Serious Nonattainment Area Requirements; San Joaquin Valley, California; Proposed rule (signed September 28, 2022). Pp. 31-32. Retrieved from: <https://www.regulations.gov/document/EPA-R09-OAR-2021-0884-0179>

state, and federal funding sources, the District has funded the replacement of over 2,500 high-polluting heavy-duty trucks with zero and near-zero emission trucks (90% cleaner than the current truck standard).

In addition to the District's efforts, CARB has adopted numerous regulations and strategies to reduce emissions from trucks, including new heavy-duty engine standards, cleaner diesel fuel requirements, the Truck and Bus Regulation, and incentive programs. For example, in 2020, CARB adopted the Advanced Clean Trucks regulation requiring medium- and heavy-duty manufacturers to produce ZEVs as an increasing portion of their sales beginning in 2024. More information on CARB's regulations for trucks is discussed in Appendix D. Additionally, CARB's attainment strategy for the San Joaquin Valley (Chapter 3) includes strategies to further reduce emissions from heavy-duty trucks through the Advanced Clean Fleets Regulation, and the Zero-Emissions Trucks Measure.

In March 2022, in response to petitions submitted by the District, CARB, and South Coast AQMD, EPA published a proposed rule to establish new, more stringent standards to reduce pollution from heavy-duty vehicles and engines starting in model year 2027. The proposed standards would be the first standards adopted in over 20 years, and would significantly reduce NOx emissions from heavy-duty gasoline and diesel engines through more stringent NOx standards for new heavy duty vehicle engines.

Working closely with communities under the AB 617 Community Air Protection Program, the District and CARB have also recently supported community-driven truck re-route study efforts in partnership with the cities of Stockton and Fresno. The District will continue to support community efforts in partnership with Valley cities and counties to reduce emissions and exposure from heavy duty diesel trucks.

4. **COMMENT:** The District should only expend incentive funds on electric trucks. (CVAQ)

RESPONSE: The District appreciates your comment and supports the deployment of zero-emission trucks and the cleanest available technologies to ensure that emissions reductions and public health benefits are realized as expeditiously as possible. The District has long supported efforts to promote clean trucks and develop new battery electric and other zero emissions technologies through technology advancement efforts. In April 2022, the District Governing Board approved enhancements to the District's truck incentive program to expand funding opportunities, including expanded truck model-year eligibility, increased funding caps for zero and near-zero emission trucks, consistent with the State Carl Moyer Program Guidelines. Under the expanded Moyer-based program, applicants are eligible for up to \$410,000 for the replacement of an older, higher-polluting truck with a zero-emission truck, over

double the up to \$160,000 provided for near-zero technologies. Additionally, the District continues to appropriate significant funding to support the deployment of new fueling and charging infrastructure, with strong focus on infrastructure for heavy duty trucks. Funding to support the transition to zero-emission technology is immediately available through the District's Truck Replacement Program.

District Rules

5. **COMMENT:** The District should strengthen rules to reduce emissions from the dairy, wine, oil and gas, and other area and stationary source categories. (CCEJN, CVAQ, NPCA)

RESPONSE: The District appreciates your comment and continues efforts to further reduce emissions from stationary sources. The District has recently amended numerous stationary source rules that build on existing regulations to address emissions from these and other sources that establish among the most stringent regulatory programs in the nation. Some of the key sources addressed under these recently amended regulations include industrial flares, boilers/steam generators/process heaters, internal combustion engines, and glass manufacturing plants. The District continues to evaluate opportunities to further reduce emissions from stationary source categories, and through this analysis, identified two additional areas where further reductions could be achieved and is committing to evaluate further reductions from the District's leak detection and repair (LDAR) and crude oil production sumps rules. Additionally, the District includes a Plan commitment to continue evaluating new opportunities for reducing NOx and VOC emissions from stationary sources as technologies develop into the future.

With respect to dairies, the District has long regulated emissions from livestock operations through multiple regulations, including Rule 4570 (Confined Animal Facilities) that requires the implementation of manure management and other emissions reduction practices. The District will continue to work with CARB, CDFA, researchers, the agricultural sector, and other stakeholders to evaluate opportunities to further reduce emissions from this source and ensure that criteria emissions benefits and impacts are carefully considered.

6. **COMMENT:** We encourage the District to continue examination of electrification opportunities for stationary sources and require electrification at feasible locations. Specifically, we support electrification of glass melting furnaces, biomass facilities, agricultural engines, and steam turbines and generators. (CCEJN, CVAQ, CWA, LMR, MFV, V.I.P.)

RESPONSE: The District appreciates your comment and continues to analyze and support opportunities for the electrification of source categories as potential

opportunities for additional emission reductions (see Appendix C). For example, the District has worked with agricultural sources, energy utilities, and other partners to convert thousands of agricultural diesel irrigation pump engines to electric motors, and these efforts continue for the hardest to electrify remote locations. With respect to some of the industrial source categories, the Plan analysis indicates that zero-emission technologies are not yet feasible, with recent analysis conducted by CARB in the 2022 Scoping Plan reaching similar conclusions for “hard-to-electrify sources.”⁴ The District continues to move forward with new stringent emissions limitations that are now reducing emissions by up to 99% in some categories, while also supporting electrification where feasible through parallel ongoing technology advancement efforts. The District includes a Plan commitment to continue evaluating new opportunities for reducing NO_x and VOC emissions from stationary sources as technologies develop into the future, including electrification and other technologies as feasible.

7. **COMMENT:** The District should enforce more stringent Best Available Control Technology (BACT) and Best Available Retrofit Control Technology (BARCT), starting with the oldest and largest stationary sources. (CVAQ)

RESPONSE: The District appreciates your comment and continues efforts to further reduce emissions from stationary sources. Given the Valley’s unique and difficult air quality challenges, the District has continually evaluated and updated its attainment plans and regulations through exhaustive searches of air quality regulations throughout the nation, reviews of existing emission control technologies, and analyses of advanced emission control technologies that may soon be available, to identify potential technologically and economically feasible emission reduction measures. Through these processes, the District demonstrates on an ongoing basis that District rules meet state and federal emission control requirements, including BARCT and Most Stringent Measures. The District recognizes that emission control technologies are continually evolving, and therefore robust and ongoing analysis is necessary to demonstrate that the District’s rules continue to meet BARCT and other requirements on an ongoing basis. The District recently completed a comprehensive BARCT analysis of District rules and is currently in the process of amending several rules to ensure BARCT continues to be satisfied, included as commitments in the Plan. In addition, under District, state, and federal rules and regulations, BACT is required for new or modified stationary sources, and it is evaluated and enforced on an emissions unit-by-emission unit basis for new emission units and existing emissions units that are being modified to increase emissions. Similar to BARCT, due to the continually evolving state of emission control technologies, BACT is evaluated on an ongoing basis and is determined at the time of permit issuance. The District includes a Plan commitment to

⁴ CARB. 2022 Scoping Plan for Achieving Carbon Neutrality. (November 16, 2022). Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp.pdf>

continue evaluating new opportunities for reducing NO_x and VOC emissions from stationary sources as technologies develop into the future.

8. **COMMENT:** Large stationary sources, especially those in environmental justice neighborhoods, should not be granted the opportunity to substitute compliance through fees, credits, or other alternatives or loopholes. (CVAQ)

RESPONSE: The District appreciates your comment and agrees that fees or credits should not be used in lieu of implementing feasible emission reduction measures. Unlike other regional or state programs with market-based compliance mechanisms, large stationary sources are not granted alternatives or loopholes to complying with the stringent regulatory requirements in place within the San Joaquin Valley.

9. **COMMENT:** District Rule 9510, Indirect Source Review (ISR), should be updated to address emissions from existing warehouses, similar to South Coast AQMD Rule 2305. (CCEJN, CVAQ, LCJA)

RESPONSE: The District appreciates your comment and is committed to ongoing review of potential emission reduction opportunities. The District's ISR rule is the only rule of its kind in the State of California and throughout the nation that applies to new residential and non-residential development projects. The rule is recognized as a benchmark, or best available control, for its longstanding implementation of requirements on these indirect sources of emissions. The emission control requirements under the District's current rule are stringent and established in adherence with all applicable state and federal regulations and case law. The purpose of the District's ISR rule is to achieve NO_x and PM₁₀ emission reductions from the construction and operation of new development projects through the incorporation of design features and on-site mitigation measures. Where the emission reduction requirements cannot be satisfied with on-site clean air design elements, the developer must pay off-site mitigation fees for the balance of the required emission reductions. All of these ISR mitigation dollars are used toward clean-air projects in the Valley.

Since the District's ISR rule was adopted in 2005, a significant improvement has occurred in the design of development projects in the Valley through the incorporation of features that result in reduced emissions. The use of clean air project design elements that reduce vehicle miles traveled (VMT) associated with a project, operational measures such as the use of clean trucking fleets, and construction measures such as the use of clean construction fleets have resulted in over 19,000 tons of NO_x and PM₁₀ reductions over the life of the program. In addition, off-site mitigation fees collected under the ISR rule have generated nearly 7,000 tons of NO_x and PM₁₀ reductions through the investment of

approximately \$50 million dollars towards local emission reduction projects utilizing the District's incentive grant programs.

In May 2021, the South Coast Air Quality Management District (SCAQMD) replicated the District's success in the development of their own ISR rule, utilizing the District's experience and regulatory language to help guide their efforts. SCAQMD Rule 2305 applies to both the operators and owners of new and existing warehouses greater than or equal to 100,000 square feet in size, and targets exhaust emission from mobile sources. Implementation of this rule will require warehouses to be phased-in over a 3-year period based on their size.

The general approach of the SCAQMD ISR rule is similar to the District's ISR rule in that it requires clean air project design elements to reduce NOx and particulate emissions, and payment of a mitigation fee, if necessary, to achieve remaining rule requirements. It differs in that it applies to operational mobile source emissions from existing and new warehouses only, whereas, the District's ISR rule applies to both construction and operational mobile and area source emissions from various new residential, commercial, industrial, transportation, and other development projects, including warehouses. As was the case with the District's ISR rule, SCAQMD ISR rule is being challenged and is currently under litigation due to a lawsuit filed in 2021 by the California Trucking Association. The District is currently monitoring this lawsuit and will evaluate the outcomes and potential opportunities as future enhancements to the District's ISR rule are considered.

- 10. COMMENT:** The District should explore opportunities for enhancing the implementation of Rule 9410 (Employer Based Trip Reduction). (Elizabeth)

RESPONSE: The District appreciates your comment and will continue to seek opportunities for enhancing the implementation of District Rule 9410 (eTRIP). The purpose of this rule is to reduce VMT by private vehicles used by commuters traveling back and forth from work sites and requires larger businesses to develop a set of strategies to encourage their work force to carpool and use alternative forms of transportation (eTRIP Plan). The District also supports VMT-reduction efforts through a variety of grant programs, including providing funds to establish bicycle infrastructure, develop or expand electronic telecommunication services as a direct replacement of vehicle travel, and provide public transportation pass subsidies and construction of park-and-ride lots, which connect commuters to alternative transportation measures.

Plan Elements

11. **COMMENT:** The District and CARB need to develop contingency measures that will go into effect if the Valley fails to meet attainment or make reasonable further progress. (CVAQ)

RESPONSE: The District appreciates your comment and agrees that the District and CARB must meet all applicable requirements under the Clean Air Act. Interpretation of the contingency measures requirement has shifted in recent years due to litigation, and the District and CARB are committed to meeting the CAA requirements for contingency measures in the context of evolving legal and policy interpretations. In support of this issue, the District and CARB look forward to new national guidance on this complex issue to ensure that feasible and approvable contingency measures are developed and submitted.

12. **COMMENT:** We support the development and implementation of measures to reduce emissions from personal passenger vehicles through enhanced transportation choices that encourage walking, biking, and use of public transportation. We encourage the District to work collaboratively with Valley communities, community based organizations, land use agencies, transportation agencies, and other stakeholders to craft equitable strategies. (CVAQ)

RESPONSE: The District appreciates your comment and supports efforts to develop more walkable communities and other VMT-reduction measures. As discussed in the Plan, the District works closely with community organizations and other partners in supporting efforts that encourage walking, biking, and public transit, particularly in Valley disadvantaged communities. In addition to numerous incentive programs aimed at supporting these efforts, the District has a number of rules that support clean transportation choices, including Rule 9410 (eTRIP) and Rule 9510 (Indirect Source Review). Additionally, the District works with the Valley Metropolitan Planning Organizations (MPOs) to identify transportation control measures to reduce VMT. The District looks forward to continued engagement and partnerships that support walkability and other VMT reduction efforts in Valley communities.

13. **COMMENT:** Until we can outline a path forward for equitable decarbonization, the Plan must focus primarily on reductions from stationary sources before seeking them from residential appliance standards. (CVAQ)

RESPONSE: The District appreciates your comment and agrees that the potential impact of new building decarbonization measures on disadvantaged

communities should be carefully considered. CARB's 2022 State SIP Strategy⁵, includes a commitment to develop a new zero-emission standard for residential and commercial space and water heaters, with adoption by 2025, and new requirements to begin as early as 2030. The District is also committing to working with CARB, local air districts, and other partners to evaluate and pursue regulatory and incentive-based opportunities. In developing any new local and state measures, the District anticipates strong engagement with community-based organizations and other key stakeholders to incorporate equitable considerations for low-income and environmental justice communities.

Additional Topics

14. **COMMENT:** The District should calculate and consider the public health and social costs of air pollution in all economic feasibility assessments. (CVAQ)

RESPONSE: The District appreciates your comment and will continue working with CARB and U.S. EPA to identify opportunities for enhancing the analysis conducted in support of plan and regulatory development, including potential health benefits associated with implementation of the Plan.

15. **COMMENT:** The District and CARB must provide necessary assurances that the Plan complies with Title VI requirements. (CVAQ)

RESPONSE: The District and CARB appreciate your comment. Title VI of the Civil Rights Act ensures that government entities receiving federal funding do not discriminate against a group of people on the basis of race, color, or national origin. The District and CARB are committed to ensuring that the Plan complies with all applicable federal requirements, including addressing any future guidance by EPA in the context of State Implementation Plans.

16. **COMMENT:** The District must improve their public process to ensure meaningful engagement. The District should provide Spanish translation. (CVAQ)

RESPONSE: The District appreciates your comment and agrees that strong public engagement is an important element of developing effective strategies. The District and CARB conducted a robust public process with numerous opportunities for public comment through public workshops, updates to the Citizens Advisory Committee, Environmental Justice Advisory Group, and District Governing Board. The District accepted public comments through the entirety of the process, as summarized in this Appendix. The District's public notices all

⁵ CARB. 2022 State Strategy for the State Implementation Plan. Retrieved from: <https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy>

included information for requesting Spanish translation, and provided interpretation at a number of workshops in response to requests. Additionally, the District provided a presentation in Spanish for the October 2022 public workshop.

17. **COMMENT:** The District must account for climate change in this plan. (CVAQ)

RESPONSE: The District appreciates your comment. The Plan's modeling and technical analysis has been conducted in conformance with Clean Air Act requirements and associated EPA-promulgated implementation regulations, including utilizing conservative assumptions as described in Appendix F. With respect to emissions control measures, many of CARB's strategies will drive technology development and deployment of the most stringent engine standards and zero-emission technologies, not only needed to attain the 70 ppb ozone standard but also to meet California's GHG emission reduction goals (see CARB's *2022 State SIP Strategy* for more information on CARB's measures).⁶

18. **COMMENT:** The *2022 Ozone Plan* should more stringently limit VOC to ensure wildfire NOx does not interfere with attainment. (CVAQ)

RESPONSE: The District appreciates your comment. As presented in Appendix C, the District underwent a comprehensive technical analysis for District NOx and VOC rules and found that these rules meet or exceed RACT requirements. Air pollution generated from wildfires is enormous and often well exceeds the total industrial and mobile source emissions in the San Joaquin Valley, often overwhelming all control measures and resulting in periods of excessively high particulate matter and ozone concentrations that cause significant impacts to public health. The District implements a number of programs and employs a variety of tools to support fuel reduction efforts and notify the public during wildfire air quality impacts. It is also important to note that wildfires are considered Exceptional Events under the Clean Air Act and air quality impacts from these events are excluded from design values, which measure a region's progress relative to strategies under the control of EPA, CARB, and local air districts.

19. **COMMENT:** The District should continue its policy of allowing the use of pre-baseline, banked emission reduction credits (ERCs) identified in the plan, wherein such use is limited to the amount of ERCs included as growth within projected planning and modeling emission inventories. (Vector, WSPA)

⁶ CARB. *2022 State Strategy for the State Implementation Plan*. Retrieved from: <https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy>

RESPONSE: The District appreciates your comment. Consistent with federal regulations and guidance, the District has included pre-baseline ERCs within the projected planning and modeling inventories, as discussed in Appendix I.

ⁱ Californians for Pesticide Reform, et. al.: Angel Garcia Californians for Pesticide Reform, Lupita Sanchez Coalition Advocating for Pesticide Safety - Tulare County, Nayamin Martinez Central California Environmental Justice, Network Sarait Martinez Centro Binacional para el Desarrollo indigena Oaxaqueño, Bianca Lopez Valley Improvement Projects, Caroline Farrell Center on Race, Poverty and the Environment, Catherine Garoupa White Central Valley Air Quality Coalition, Phoebe Seaton and Veronica Garibay Leadership Counsel for Justice and Accountability, Estela Escoto Committee for a Better Arvin, Thomas Helme California Environmental Justice Coalition, Daniel O'Connell, PhD Central Valley Partnership, Maricela Mares-Alatorre El Pueblo para el Agua y Aire Limpio de Kettleman, Diana Mireles Comité Progreso de Lamont, Anabel Márquez Comité por un Shafter Mejor, Lupe Martinez Delano Guardians, Kevin Hamilton Central California Asthma Collaborative

ⁱⁱ Central Valley Air Quality Coalition 1, et. al: Dr. Catherine Garoupa White Central Valley Air Quality Coalition, Nayamin Martinez Central California Environmental Justice Network, Kimberly McCoy Fresno Building Healthy Communities, Elaine Barut Labson Little Manila Rising, Sasan Saadat Earthjustice, Kevin Hamilton Central California Asthma Collaborative

ⁱⁱⁱ Central Valley Air Quality Coalition 2, et. al: Dr. Catherine Garoupa Central Valley Air Quality Coalition, Theresa Zamora Mi Familia Vota, Jesus Alonso Clean Water Action, Matt Homes Little Manila Rising, Genevieve Amsalem Central California Environmental Justice Network, Thomas Helme Valley Improvement Projects