

# South Central Fresno Community Emissions Reduction Program (CERP) Development

August 27, 2019

San Joaquin Valley Air Pollution Control District

# CERP Development Continues

- Draft CERP continues to evolve in response to public input
  - Numerous comment letters received in recent weeks (Steering Committee members, City, public participants)
- CERP measures to reduce emissions/exposure to pollution:
  - Cost-effective use of incentives to fund zero and near-zero emission cars, trucks, other mobile sources; stationary sources; school filtration devices; fireplace replacements; etc.
  - District regulatory efforts (residential wood burning, charbroiling)
  - State actions to reduce emissions (heavy duty trucks)
  - Local actions to reduce emissions
  - Increased outreach to educate community residents about the availability of funding, HAL Schools, RAAN, regulatory requirements
  - Enhanced enforcement – increased inspection frequency for facilities with emissions violations; enhanced residential wood burning surveillance; enforce CARB truck idling rule; etc.

# Flexibility in Funding Amounts

- Steering Committee meetings will be ongoing after CERP is adopted
- The District will continue to work with the Steering Committee to receive community input as program guidelines are developed and projects are implemented within the community
- Adjustments may be made to measure goals and/or funding amounts based on Steering Committee input, funding availability, and cost-effectiveness of projects to achieve overall emission reduction targets of the CERP

# Responses to Major Comments Received (outside of Land Use comments)

# Ongoing CSC Meetings during CERP Implementation

**COMMENT:** *“Air District will form an “Implementation Sub-Committee” {that will}... a) Recommend the use of funds for mitigation projects within AB617 area; b) Receive notification from City/County and Air District when a permit for an industrial land-use is submitted within the AB617 area and have the opportunity to provide recommendations on how to mitigate negative impacts; c) Receive updates on the Community Air Monitoring Network (CAMN) and vote on any proposed changes to the CAMN; d) Define and implement Green Zone practices.”*

## **RESPONSE:**

- Full Committee will continue its important work after adoption of CERP, to ensure widest possible participation and input
- Regular meetings will continue as CERP implementation begins
  - Progress reports on implementing measures specified in the CERP
  - Summaries of collected air monitoring data
  - Could also include discussions of investing additional funding for emission reduction projects, potential changes to air monitoring network, & relevant air quality issues

# CEQA and Health Risk Analysis Thresholds

**COMMENT:** *“Reassess and revise the Air District's CEQA and Health Risk Analysis thresholds of significance for criteria air pollutants and toxic air emissions for neighborhoods disproportionately impacted by air pollution, taking into consideration the rule under CEQA that projects located in areas already impacted by environmental degradation and with sensitive land uses are subject to a lower threshold of significance.”*

## **RESPONSE:**

- District’s significance thresholds for CEQA and Health Risk Assessments are already designed to protect the most sensitive and heavily impacted individuals near the project location
- In District analyses, a worst case scenario is already assumed, providing a high level of protection when assessing the potential of air quality and risk impacts from the project development (assumes receptor remains at point of highest concentration for 70 years, worst-case weather conditions, etc.)

# ISR and VERA Fees

**COMMENT:** *“Require the use of funds paid pursuant to Air District Rule 9510 (Indirect Source Review) and the Voluntary Emissions reductions Agreement (VERA), to be spent on emissions reductions within the neighborhoods in which the project is located. Through a community process and in collaboration with community stakeholders, develop a list of criteria and sample projects which would qualify for funding and publicize the availability of the targeted ISR funding.”*

## **RESPONSE:**

- Funds collected through Voluntary Emissions Reduction Agreements are already used to reduce emissions, to the extent feasible, in and around communities in which the emissions increase occur
- The District agrees that collaboration with community stakeholders is an excellent way to inform the public, and develop and target projects for funding (see CERP Outreach Measure numbers 0.1, 0.2, and 0.3)

# Facility Audits

**COMMENT:** *“Air District will schedule audits for the facilities identified as the main polluters in the area by the technical assessment...provide “Implementation” Sub-Committee with a list of the sources and scheduled dates of audits...report findings back to the steering committee and CARB at same time - within 10 days of audit...discuss plans of actions with CARB and the steering committee to be voted on by the “Implementation” committee...provide an implementation schedule and report to steering committee no less than once a quarter until the facility changes have been made and emissions have been reduced.”*

## **RESPONSE:**

- District committed to enhanced enforcement activities including additional inspections for non-compliant facilities. Inspections entail thorough review of all equipment, permits, and associated reports and record keeping
- District’s Facility Risk Reduction Audit process under AB 2588: Facility reporting required, expedited reassessments already underway
- District will report annually to CARB and Steering Committee about enforcement and AB 2588 progress, as committed to in CERP



# Vegetative Barriers Near Sensitive Receptors

**COMMENT:** *“The Air District will work with the City of Fresno/Fresno County to install solid barriers or vegetative buffers between emissions sources/locations and sensitive receptors such as schools, daycares, medical offices, residences within the 617 community.”*

## **RESPONSE:**

- Measure VB.1 in the draft CERP describes how the District will work with other agencies to promote the installation of vegetative barriers as appropriate
- District can develop its approach within measure VB.1 to explore installing vegetative barriers at sensitive receptor facilities

# Vegetative Barriers Near Highways

**COMMENT:** *“The Air District will recommend the installation of both vegetative and mechanical barriers near freeways that are in close proximity to sensitive locations in SC Fresno to The City of Fresno/County. The District, in coordination with the City or County of Fresno will apply for funds to install these barriers. Proposed locations include: Along the 99 highway, especially near the 99 and 180 interchange and alongside the south side of the 99 between the 180 and 41; Along the 41 within the AB 617 boundary; Along Maple, Chestnut and Divisadero/Tulare.”*

## **RESPONSE:**

- Measure VB.1 in the draft CERP describes how the District will work with other agencies to promote the installation of vegetative barriers as appropriate
- District can develop its approach within measure VB.1 to explore working with other agencies to install vegetative barriers along highways

# Vegetative Barriers At Community Facilities

**COMMENT:** *“The Air District will require all facilities identified in the technical assessment and emissions inventory to incorporate mitigation measures such as planting shrubs, greenery, trees around the perimeter of their facilities, to exclude entry and exit points.”*

## **RESPONSE:**

- As discussed in measure VB.1 in the draft CERP, the District will work with other agencies to support the use of vegetative barriers as appropriate
  - Note that many sources identified in the technical assessment, such as emergency generators on rooftops, gas stations, and others, are not good candidates for vegetative barriers that surround the property

# Enforcement-Facility Inspections

**COMMENT:** *“The Air District will evaluate the following facilities: Rio Bravo, Vitro Flat Glass, Calco Gen, Western Co-Gen, SFPP, M&R Company (Lodi), Certainteed, Holz Rubber (Lodi), Gallo Glass (Modesto), Diamond Foods (Lodi), at the minimum for compliance with existing Air district rules and regulations. Report findings to the steering committee and CARB. Create an enforcement plan...Create a schedule for improvements...report back to the committee on a scheduled basis...Report findings to CARB. Air district will earmark facility for periodic, random auditing for a period of time to...audit compliance.”*

## **RESPONSE:**

- District-permitted facilities across Valley are inspected on regular basis, including in South Central Fresno community, and will continue to be inspected throughout implementation of South Central Fresno CERP. Inspections entail thorough review of all equipment, permits, and associated reports and record keeping
- As detailed in draft CERP, District will implement enhanced enforcement strategy, including more frequent inspections for facilities, within the community
- If issues with rule compliance are discovered through inspection process, District will work with facility to ensure that permitted equipment is meeting emission limitations
- District will report annually to CARB and Steering Committee about enforcement and AB 2588 progress, as committed to in CERP

# Enforcement-Public Complaints

**COMMENT:** *“Air District will add an “Enforcement” web-link to the AB617 Community website...site will have a User-Friendly form to allow the public to make complaints regarding any type of air quality issue. Once a complaint has been filed, website will allow public to follow process through status of inspection, cited violation or justification, resolution and outcome. All complaints should be made public and the community have access to see what facility/business’ history of violations.”*

## **RESPONSE:**

- The District will add a link on District’s AB 617 webpage to online complaint portal
- District operates a robust complaint response program that responds to approximately 3,000 public complaints each year
- Public can submit complaints, including video and photographs, online and through mobile smartphone applications
  - District staff required to keep reporting party apprised of investigation findings until complaint is completed-for complaints submitted online
  - Reporting party can elect to receive copy of investigation report via email automatically

# Penalties for Violations-Low Income Residents

**COMMENT:** *“Any fines given to Valley residents by the Air District related to the enforcement of rules and regulations should be administered on a sliding scale according to resident income. For instance, fines for burning trash should be lower for lower-income residents, and higher for higher-income residents. The AB 617 Fresno Implementation Sub-Committee can help the Air District determine fine tiers.”*

## **RESPONSE:**

- The District assesses and collects penalties for violations of air quality rules and regulations in accordance with provisions of state law that establish the maximum potential penalties and the factors that should be weighed in determining an appropriate penalty
  - During the settlement negotiation process, the responsible party may provide evidence of mitigating circumstances, such as evidence that the penalty would result in a financial hardship
  - If financial hardship is identified, District may reduce penalties and/or establish payment plan in reaching a final negotiated settlement



# Fleet Maintenance Compliance

**COMMENT:** *“CARB will work with the Air District to review if the City of Fresno is in compliance with their fleet maintenance schedule by performing scheduled fleet inspections no less than once a year. Buses that are ready to be put out of commission are replaced with electric buses.”*

## **RESPONSE:**

- CARB has jurisdiction over the emissions from municipal fleets, including buses, so this comment has been forwarded to CARB for their consideration
- Note that the replacement of eligible older diesel transit buses with zero (electric) or near-zero-emission transit buses has been targeted under the District’s proposed HD.8 measure in the draft CERP
  - City of Fresno bus fleet is largely if not solely operated on natural gas. HD.8 will be modified to allow the replacement of older natural gas buses as well

# Urban Greening

**COMMENT:** *“The Air District and the City/County of Fresno will apply for state funds for urban greening and forestry to improve tree cover in the AB 617 community, especially within residential neighborhoods that currently lack coverage.”*

**RESPONSE:**

- As described in measure UG.1 in the draft CERP, the District will work with appropriate agencies to identify opportunities for increased urban greening and forestry in the community and work to direct available state funding to the community to support urban greening efforts



# Fireworks in AB 617 Community

**COMMENT:** *“The Air District will work with The City of Fresno/County to ban the use and/or sell of fireworks in AB 617 affected area.”*

**RESPONSE:**

- The District will forward this concern to the City of Fresno and Fresno County, and help communicate the health and air quality impacts associated with fireworks.

# RAAN Program Updates

**COMMENT:** *“The San Joaquin Valley Air District, in coordination with the Fresno Department of Health, will review the accessibility and reach (language access, technology access) of their RAAN program, and make updates as needed. Report back to the Implementation Sub-Committee.”*

## **RESPONSE:**

- District is committed to ensuring that public has access to most up-to-date air quality information and guidance on how to take steps to protect themselves from exposure to poor air quality
- District’s RAAN resource is available in both English and Spanish on District’s website & mobile application
- As recommended, District will coordinate with applicable partners including the steering committee to review accessibility and reach of RAAN program, and make updates as necessary to reach as many residents as possible

# Air Quality Education and Outreach

**COMMENT:** *“The San Joaquin Valley Air District will increase outreach and education for RAAN within the 617 community.”*

## **RESPONSE:**

- Measure numbers 0.1 and 0.2 in the draft CERP describe the District’s AB 617 outreach measures in detail, including RAAN outreach
  - Increase community awareness of tools to keep informed of real-time changes in air quality through social media campaigns (Facebook, Twitter, and Instagram)
  - Series of partner workshops (local civic and community organizations) at public site such as libraries, schools, and community, health, or recreation centers
  - Promote real-time tools such as myRAAN, Valley Air App, Real-time Outdoor Activity Risk (ROAR) Guidelines, District wildfire web page, as well as information about general air quality education, wildfire smoke impacts, health effects, and similar.
  - Aims to increase myRAAN registrations, Valley Air App downloads, and social media followers among members of the community

# Air Filtration Systems-Schools

**COMMENT:** *“Air District will offer financial incentives and technical support to schools within the AB617 area to install air filters that mitigate indoor air pollution.”*

**RESPONSE:**

- Draft CERP Measure SC.1: District is committed to funding air filtration systems in community schools

# Air Filtration Systems-Households

**COMMENT:** *“The Air District will offer financial incentives and technical support to low-income households within the AB617 area to install air filters that mitigate indoor air pollution.”*

**RESPONSE:**

- As described in measure SC.1 in the draft CERP, the District will provide financial incentives to assist in covering the cost of installing air filtration systems in schools
- Draft CERP Measure IAQ.1 helps reduce indoor air pollution through weatherization and other measures. District will advocate for expansion of state programs to include home filtration systems, as feasible

# Training for Community Youth

**COMMENT:** *“Air District will work in tandem with Fresno EOC to create a local Youth Training and Employment Program that focus on youth residing/working in the AB617 area that will train them in the implementation of the mitigation strategies included in CERP.”*

## **RESPONSE:**

- Measure C.5 in the draft CERP describes how District will fund increased educational training for EV mechanics in AB 617 community
- Measure O.2 in draft CERP describes how District will seek to partner with other agencies to increase outreach, including exploring the feasibility of creating a youth symposium to educate and encourage high school students to share air quality information with their peers, helping to sustain community awareness through future generations

# Directing State Funding to Community

**COMMENT:** *“The City of Fresno, the County of Fresno and the Air District will apply as co-applicants to state funding sources to mitigate impacts within the 617 Boundary and improve livability...”*

**RESPONSE:**

- The District is committed to working with the Steering Committee, City of Fresno, Fresno County, and other agencies to identify and apply for available sources of funding to reduce emissions and exposure to air pollution in the South Central Fresno community

# Stationary Source Incentive Projects

**COMMENT:** *“The Steering Committee will approve incentives on a case-by-case basis for stationary sources. Permitted facilities that need BACT/BARCT upgrades and have a history of compliance will receive priority for incentives. Permitted facilities that have a history of being cited, then pay their penalties and fines but do not stop the violations will be reviewed for shutdown.”*

## **RESPONSE:**

- Draft CERP Measure IS.6: Steering Committee will be involved with and informed of stationary source projects as they're developed
- District will work closely with CARB and Steering Committee members to develop new incentive program guidelines for determining eligible projects and funding amounts, subject to funding availability and Board approval



# Income-based Incentive Funding Tiers

**COMMENT:** *“The Air District will grant incentives for air-quality related programs on a sliding scale. For instance, incentives for clean cars should be higher for lower-income residents, and lower for higher-income residents. The AB 617 Fresno Implementation Sub-Committee can help the Air District determine incentive tiers.”*

## **RESPONSE:**

- Many of the current District and state incentives programs offer higher incentive amounts for low-income residents
- As recommended measures are finalized, District will work closely with CARB, Steering Committee, and other applicable agencies to develop guidelines for determining eligible projects and funding amounts for residents of varying income, subject to funding availability and Board approval

# Lawn & Garden Equipment

**COMMENT:** *“The Air District will create a new rule which will require commercial landscapers must use electric gardening equipment (i.e. lawn mowers, leaf blowers, etc.) Residential leaf blowers need to transition to alternative vacuums to decrease dust pollution.”*

## **RESPONSE:**

- District does not have jurisdiction to regulate small engines associated with landscaping equipment
- CARB has committed to revisit the small off-road engine (SORE) regulation, as described in the CERP
- District encouraging use of electric lawn and garden equipment in community by providing landscapers access to incentives offered by District, and committing to enhanced outreach (Measure LG.2)

# Residential Wood Burning

**COMMENT:** *“Air District will ban fireplaces in the City of Fresno and their sphere of influence as well as prohibit non-essential woodburning. For residents that have only wood burning fireplaces as the sole source of heat, Air District will prioritize and target low income communities for replacement incentives. Air District will conduct outreach to 617 low income community residents.”*

## **RESPONSE:**

- In June, 2019, District amended Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) to further limit the number of days polluting wood-burning devices are allowed to operate
- Lowered curtailment will be in effect for upcoming winter season
- Measures RB.1 & RB.2 describes strategy, with enhanced incentives to target replacing wood burning devices and pellet stoves with natural gas or electric alternatives, and specific outreach and education strategies

# Commercial Charbroiling

**COMMENT:** *“The Air District will expedite the timeline for the development of a rule and implementation schedule for under-fired charbroilers located within the AB 617 community.”*

## **RESPONSE:**

- Under draft CERP Measure CC.1, District will be offering incentives to restaurants to assist in covering the costs of expediting installation and operation of emissions control equipment for underfired charbroilers
- These incentives will also be made available for restaurants in the South Central Fresno community
- Steering committee is requested to assist in building partnerships with restaurants in order to take advantage of control technology incentives
- The Community Steering Committee will be informed as the project to amend the District’s commercial charbroiling rule continues to develop

# Renewable Diesel Fuel

**COMMENT:** *“Promote the use of biodiesel and renewable diesel fuels in the South Central Fresno community to provide alternative fuel options that reduce air pollution.”*

**RESPONSE:**

- To the extent that biodiesel and renewable diesel fuels are certified by CARB to reduce NO<sub>x</sub>/PM<sub>2.5</sub>/GHG emissions, the District will work with local suppliers to promote the use of biodiesel and renewable diesel in the community

# Pesticides

**COMMENT:** *“Ban all untarped applications of 1, 3-D toxic air contaminant pesticide. Reduce 1, 3-D annual township cap (the cap is currently 136,000 pounds per 6X6 mile township) and/or establish cap reductions on a more granular basis to address 1, 3-D spikes seen in certain sections. Make Notices of Intent (NOIs), required for restricted pesticide applications publicly available online, along with CAC approvals/ denials of these NOIs. Ban all aerial applications of pesticide TACs. Establish 24/7 buffer zones of a 1 mile for all pesticide TACs for all sensitive sites, including homes, hospitals, labor camps and schools. Ask for an evaluation of all carcinogenic TACs including pesticides, and then create emissions reduction plans in line with that analysis. Ask for an evaluation of all reproductive toxicity TACs, including pesticides, and then create emissions reduction plans in line with that analysis.”*

## **RESPONSE:**

- Through discussions with the District and the community steering committee, DPR and CARB are committed to including in the CERP actions to address pesticides and are working together to draft strategies. The District will continue to facilitate collaborative efforts with the Steering Committee, CARB and DPR to evaluate potential CERP proposals.

# Next Steps for CERP Development

# Next Steps: CERP Development

Date	Details
Tuesday, August 27	<b>Community Steering Committee (CSC) Meeting</b>
Wednesday, August 28	<ul style="list-style-type: none"> <li>Public Workshop to discuss both Valley CERPs at District Offices in Bakersfield, Fresno, and Modesto (CSC members and public welcome and encouraged to attend!)</li> <li><b>Comments on initial Draft CERP due for consideration in revised Draft</b></li> </ul>
Wednesday, September 4	<b>CSC Meeting (review updated CERP, prep for Governing Board meeting)</b>
Thursday, September 12	Final Draft Proposed CERP Published (1-week prior to Governing Board meeting)
Thursday, September 19	District Governing Board meeting to adopt proposed CERPs
<b>October/November</b>	<b>CARB Staff to co-host CSC meeting</b>
February	CARB Governing Board meeting in Shafter to adopt Shafter and SC Fresno CERPs
<b>Ongoing</b>	<b>CSC meetings to review and discuss CERP implementation</b>



# Contact Information

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