

# APPENDIX I

## Comments and Responses

### South Central Fresno CERP

San Joaquin Valley Air Pollution Control District  
September 19, 2019

## SUMMARY OF SIGNIFICANT COMMENTS AND RESPONSES

### South Central Fresno Community

Comments submitted on Monday, July 29, 2019 by Monica Límón on behalf of community advocates and some advocates on the South Central Fresno Steering Committee.

- 1. COMMENT:** The Air District will form an “Implementation Sub-Committee” with members from the existing and/or new applicant Steering Committee members that will monitor and support in the implementation of the CERP through the following actions: a) Recommend the use of funds for mitigation projects within the 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:** The full Committee will continue its important work after the adoption of the CERP, and can establish ad hoc subcommittees as necessary. As the District implements the CERP for South Central Fresno and operates the community air monitoring network, frequent community steering committee meetings will continue to be held to allow the District an opportunity to provide progress reports to, and receive input from, the full committee and the public. These updates will include progress reports on implementing emissions reduction measures specified in the CERP, and summaries of collected air monitoring data. These regular meetings could also include discussion on how to invest additional funding for emission reduction projects, potential changes to the community air monitoring network, as well as other relevant and current air quality issues.

- 2. 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 to bring the facility up to compliance and report to the steering committee. Create a schedule for improvements and report back to the committee on a scheduled basis until the facility has reached compliance. Report findings to CARB. Air district will earmark facility for periodic, random auditing for a period of time to review and audit compliance.

**RESPONSE:** [See enforcement plan in Chapter 5 for details about violations and ongoing reporting to Steering Committee on compliance and enforcement issues](#)

The District's permitted facilities across the Valley are inspected on a regular basis, including the South Central Fresno community, and will continue to be inspected through the implementation of the South Central Fresno CERP. If issues with rule compliance are discovered through the inspection process, the District will work with the facility to ensure that their permitted equipment are meeting emissions limitation requirements. As detailed in the CERP, the District will implement its enhanced enforcement strategy for various pollution sources within the South Central Fresno community.

3. **COMMENT:** The Air District will add an "Enforcement" web-link to the AB617 Community website. This 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, the website will allow the public to follow the process through the 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:** [See enforcement plan in Chapter 5 for details about violations and ongoing reporting to Steering Committee on compliance and enforcement issues](#)

The District will add a link on the District's AB 617 webpage to the online complaint portal.

Additionally, the District operates a robust complaint response program that responds to approximately 3,000 public complaints each year. The District has the ability to easily submit complaints, including video and photographs, online and through mobile smartphone applications. District staff are required to keep the reporting party apprised of the investigation findings until it has been completed, and for those complaints submitted online, the reporting party can elect to receive a copy of the investigation report via email automatically.

Additionally, [see new additions to measure O.1](#)

The District will also work with the City of Fresno to explore ways to forward air quality-related issues reported through the City's "FresGo" citizen reporting app directly to the District. With many South Central Fresno residents already familiar with "FresGo," this strategy, combined with increased outreach about how to use the District's Valley Air App for reporting these issues, will increase community access to District resources.

4. **COMMENT [as updated in September 6 letter]:** CARB will work with the Air District to review if the City of Fresno" fleet maintenance schedule compliance. Scheduled fleet inspections shall be conducted at no less than once a year intervals. Buses that are ready to be put out of commission are replaced with electric buses. CARB and the Air District will work with the Fresno City Department of Transportation Services to 1st) establish an EV conversion work

group. This workgroup would have at least two members from the AB 617 Fresno Community Steering Committee; 2nd) The working group will develop a time-line and schedule for complete fleet conversion to electric vehicles; 3rd) The working group will report progress to the Steering Committee at regular intervals.

**RESPONSE:** As the District implements the CERP for South Central Fresno and operates the community air monitoring network, frequent community steering committee meetings will continue to be held to allow the District an opportunity to provide progress reports to, and receive input from, the full committee and the public. Furthermore, as CARB has jurisdiction over the emissions from buses, this comment has been forwarded to CARB for their consideration.

**City of Fresno Department of Transportation Response:** The City of Fresno fleet is regularly inspected by enforcement agencies, including CHP and Caltrans who require us to keep updated records of maintenance, as well as having to report to state and federal funders, including the FTA, on the state of our fleet. We believe the additional inspections are just too burdensome and may take away from keeping our fleet in a state of good repair.

- 5. COMMENT:** A Memorandum of Understanding will be formed between the City of Fresno, Fresno County, and the Air District regarding the overlaying plans of the AB617 Community Air Monitoring Plan, the AB617 Community Emissions Reduction Program, the Transformative Climate Communities (Transform Fresno) program, the Southwest Fresno Specific Plan, the South Industrial Priority Area Specific Plan, and the Southeast Central Fresno Specific Plan. The objectives are to: prioritize environmental mitigation efforts that are required by CEQA and the Environmental Impact Reports of each of these plans; to create transparent and public communication between community members, each agency and the departments that manage these plans; to collectively find funding sources that benefit the communities and areas that are covered under these specific plans; to create true and robust community engagement by having community meetings that openly discuss and create actions of how these plans affect each other and work in tandem. The City of Fresno, the County of Fresno and the Air District will have a dedicated staff member to fulfill the objectives of this MOU.

**RESPONSE:** [See new measures O.3, LU.3, LU.4](#)

**City of Fresno:** When a development project is received by the City it is entered into an online portal called FASTER. Project overviews and locations are available to the public. The City then routes projects to outside agencies such as FID, FMFCD, Caltrans, and the District. These agencies submit conditions of approval for projects and mitigation measures. The Environmental Assessment (EA) is prepared based upon these submittals. When complete, notice of the EA is published on the City Clerk's website at:

<https://www.fresno.gov/cityclerk/notices-publications/>

The City is required to make findings on projects that the proposed use and physical development is in conformance with approved plans and the municipal code.

***District:*** The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

The District will also work with the City to hold a public workshop in the South Central Fresno community to inform the public of the available tools, including FAASTER, and train community members on how to access and use these tools.

- 6. COMMENT [as updated in September 6 letter]:** The Air District and CARB will engage in environmental review processes for industrial development projects in South Central Fresno which will include coordinating with community partners and lead City and County agency staff, providing data and technical assistance, and reviewing and commenting on CEQA documents. The Air District shall monitor and take all necessary measures to secure timely compliance by developers with CEQA mitigation measures and permit conditions requiring compliance with Air District rules and/or necessitating Air District involvement for implementation. For example, such mitigation measures include but are not limited to commitments to comply with the Indirect Source Rule and commitments to enter into a Voluntary Emissions Reductions Agreement (VERA) for purposes of reducing air emissions below the CEQA significance threshold. In order to implement this commitment by the Air District, the Air District shall work to establish a communication protocol with the City of Fresno and the County of Fresno to obtain mitigation monitoring and reporting for projects containing mitigation measures involving the Air District.

**RESPONSE:** [See new additions to measure LU.2 and new measure LU.4](#)

City of Fresno has committed to include the Air District in the City's pre-application process, which may include written comments and/or attendance at Development Review Committee (DRC) meetings for projects that will result in

construction within the AB 617 area. Under this partnership, this process will offer an opportunity to the District to discuss the proposed project with the applicant(s) including (if project description has sufficient detail) potential impacts on air quality, on-site clean-air project design elements, and feasible mitigation measures in advance of final decision making and prior to formal application acceptance.

The District will also assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

7. **COMMENT:** If the Air District fails to receive necessary information from the City or the County regarding mitigation compliance, the Air District shall seek to obtain the information directly from the applicant. To the extent that developers fail to comply with mitigation measures, the Air District shall pursue enforcement actions through all means available to it.

**RESPONSE:** [See new additions to measure LU.2 and new measure LU.4](#)

City of Fresno has committed to include the Air District in the City's pre-application process, which may include written comments and/or attendance at Development Review Committee (DRC) meetings for projects that will result in construction within the AB 617 area. Under this partnership, this process will offer an opportunity to the District to discuss the proposed project with the applicant(s) including (if project description has sufficient detail) potential impacts on air quality, on-site clean-air project design elements, and feasible mitigation measures in advance of final decision making and prior to formal application acceptance.

The District will also assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions

- Providing additional public access and education regarding permitting and CEQA processes
  - Better communicating and understanding air quality impacts and potential mitigation
  - Working together to identify and seek additional air quality improvement funding
- 8. 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:** [See new additions to measure LU.2 and new measure LU.4](#)

It should be noted that the District's significance thresholds for CEQA and Health Risk Assessments are designed to be very conservative in order to protect the most sensitive and heavily impacted individuals near the project location. In the District's health risk analyses, a worst case scenario is already assumed to provide a high level of protection when assessing the potential of air quality and risk impacts from the project development. In addition, the City of Fresno has committed to include the Air District in the City's pre-application process, which may include written comments and/or attendance at Development Review Committee (DRC) meetings for projects that will result in construction within the AB 617 area. Under this partnership, this process will offer an opportunity to the District to discuss the proposed project with the applicant(s) including (if project description has sufficient detail) potential impacts on air quality, on-site clean-air project design elements, and feasible mitigation measures in advance of final decision making and prior to formal application acceptance.

The District will also assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

- 9. 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 from the District's Indirect Source Review rule and through Voluntary Emissions Reduction Agreements for projects are used to reduce emissions in communities throughout the Valley, including the South Central Fresno community.

- 10. COMMENT:** The Air District will stop issuing permits that allow drive-throughs in restaurants located within the AB617 area.

**RESPONSE: City of Fresno:** The Development Code requires a conditional use permit for drive-through facilities, which is noticed and routed for public input to outside agencies, including the District.

[See new measure LU.4](#)

While the District does not have jurisdiction over land-use decisions such as whether a restaurant is allowed to install a drive-through, the District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

- 11. COMMENT:** The City of Fresno/Fresno County shall abide by AB2447. Community members shall receive a public notice with at least 30 days of comment period on any relevant planning or land-use decisions not currently subject to such notice. According to Rule 9510, Indirect Source Review, for industrial projects that can have an impact on air quality in a community, the Air District will enforce that the City/County of Fresno will notify residents that are within a 1 mile of the 617 community boundary.

**RESPONSE:** [See new measure LU.3](#)



**City of Fresno:** AB 2447 was not enacted into law, however the City of Fresno issues notices of land use projects as required by law.

**District:** The District will work with the City to hold a public workshop in the South Central Fresno community to inform the public of the available tools, including FAASTER, and train community members on how to access and use these tools.

- 12. 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:** [See new additions to measure VB.1](#)

**City of Fresno:** The City would welcome working with the District on assisting property owners to add vegetative barriers.

**District:** The District will work with other agencies to seek funding for the installation of vegetative barriers as appropriate. The District will consider a funding match to support the installation of vegetative barriers near sources of concern to leverage available state funding for projects within the AB 617-selected community boundary.

- 13. COMMENT:** Air district will work with the city planner's office to advocate for changes in the classification within the City's general plan to rezone communities, such as the SC Fresno AB 617 community, to stop certain facilities to enter into the area that are identified as facilities that are prone to cause negative health impacts. The Air District will promote other possibilities by considering alternative land-use plans. The Air District will enter into a memorandum of understanding (MOU) with the City of Fresno/and or county to be involved in the rezoning.

**RESPONSE: City of Fresno:** The City is currently assessing the cumulative impacts of the maximum extent of development in the South Industrial Priority Area (SIPA). This Environmental Impact Report (EIR) will identify mitigation measures and thresholds for future uses.

[See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**14. COMMENT:** The Air district will be an active partner in the implementation of the current City of Fresno plans and programs within the South Central AB617 community boundary. Such programs are the Southwest Specific Plan and the Transformative Climate Community Program and the Active Transportation Plan. These plans address aspects of air quality, greenhouse reductions, and heavily impacted disadvantaged communities. The Air District will uphold the zoning that has been established in the Southwest Specific Plan. The Air District will partner with the City of Fresno and the County of Fresno to identify funding sources and participate in any environmental study completed by the City or County.

**RESPONSE:** [See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**15. COMMENT:** The Air District will follow and be an active partner in the creation of the Southeast Specific Plan and the South Industrial Priority Area Plan. As a public health agency, the Air District will advocate for the reduction of air pollution and improved health outcomes in the 617 South Central Fresno communities.

**RESPONSE: City of Fresno:** The District is a commenting agency on the SIPA EIR, and is welcome to provide comments regarding air quality issues to the City of Fresno as these planning documents are developed.

[See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**16. COMMENT:** The Air District will review current buffer zones for facility “standards” that are in place, as defined by the MOU, within the AB617 area for future commercial or industrial planning to take place around sensitive areas such as existing schools, daycares, convalescent homes, etc.

**RESPONSE:** [See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**17. COMMENT:** Air District will recommend Green Zone practices, such as those referenced in the Minneapolis MN Green Zones Initiative (<http://www.ci.minneapolis.mn.us/sustainability/policies/green-zones>), as well as mitigation factors to the City that are appropriate for incoming industrial development businesses to implement as a requirement when accepting tax incentives from the City and or County of Fresno. The Air District will work with the Implementation Sub-Committee and the City and County of Fresno to enact and define a Green Zones Fresno Initiative.

**RESPONSE: City of Fresno:** The City of Fresno can review these practices in its EIR for the SIPA.

[See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**18. COMMENT:** According to the Mitigation Fee Act (California Government Code Sect. 66000) and the City of Fresno Southwest Specific Plan (Chapter 8, page 8-4), new development pays Development Impact Fees. The Air District will review and audit the City of Fresno to confirm the city is using the Developer's Impact fees for infrastructure improvements that prioritize the reduction of emissions and health impacts. ie: truck re-routes, vegetation/tree canopy barrier walls, air filtration systems in sensitive receptor buildings/residences.

**RESPONSE: City of Fresno:** Development Impact Fees must be first adopted by the City of Fresno and must strictly follow the nexus study requirements. A new fee would require a new nexus study and adoption prior to implementation.

[See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**19. COMMENT:** The Air District will follow the South Industrial Specific Area Plan developments and identify Community Benefits Agreements that the City of Fresno should create with incoming businesses. The Community Benefits Agreement will prioritize any action that improves air quality and lowers the health impacts of residents from the pollution caused by heavy industry. The Air District will have dedicated staff to engage and give input in public workshops held by the City/County of Fresno. When a new or adjusted permit is being applied for, the Air District will initiate a Health Risk Assessment.

**RESPONSE: *City of Fresno:*** A Health Risk Assessment is included in the SIPA EIR. A Community Benefits Agreement could be evaluated in the EIR but needs to have specific measurable objectives.

[See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**20. COMMENT [as updated in September 6 letter]:** The Air District and CARB will propose a plan to monitor near road diesel pollution as part of a complete study of air pollution and health effects of truck traffic on the highways 99, 41 and 180 with special focus on graded on and off ramps, as well as all roadways where sensitive uses receptors and populations are located and which are used as truck routes (e.g., Jensen, Central, and North Avenues). Monitor data will be available on CARB's "Air Now" and Air Districts RAAN air quality mapping software. Based on the findings, the Air District and CARB will review existing diesel mitigation strategies and update them through a public process in partnership with the Fresno Steering Committee. The combined agency and SC will present the information along with new strategies and designs to the City/County that they can adopt to improve air quality (such as limiting the use of red lights and stop signs for cars).

**RESPONSE:** [See new updates to measure HD.11](#)

**City of Fresno:** The Fresno Council of Governments (COG) is the lead on a study that is addressing goods movement in a larger area of the triangle. This comment will be made available to the Fresno COG for their consideration.

Furthermore, the City will support a detailed study of vehicular trips within the AB617 geographic footprint, to include but not limited to number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. This would then be used to assess current truck routes, evaluate alternatives and calculate the increase/decrease in VMT, GHG, and Air Quality per CEQA. The City would be willing to lead the study if funding is identified. Estimated cost: \$500,000

The District will work with the City of Fresno and other appropriate agencies to seek funding to support this study.

**21. COMMENT:** The Air District will work with the City of Fresno and/or the County of Fresno Air to reroute heavy-duty truck traffic around sensitive areas such as schools, daycares, and residences. The Air District will work with the city/county of Fresno to create a schedule for heavy-duty trucks routing to exclude certain times of operations such as school pick up and drop times to reduce emission exposure.

**RESPONSE:** [See new updates to measure HD.11](#)

“City will support a detailed study of vehicular trips within the AB617 geographic footprint, to include but not limited to number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. This would then be used to assess current truck routes, evaluate alternatives and calculate the increase/decrease in VMT, GHG, and Air Quality per CEQA. The City would be willing to lead the study if funding is identified. Estimated cost: \$500,000+”

The District will work with the City of Fresno and other appropriate agencies to seek funding to support this study.

**22. COMMENT [as updated in September 6 letter]:** 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, such as but not limited to: Sustainable Transportation Planning Grant Program-Sustainable Communities, Office of Safety Grants, Environmental Enhancement and Mitigation Program, Urban and Community Forestry Grants, Low Carbon Transportation, Active Transportation, Low Carbon Transit Operations, Affordable Housing and Sustainable Communities, Climate Change Research, Transformative Climate Communities, Woodsmoke Reduction, Low-Income Weatherization, Urban Greening, Wildfire Response and Readiness, Waste Diversion, Training and Workforce Development, Healthy Soils, Renewable

Energy for Agriculture, Food Production Investment and the others as project leads of the same program. The agencies involved will attempt to pursue funding from these multiple programs as the primary source of funding to implement the Fresno CERP. State budgeted Community Air Protection Program (CAPP) funding should be reserved for projects and programs that cannot be funded through other means, or when as a match when required. CAPP funding should be reserved for projects and programs that cannot be funded through other means.

**RESPONSE:** [See new measure O.3](#)

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.

**23. COMMENT:** The Air District will work with the City of Fresno/County of Fresno to revise business licensing procedures to require current and proposed businesses to disclose truck visits per day and works with Caltrans to determine the number of trucks that park in the Caltrans right-of-way near SC Fresno. These efforts would help to better understand emissions and exposure in SC Fresno.

**RESPONSE:** [See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**24. COMMENT [as updated in September 6 letter]:** The Air District will recommend/ coordinate with CalTrans, Fresno City Department of Public Works; Transportation and Planning, and Fresno County Transportation Authority (FCTA), the installation of both vegetative and mechanical barriers near adjacent to state and local goods movement corridors that are in close proximity to sensitive receptors in South Central Fresno CAPP. The District, in coordination with the City or County of Fresno will apply for funds from the various agencies and sources listed in #22, to install these barriers. Proposed

locations include but not be limited to:

- 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:** [See new updates to measure VB.1](#)

The District will work with other agencies on providing incentives for the installation of vegetative barriers as appropriate.

**25. 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:** [See new updates to measure VB.1](#)

The District will work with other agencies to support the use of vegetative barriers as appropriate. The District will provide a funding match to support the installation of vegetative barriers near sources of concern, to leverage available state funding allocations for projects within the AB 617-selected community boundary.

**26. 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:** [See measure O.1](#)

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

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

**RESPONSE:** [See measures O.1 and O.2](#)



The CERP describes the District's AB 617 outreach measure in detail, including RAAN outreach.

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

**RESPONSE:** As discussed above in the response to Comment #2, the District has committed to enhanced enforcement activities including additional inspections for non-compliant facilities. These inspections entail a thorough review of all equipment, permits, and associated reports and record keeping.

In addition, as a part of the District's Facility Risk Reduction Audit process under AB 2588, stationary sources are required to report to the District the types and quantities of certain toxic substances their facilities routinely release into the air. The District has worked with Valley facilities to quantify emissions of air toxics, determine the health risk 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 part of the AB 617 process, the District has put into effect a plan to expedite and streamline the AB 2588 reassessments for facilities located within the selected community of South Central Fresno. Please refer to Appendix D in the CERP for further details about the District's Health Risk Assessment Process, and a table identifying the AB 2588 reassessment status of each facility within the community as of July 1, 2019. The District will track and provide an annual report to the Community Steering Committee to summarize the District enforcement and AB 2588 efforts within the community and to monitor progress in implementing community enforcement measures and meeting enforcement goals.

**29. 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:** [See measure IS.6](#)

The Steering Committee will continue to assist the District . New incentive measures will require the development of new program guidelines and associated approval by the District Governing Board and CARB. As the District and the Steering Committee finalize their recommended measures, including incentives for stationary sources, the District will work closely with CARB, the Steering Committee, and other applicable agencies to develop guidelines for determining eligible projects and funding amounts, subject to funding availability and Board approval.

- 30. COMMENT [as updated in September 6 letter]:** 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. The Air District will offer financial incentives and technical support to low-income households within the AB617 area to install air filters and consider other strategies they will both reduce emission from the home to the outside air and keep pollution in the outside air from entering the home and mitigate indoor air pollution.

**RESPONSE:** [See new additions to measure IAQ.1](#)

The District will work with the Fresno Economic Opportunities Commission to help increase awareness and access for low-income community members to state funding for weatherization programs, including exploring the opportunity for funding air filters for residence.

- 31. 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. New incentive measures will require the development of new program guidelines and associated approval by the District Governing Board and CARB. As the District and the Steering Committee finalize their recommended measures, the District will work closely with CARB, the 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.

- 32. COMMENT:** The Air District will offer financial incentives to schools within the AB617 area to install air filters that mitigate indoor air pollution.

**RESPONSE:** [See new additional funding for measure SC.1](#)

As described in measure SC.1 in the CERP, the District is committed to funding air filtration systems in community schools and has increased the proposed funding amount from \$100,000 to \$1,500,000.

- 33. COMMENT:** The 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 the CERP.

**RESPONSE:** [See measures C.5 and O.2](#)

Measure C.5 in the CERP describes how the District will fund increased educational training for EV mechanics in the AB 617 community. Measure O.2 in the CERP describes how the District will partner with other agencies to increase outreach, including creating an annual 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.

- 34. 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:** [See new additions to measure UG.1](#)

The District has begun outreach efforts with Tree Fresno and Releaf California to identify available funding sources to support urban greening projects. The District will consider a funding match to support urban greening projects, contingent on state funding allocations to support new urban greening projects within the AB 617-selected community boundary.

- 35. COMMENT [as updated in September 6 letter]:** The Air District will create a new rule which will require commercial landscapers The Air District will create a new rule and develop and incentive program which will require commercial landscapers must use electric gardening equipment (i.e. lawn mowers, leaf blowers, etc.) by a date to be negotiated but not more than five years from approval of this plan. Residential leaf blowers need to transition to alternative vacuums to decrease dust pollution.

**RESPONSE:** [See measure LG.2](#)

The District does not have jurisdiction to regulate the small engines associated with landscaping equipment. However, CARB does have that authority. See CARB's commitment in the CERP to revisit the small off-road engine (SORE) regulation. Additionally, as described in the measure LG.2 in the CERP, the District is encouraging the use of electric lawn and garden equipment in the

community by providing landscapers operating in South Central Fresno with enhanced outreach and access to available incentives offered by the District.

- 36. COMMENT:** The 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, the Air District will prioritize and target low income communities for replacement incentives. The Air District will conduct outreach to 617 low income community residents.

**RESPONSE:** [See measure RB.1](#)

The District recently amended Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), already the toughest and most effective residential wood burning regulation in the nation, to further limit the number of days polluting wood-burning devices are allowed to operate.

To help support the regulation, and in response to the Steering Committee's recommendation to target turnover of devices in the AB 617 community, in measure RB.1 in the CERP the District will target replacing wood burning devices and pellet stoves in South Central Fresno with natural gas or electric alternatives.

- 37. COMMENT [as updated in September 6 letter]** 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 income. The SJV Air District will establish a working group that includes members of the AB 617 Fresno Implementation Sub-Committee to advise the districts review and update of the "San Joaquin Valley Unified Air Pollution Control District's Mutual Settlement Policy; Communication #1165; (ref: CH&SC 42403) ," dated February 6th, 2018. Goals include but are not limited to: 1) Development of an income based sliding scale for fines. 2) Strategically evaluating where funding generated from these fines should best be utilized to reduce emissions from these sources.

**RESPONSE:** The District assesses and collects penalties for violations of air quality rules and regulations in accordance with the provisions of state law that establish the maximum penalties and the factors that should be weighed in reaching a settlement. One such factor that the District considers in reaching a final negotiated settlement, is the financial burden to the defendant. During the settlement process, if the defendant asserts that the proposed penalty would result in a financial hardship, the District will review evidence the defendant provides to support their claim. If an impact to the ability to pay the penalty is identified, the District may reduce penalties and/or establish a payment plan in reaching a final settlement, thus allowing adequate flexibility as necessary for negotiating the appropriate penalty.

- 38. 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:** [See new measure LU.4](#)

The District will assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion may include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation

**39. 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:** [See measure CC.1](#)

As described in measure CC.1 in the CERP, the District will be offering incentives to restaurants to assist in covering the costs of installing and operating emissions control equipment for underfired charbroilers. These incentives will also be made available for restaurants in the South Central Fresno community. The Community Steering Committee will be informed as the project to amend the District's commercial charbroiling rule continues to develop.

**40. 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:** [See new measure AG.2](#)

As suggested by the Committee, the District has added a CERP measure including a commitment by DPR and CARB to address community concerns about pesticide usage in and around the community.

**Comments Submitted by Community Steering Committee Members and the Public at the South Central Fresno Community Steering Committee Open House Meeting on Wednesday, July 31, 2019**

**41. COMMENT:** A Steering Committee member commented that hydrogen powered cars, trucks, and stand-by generators should be promoted, due to potential air quality benefits.

**RESPONSE:** [See measure HD.4](#)

The District will work to promote alternative fuel fueling stations, as further described in Measure HD. 4.

**42. COMMENT:** Trash pick-up times should be changed to nights to avoid day traffic.

**RESPONSE:** [See new measure LU.4](#)

The District will forward this suggestion to the City of Fresno for their consideration. The District will also assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion may include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation

**43. COMMENT:** Several written responses were received from Steering Committee members in response to the “CVAQ Proposed CERP Strategies,” as submitted by Monica Limon. Written comments from other Steering Committee members included statements that proposed measures represented an overstep of the Steering Committee, questions about how measures would be funded, and statements that land use recommendations (CVAQ Measures 8-19) called for the District to overstep its regulatory authority.

**RESPONSE:** District responses to the CVAQ Proposed CERP Strategies have been included above. The District thanks Steering Committee members for their input and responses to ensure that measures developed by the Steering

Committee were representative of the variety of community-member perspectives represented by the Committee.

**Comments submitted by Steering Committee member Lupe Perez in behalf of public commenters and City of Fresno Staff on Tuesday, August 6, 2019.**

**44. COMMENT:** Would the incentives be made available to those outside of the AB617 boundary?

**RESPONSE:** The District is committed to targeting the emission reduction measures described in this CERP for projects that benefit the community. However, the District operates many similar incentives programs valley-wide, for which any eligible resident or entity can apply within and outside of the AB 617 community. Furthermore, it is possible that, with Steering Committee input, the District can fund projects outside the community boundary that have a potential to impact air quality within the boundary. One example of such a project would be incentives for alternatives to ag burning (AG.1).

**45. COMMENT:** How much emission reductions would occur if all the strategies were implemented?

**RESPONSE:** [See the summary table in Chapter 4](#)

The District has made available a summary of estimated emissions reductions based on the final CERP measures.

**Comments Submitted by Community Steering Committee Members and the Public at the South Central Fresno Community Steering Committee on Wednesday, August 12, 2019**

**46. COMMENT:** Some members of the Steering Committee commented that they would like additional enforcement and regulations in the community, rather than incentive measures.

**RESPONSE:** [See new measures IS.6, IS.7, IS.8, and IS.9 for more information.](#)

AB 617 legislation offers a unique opportunity to bring clean air resources to the disadvantaged community of South Central Fresno to ensure that the community is not disproportionately impacted by air pollution. Incentive programs are a crucial component of the Valley Air District's overall strategy for achieving emissions reductions necessary to bring the Valley into attainment of federal health-based air quality standards. These programs provide an effective way to accelerate emissions reductions and encourage technology advancement, particularly from mobile sources, a sector not directly under the District's regulatory jurisdiction. Given that a majority of the emissions inventory of South Central Fresno originates from mobile sources, these successful voluntary

incentive grant programs achieve cost-effective emissions reductions that are surplus of regulatory emissions reductions. In combination with the significant incentive investment being directed to the community through AB 617 funding, strategies included in this CERP also include enforcement measures for stationary, area-wide, and mobile sources, as well as regulatory measures, as further described in Chapter 4.

**47. COMMENT:** Some members of the Steering Committee are concerned about pesticide impacts, and there is no measure reflecting that concern contained in the CERP.

**RESPONSE:** [See new measure AG.2](#)

As suggested by the Committee, the District has added a CERP measure to address community concerns about pesticide usage in and around the community.

**48. COMMENT:** Some members of the Steering Committee would like additional data included in the CERP about how air pollution affects public health.

**RESPONSE:** [See new Health Appendix](#)

In response Committee member suggestions, the District has added additional information about community health data, as well as information about how air pollution impacts public health (see Chapter 3, Understanding the Community and the new Health Appendix). The District will also coordinate with the Office of Environmental Health Hazard Assessment (OEHHA) to notify community members about the future development of research studies that investigate the impacts of air pollution on public health in AB 617-selected communities.

**Comments submitted on Friday, August 23, 2019 by Steering Committee member Gregory Barfield on behalf of the City of Fresno Department of Transportation.**

**49. COMMENT:** Regarding measure HD.8 to develop incentives program for replacing older diesel and transit buses with zero or near-zero emission transit buses. The City agrees the need to remove diesel buses, but FAX currently has zero diesel buses in its inventory and has an all CNG fleet; therefore, we would recommend this incentive program be expanded to also include removing CNG to electric (zero-emission). This would allow us to move faster toward an electric fleet when the FAX CNG buses reach their end-of-life at about 12-15 years of age.

**RESPONSE:** [See removal of measure HD.8](#)

The Steering Committee has expressed interest in targeting the reduction of diesel emissions for these incentives programs. Since the City of Fresno has



already removed higher-polluting diesel trucks from its inventory, the District removed this measure in favor of targeting other priorities.

**50. COMMENT:** Regarding C.5, the incentives programs for educational training for electric vehicle mechanics. The City of Fresno is in strong support of this measure as Fresno City College, FAX, and Proterra are partnering to bring a state-of-the-art facility to the new Fresno City College West Fresno Center, which is inside the South Central Area footprint, using Measure C New Tech funds to start the project. However, there need to be a sustained effort to encourage people into the training, starting at the high school level, with such programming as the Duncan Poly Tech Heavy Duty Maintenance program.

**RESPONSE:** [See measure C.5](#)

The District is excited for the opportunity to work with the Steering Committee, City of Fresno, and other applicable partners as described above to help develop and promote EV mechanic training in the South Central Fresno Community.

**Comments submitted on Wednesday, August 28, 2019 by Steering Committee member Larry Taylor**

**51. COMMENT:** Regulation VIII covers Fugitive Dust, but gardening equipment is not covered. Leaf blowers should be added to this category and added to emissions inventory. The blown PM from leaf blowers might not register on area monitors as well as construction, demolition and excavation activities with waves of dust, but the health risks are present. Leaf blowers might not throw up a cloud over the city in order to register on existing monitors, however blowers are used for more than blowing leaves and they are more of a local neighbor by neighborhood threat rather than a large single area threat to public health... Sweep, rake pick up and dispose or vacuum with well-regulated filters for PM2.5

**RESPONSE:** The District does not endorse the use of leaf blowers for issues noted above including the vicious cycle of blowing dust back and forth instead of truly eliminating the debris by sweeping it up. Not only do leaf blowers produce clouds of localized particulate matter but they also create emissions from burning gasoline through their combustion engines. Whenever we have the opportunity, the District emphasizes that using an alternative such as a broom or rake is vastly better for neighborhood air quality and nearby residents general health. There are many communities in California that have regulated the use of leaf blowers and that is done on a local level—usually through development of a nuisance ordinance—by their city council or boards of supervisors.

**52. COMMENT:** The main objection to banning fireworks is that many organizations raise funds for their activities for the year with sales of fireworks for the 4th of July. The PM spikes when these are ignited, usually for two weeks around the 4th and 2 weeks leading up to New Year's. This is also a nightly activity during

baseball season in downtown Fresno. Many of the fundraising concerns are churches or other tax-exempt associations. They can raise funds in other ways, by passing-the-hat or by selling some other safe and sane, non-harmful product.

**RESPONSE:** Over the years the District has ramped up its efforts to strongly encourage the general public to reduce the use of personal fireworks. We continue to work to educate the public about the negative health effects and localized impacts caused by lighting fireworks in a residential setting on the Fourth of July and on New Year's Eve. The District reminds the public that the negative effects can be avoided by supporting local professional independence Day celebrations. The District will continue to encourage City, County and other agencies to promote strong efforts for reducing residential fireworks usage.

**Comments submitted on Wednesday, August 28, 2019 by Steering Committee member Braden Duran on behalf of the Fresno Council of Governments**

**53. COMMENT:** Regarding FD.2 Street sweeping. Fresno COG wishes to clarify that we have no authority or responsibility to implement street sweeping efforts in the community. However, we can provide funding opportunities to the City of Fresno and County of Fresno for the purchase of cleaner-technology lower-polluting street sweeping equipment.

**RESPONSE:** Thank you for your comment and support. The District looks forward to continuing to work with Fresno COG and partner agencies to identify opportunities for funding cleaner equipment, including street sweepers.

**Comments submitted on Thursday, August 29, 2019 by Steering Committee Member Ivanka Sanders on behalf of several community advocates and some advocates on the South Central Fresno Steering Committee.**

**54. COMMENT:** We request the Air District establish a review committee which includes Community Steering Committee members and Air District staff, to assess opportunities to strengthen Air District rules and regulations identified in our letter to reduce exposures within the South Central Fresno boundaries as part of the final CERP.

**RESPONSE:** The full Committee will continue its important work after the adoption of the CERP, and can establish ad hoc subcommittees as necessary. As the District implements the CERP for South Central Fresno and operates the community air monitoring network, frequent community steering committee meetings will continue to be held to allow the District an opportunity to provide progress reports to, and receive input from, the full committee and the public. These updates will include progress reports on implementing emissions reduction measures specified in the CERP, including regulatory measures, and summaries of collected air monitoring data. These regular meetings could also include discussion on how to invest additional funding for emission reduction

projects, potential changes to the community air monitoring network, as well as other relevant and current air quality issues.

**55. COMMENT:** We respectfully request written confirmation in the CERP that programs and policies will address future impacts to the community, and incentives are reserved for benefits within the community.

**RESPONSE:** The CERP is being developed specifically to address air quality concerns and issues within the identified AB 617 Community, and the measures in the CERP, including incentive measures, are specifically targeted for implementation within the community boundaries.

**56. COMMENT:** The Community Steering Committee members have also continuously asked for the inclusion of a detailed analysis of the cumulative health impacts and to include targets in this CERP that are specific to the sensitive receptor locations that need reduced exposure. The census tracts that fall within the South Central Fresno boundary have high rates of respiratory and heart disease and high mortality in both adults and infants. The current draft CERP does not address the concerns of the community with focused actions.

**RESPONSE:** [See new Health Appendix](#)

In response Committee member suggestions, the District has added additional information about community health data, as well as information about how air pollution impacts public health (see Chapter 3, Understanding the Community and the new Health Appendix). The District will also coordinate with the Office of Environmental Health Hazard Assessment (OEHHA) to notify community members about the future development of research studies that investigate the impacts of air pollution on public health in AB 617-selected communities.

**57. COMMENT:** With respect to levels of funding, the steering committee needs clarification and transparency from the District on the amount of AB 617 funds that are specifically available to the South Central Fresno community. The Draft CERP estimates that \$67 million could potentially be appropriated to CERP strategies. However, as the Draft CERP notes, these resources are not secured nor is there any guarantee of resources being available. As we have asked in the past, what is the total amount of incentive funding that the Air District currently has secured for the CERP strategies? If no sources are secured, what sources will be identified and what time frame will this funding be available?

**RESPONSE:** [See Chapter 4 for explanation of available funding](#)

**58. COMMENT:** Many of the strategies the members of the Community Steering Committee proposed relate to land use, transportation, and mitigation strategies. While we acknowledge that most land use authority lies within the jurisdiction of

the City or County of Fresno, the Air District should still include these types of strategies in the CERP and creating a plan to commit to and implement them. Furthermore, as noted above, the Air District has discretionary authority to adopt rules and regulations that protect communities from exposure to harmful pollution. The Air District must go above and beyond what they are accustomed to implementing, and work to create a new nexus of measures, relationships, and plans. That is why the Steering Committee suggests the strategy to create a Memorandum of Understanding between the City, County, Air District, and CARB. This would also allow for careful review of existing Air District rules and regulations to identify opportunities to strengthen and/or expand existing rules.

**RESPONSE:** [See new additions to measure LU.2 and new measure LU.4](#)

City of Fresno has committed to include the Air District in the City's pre-application process, which may include written comments and/or attendance at Development Review Committee (DRC) meetings for projects that will result in construction within the AB 617 area. Under this partnership, this process will offer an opportunity to the District to discuss the proposed project with the applicant(s) including (if project description has sufficient detail) potential impacts on air quality, on-site clean-air project design elements, and feasible mitigation measures in advance of final decision making and prior to formal application acceptance.

The District will also assist in facilitating further discussions with the community and land use agencies (City/County) to identify additional opportunities to address community concerns and questions regarding land-use and air quality.

Some areas of future discussion will include, but are not limited to:

- Ensuring more comprehensive opportunities for public input on land-use decisions
- Providing additional public access and education regarding permitting and CEQA processes
- Better communicating and understanding air quality impacts and potential mitigation
- Working together to identify and seek additional air quality improvement funding

**59. COMMENT:** The current Draft CERP includes 5 enforcement strategies that rely on methods that the Air District already implements. However, the community steering committee members believe that the current enforcement methods are not curtailing illegal residential and agricultural burning, illegal idling near schools, noxious fumes/flaring from facilities near homes, or heavy diesel truck idling in neighborhoods, to name a few. For example, for facilities found in violation, the Air District should require the implementation of enforceable written inspection and maintenance programs. Furthermore, we believe that

implementation of the few enforcement strategies that were included in the draft CERP must be transparent and easily accessible to the public.

**RESPONSE:** The District disagrees that its current enforcement practices are not effective at ensuring compliance with District rules and regulations. Moreover, District rules and regulations include enforceable inspection and monitoring requirements where these mechanisms are appropriate to ensure compliance with emission limitations. The District does not have the ability to unilaterally impose new requirements on facilities that go beyond existing rules and regulations as part of resolving violations at facilities.

As specified in the Enforcement Plan of the CERP, input from the Community Steering Committee will be important in helping the District implement the enforcement plan measures. The District will also track enforcement activities within the community and provide updates back to the Community Steering Committee on the implementation of the enforcement plan measures.

**60. COMMENT:** While the draft CERP provides a table giving the estimate emission reductions by each measure (p 140 of Draft CERP), a timeline must be included to show when the measure will be implemented and provide the year that the reductions will be achieved.

**RESPONSE:** [See chapter 4 for timeline of implementation](#)

**61. COMMENT:** Ban all untarped applications of 1,3-Dichloropropene toxic air contaminant pesticides. 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 application publicly available online, along with County Agriculture Commissioner (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 and schools. Request an evaluation of all carcinogenic TACs including pesticides, and then create emissions reduction plans in line with that analysis. Request for an evaluation of all reproductive toxicity TACs, including pesticides, and then create emissions reduction plans in line with that analysis.

**RESPONSE:** [See new measure AG.2](#)

As suggested by the Committee, the District has added a CERP measure to address community concerns about pesticide usage in and around the community.

## Summary of public comments received on Monday, September 2, 2019

**62. COMMENT:** Separate AB 617 from Carl Moyer and Prop 1B programs, to make it possible, down the line, to measure its achievements.

**RESPONSE:** The District's investment of voluntary incentive funds in the South Central Fresno Community will include a combination of designated AB 617 funds as well as other local, state and federal funding sources. As such, emission reductions resulting from investments made with various District funding sources will be used to measure the achievements of the program in the South Central Fresno community.

**63. COMMENT:** Projects listed in the CERP as funded in the AB 617 community should be limited to only those funded from 2016 to present. It appears the list includes all projects funded in the past 10 years. Starting from 2016 is closer to the adoption date of AB 617 in 2017, and that makes it consistent with records in the Enforcement Section of the CERP - Appendix F, where a Summary of Complaints and inspections conducted, are listed starting in 2016. Projects funded up to 10 years ago may predate the CalEnviroScreen Scores used in selecting the community and may skew the information in CERP.

**RESPONSE:** The projects listed in the CERP as funded in the AB 617 community during the past 10 years were solely intended to illustrate the significant investments made in the community in recent history, up to and including the selection of South Central Fresno as an AB 617 community. All of these projects achieve significant emissions that continue into future years.

**64. COMMENT:** For grant-funded projects in South Central Fresno listed in Table 3-3, include the actual street addresses or UTM coordinates of each project location, for the CERP reader to understand where the emission reductions occurred and how they impact the AB 617 community. Provide the same level of detail as that for facilities listed in Appendix F. For the listed projects, state the one criteria used for listing them as part of the AB 617 community or City of Fresno, for example, distance from the community boundary or other reference point. Also, indicate the funding period - between when and when. Table 3-3 heading just says "...as of August 1, 2019".

**RESPONSE:** The District is in the process of mapping all grant-funded projects throughout the Valley, which includes those listed in Table 3-3, with sufficient resolution to determine general project location and project type. This information will be available on the District website.

**65. COMMENT:** Funding for ride-share electric vehicles, carpools, Dial-A-Ride etc. The proposed funding of \$250,000 is a step in the right direction. Raising the funding to \$1 million or more would be justifiable in that, I believe, there is a great need for such transportation. And, that would be along the lines of reducing poverty in the AB 617 community, a CalEnviroScreen Score upon which the community was selected.

**RESPONSE:** [See removal of measure C.6](#)

The District received a number of Steering Committee member comments that indicated that this measure was not a priority for the community. As such, the District removed this measure and will focus funds and efforts on other community programs, including measures C.2 and C.5.

**66. COMMENT:** Proposed extra Tune In Tune Up event in the AB 617 community: Unless this is by invitation only or motor vehicle registrations will be checked for addresses, the event will be attended by residents from throughout the Central Valley. It will be just like all the others - not really "extra".

**RESPONSE:** Tune In Tune Up events are held at locations throughout the Valley. Data from these events indicates that a high percentage of participants at each event reside in or near the community in which they are being held. Participants are much more likely to attend an event near their home. Outreach for these events are specifically targeted and concentrated in and around the communities in which they are being held to further drive participation from the local community.

**67. COMMENT:** Along the lines of staying focused on what I believe was the original need for and intent of AB 617; to reduce emissions at the community level, following are some air emission categories, sources or activities within the AB 617 community, for the District to consider as candidates for emission reduction strategies:

- Crematoriums: District complaint records will confirm that they smoke. Their smoke emissions (toxics and PM) should be controlled, just like those from under-fired charbroilers. Grant funds can be used for installation of monitors and data loggers for key operating parameters; to allow the District to verify routine compliance. Perhaps, consider funding larger after-burners.
- Electric motor shops - toxic and PM emissions due to incomplete combustion wire insulation should be controlled. Require the same controls and self-inspections and recordkeeping as that for crematoriums.
- Compliance verification - CARB should do unannounced source tests for emission units not monitored by CEMs, such as baghouses. This will provide more representative emissions data for better inventories and exposure levels (as opposed to staged source tests)
- Vitro Flat Glass - consider the inquiry or suggestion made by a Hearing Board member, along the lines of gradually shifting planned maintenance from winter to spring or summer months, so as not to discharge about 2,000 LB of excess PM and about 3,000 LB of excess SOx emissions during the inversion layer period. It doesn't hurt to ask if that is an option.

**RESPONSE:** Crematoriums and burnout ovens used at electric motor shops typically require District-issued Permits to Operate (PTOs). The PTOs and District Rule 4101 – Visible Emissions have specific requirements that equipment be operated in a manner with minimal visible emissions and has record keeping record requirements. These sources are inspected on a regular basis and the inspection consists of visual observation of the equipment while operating and review of required records. In addition, to the extent that these source types have emission related violations, the District has committed to increase the inspection frequency at the particular facilities to once every 6 months. The Community Steering Committee has not prioritized these sources for additional strategies under the CERP.

District staff conduct unannounced inspections at continuously operating, manned stationary sources and utilize cutting edge technology to measure emissions from equipment as part of the inspection process, including use of the District's source testing van where appropriate. On top of this, many facilities have permit conditions that require regular monitoring of exhaust gas emissions, which will indicate if the equipment is being operated properly and would indicate if there are any issues with the equipment. If any issues are detected, the facility is required to expeditiously make repairs to bring it back into compliance.

Regarding the preventive maintenance activities of the PM control device at Vitro Flat Glass, the maintenance is conducted under a variance granted by an independent third-party Hearing Board as established under the state Health and Safety Code. The preventative maintenance activities are necessary to ensure proper operation of the facilities PM emission control equipment to achieve the expected emissions reductions. This work has generally been conducted in late February through early March which is on the tail end of the Winter PM season. This period has provided favorable air quality conditions for conducting the work. For example, in the past two years, there have been no days above the daily PM<sub>2.5</sub> standard while the maintenance was conducted, and the daily PM<sub>2.5</sub> averaged less than 10 ug/m<sup>3</sup>. Moving this work into fourth quarter or early first quarter is not favorable as this is generally the Valley's peak PM<sub>2.5</sub> period. Additionally, as seen in recent years, the potential for significant impacts from wildfires makes moving the work into late second quarter and third quarter unfavorable since this is peak wildfire season.

**68. COMMENT:** Require verifiable and enforceable inspection and maintenance program (I&M) for facilities found in violation, with recurrent air pollution related problem or creating a nuisance, and/or where appropriate. This will be along the lines of the District's Inspect Program, but required for good cause. Alternatively, impose monetary penalties, up to the amounts authorized under AB 617, to serve as a deterrent, with the fines collected going towards supplemental environmental projects within the AB 617 community.



**RESPONSE:** The District has the most stringent regulations in the nation, requiring billions of dollars in investment by Valley business to install and operate low emitting equipment and/or installation of added emissions controls. District rules and regulations include enforceable inspection and monitoring requirements where these mechanisms are appropriate to ensure compliance with emission limitations contained in each rule. These enforcement requirements are, and must be, developed in a public process involving input from all interested parties. The District does not have the statutory authority to unilaterally impose new requirements on facilities that go beyond existing rules and regulations as part of resolving violations at facilities.

The District assesses monetary penalties in accordance with California Health and Safety Code Sections 42402 through 42403, which require the District to take several factors into consideration when determining an appropriate monetary penalty. Consistent with existing policy, the District is open to evaluating proposed alternative settlements that would result in emission reductions in the South Central Fresno community. These alternative settlements provide those alleged to be in violation of air quality rules the opportunity to voluntarily agree to fund emission reduction projects to offset the penalty that they would otherwise be required to pay to resolve the violation. While the District cannot require a responsible party to solicit community input on the development of such projects because these alternative settlements are voluntary and settlement discussions are typically confidential, the District can encourage responsible parties to solicit community input on an appropriate project, and can also assist in locating appropriate community organizations and other resources that can assist in the development and implementation of alternative settlement projects.

**69. COMMENT:** To help in understanding why no enforcement actions were taken for any of the odor complaints confirmed by the District, state the actual number of complaints the District must receive for nuisance odors or other complaints to be violations - to have caused "injury, detriment, nuisance, or annoyance" to a considerable number of people or the public. We understand this to be five (5) complaints from different individuals in a 24-hour period, etc. Providing this numeric value would be in line with all other numeric data, related to complaints, included in the Draft CERP.

**RESPONSE:** Air districts in California derive their authority to enforce nuisance provisions under California Health & Safety Code Section 41700. This section limits air district authority to matters resulting in nuisance to a considerable number of persons or to the public. The District does not have private nuisance authority. The criteria for demonstrating public nuisance depends on a variety of conditions and circumstances, one of which is receiving and confirming 5 complaints from different individuals in a 24-hour period, with one household representing one complaint. This threshold is consistent with that of other air districts throughout the state and is provided to the Reporting Parties when advising them of the investigation findings. However, there may be instances

where fewer than 5 confirmed complaints can result in a public nuisance, such as when a school principal calls on behalf of their students. The circumstances for each of these cases are often unique and needed to be evaluated on a case-by-case basis.

**70. COMMENT:** In the enforcement Appendix F, it is important for the District to make the public and the AB 617 Committee fully aware that failure to confirm a complaint does not necessarily mean the complainant did not have a valid concern at the time the complaint was filed.

**71. COMMENT:** As District inspectors are sometimes not be able to respond to a complaint in a timely manner or “as it is happening”, in AB 617 communities, the District should use its discretion and consider complaints or situations confirmed by a Peace Officer - Fresno PD and/or certain Fire Department staff, as “public nuisances”. For example, a documented or logged release of gases or ammonia odors that affect many people, even if not experienced by a District inspector.

**RESPONSE 70-71:** Air pollution incidents are often transient in nature, which can result in difficulties in confirming all complaints received by the District. While the District priorities responding to complaints, the sheer size of the Valley can make it difficult quickly respond to all complaints. Furthermore, often the District does not receive the complaint until after the incident in question has ceased. While District staff may not be able to observe violations first hand for a variety of reasons, the District makes efforts to identify the responsible parties and will contact them in person or, if unable to, over the telephone to make them aware of the complaint that was received and how it relates to District rules and its effects on members of the community. If District staff is unable to reach the responsible parties over the telephone, District staff will often send letters notifying the responsible party of the complaint and explaining District rules and regulations. Investigation finding are shared with the reporting party, and they are requested to contact the District immediately if the issued occurs again.

As specified in the Enforcement Plan of the CERP, the District and CARB will also assign a dedicated team to work with the Community Steering Committee to follow-up on community concerns, and to conduct community-level compliance assistance, outreach, and education related to compliance and enforcement of local and state rules and regulations.

The District works closely with local fire departments and other local and state agencies. In situations where another agency provides the District with a report that contains sufficient evidence to document a violation of air District rules and regulations, and the District is able to corroborate the finding with our investigation, the District can use these reports to justify the issuance of a Notice of Violation.

**72. COMMENT:** It suggested that when the District finds in AB 617 communities, nuisance-type complaints or situations attributable to a mis-match or incompatible land-use issues, the District should let the City of Fresno Planning Department know.

**RESPONSE:** District field staff are trained to perform thorough investigations, which includes contacting agencies who may have regulatory authority and discussing the situation to better understand if there are any possible compliance issues. In instances where they feel that there may be compliance issues, District staff refers the matter to them, obtains a point of contact, and advises them that they will be forwarding their contact information to the person that reported the issue to the District. District staff also request to be updated on the agencies investigation findings.

The CERP includes a measure to provide incentives to install advance control technologies, beyond existing controls, that would not otherwise be economically feasible to install at stationary sources within the South Central Fresno community. The California Air Resources Board is currently developing funding guidance for such projects. The District will work with interested parties, including the Steering Committee, to identify types of facilities and controls not otherwise identified in the CERP, and will work with partners to implement these advanced controls.

**73. COMMENT:** Resolution of complaints - there needs solutions and/or closure. Some of the reported complaints were confirmed by the District, however, the situations do not appear to have been resolved. For example, consider the listed odor complaints attributed to painting activities at automotive shops. No enforcement actions were taken for the two confirmed ones as the number of complaints received were less than the required minimum of five (5) in a 24-hour period, and there were no permit violations. While the complaints were real but no action taken, that means, that same odor situations will continue to recur, whenever vehicles are painted. Based on information, I have good reason to believe, when residents file complaints and nothing is done, they just give - don't call the APCD again - why bother.

**RESPONSE:** The District is limited to taking actions on areas where it has legal statutory authority to do so. In situations where complaints do not rise to the level of violating rules or regulations for which the District has authority to enforce, District staff are trained to engage the responsible party and try to identify possible solutions to reduce or eliminate the source of the odors. In situations where District staff believe that the odor issue is a possible violation of another agencies regulations, the District will work look to notify and work collaboratively with that other agency. The District's overall response and efforts to improve the situation are then conveyed to the reporting party.

### **Summary of public comments received on Wednesday, September 4, 2019**

**74. COMMENT:** District should identify and target all residences in which wood-burning is the sole source of heat within the South Central Fresno 617 area, contact them individually as an element of its outreach, and directly offer them the suite of available incentives and assistance to replace those devices with heat-pumps.

**RESPONSE:** Thank you for your comment. The District will conduct targeted outreach to the South Central Fresno community as part of the implementation of this measure. This will include specific outreach to residences for which wood-burning is the sole source of heat, to the extent that this information is available.

### **Summary of public comments received on Friday, September 6, 2019**

**75. COMMENT:** Reduce emissions due to truck idling by providing grant-funds or incentives for investors to build or to install duct unit that provide air conditioning or heating at some of the existing truck-stops or to construct new ones. On Highway 99 between Bakersfield and Sacramento, I believe the only one is between Fresno and Merced. Some of the truck-idling is for providing power for air conditioning, for truck drivers to be able to sleep or rest in our 100-degree weather.

**RESPONSE:** Thank you for your comment. The District will continue to explore new technologies that reduce idling emissions in the Valley.

### **Comments submitted on Friday, September 6, 2019 by Steering Committee Member Ivanka Sanders on behalf of several community advocates and some advocates on the South Central Fresno Steering Committee.**

**76. COMMENT:** The final CERP must include clear quantifiable reduction targets for emission sources within the South Central Fresno boundary. The latest draft CERP fails to include clear, quantifiable emission reduction targets for several emission sources including for heavy duty mobile sources, older/high polluting cars, residential burning, agricultural open burning, industrial sources, land use and urban sources, exposure reduction measures and health protective targets.

**RESPONSE:** Emission reduction targets have been included in Chapter 4 of the CERP for each measure that achieves direct, quantifiable emission reductions. Other strategies included in the CERP may achieve indirect emission reductions, for example by reducing vehicle miles traveled or supporting the deployment of clean-air technologies. Similarly, CERP enforcement strategies are expected to increase compliance with air quality regulations and thereby reduce emissions of pollutants, but the emission reductions associated with these measures are not able to be quantified prior to enforcement actions occurring. Emission reduction targets have not been included for industrial source strategies, as guidelines for these programs will need to be developed through a public process and with Steering Committee input. Many state strategies, as detailed in the Statewide Strategies section of Chapter 4, are also expected to achieve emission

reductions in South Central Fresno, but the emission reductions have not been included in the CERP due to the difficulty quantifying the emission reductions at a community level and/or because as the measures are still under development. These strategies are expected to contribute to improved air quality in the community, but the emission reductions are not directly quantifiable and so have not been included as a target in the CERP.

Exposure reduction strategies are not expected to reduce emissions, but will help to reduce the exposure of sensitive receptors in the community to air pollution. For exposure reduction measures, the District has attempted to include quantifiable goals or metrics. For instance, quantifiable metrics have been established for project deployment to protect sensitive receptors in the community, including installing advanced air filtration systems at all interested schools in the community, defined numbers of educational events, and trackable goals for outreach measures. CARB and the District will continue to work with the Steering Committee throughout the implementation of the CERP to develop targets for appropriate measures as program guidelines are finalized, to track emission reductions associated with project deployment, and to track the achievement of goals for measures where an emission reduction target has not been defined.

**77. COMMENT:** We reiterate our previous comment that the Air District must ensure that strategies within the final CERP go above and beyond existing rules and regulations. The fact that the neighborhoods within the South Central Fresno area is among the most polluted in the entire state of California has been frequently reiterated and documented by community residents within the context of the Steering Committee as well as workshops and hearings. The final CERP must include a strategy that allows for a thorough review of existing rules and regulations to further strengthen, expand and adopt more health protective Air District rules and regulations. We recommend the Air District review all existing rules and regulations with the Steering Committee through a public process that allows all interested stakeholders to participate within one year of adoption of the CERP and ensure an expedited adoption process of new rules and regulations.

**RESPONSE:** [See new measures IS.6, IS.7, IS.8, and IS.9 for more information.](#)

Thank you for the opportunity to reiterate our agreement with, and support of, the principle expressed here that the CERP should go beyond existing rules and regulations. In fact, the proposed CERP includes a wide range of measures that achieve new reductions beyond those currently established or required by the District, CARB, and other agencies rules and reductions. Virtually every measure contains a District commitment to go beyond those requirements, and the very reason for those commitments to be targeted to the South Central Fresno community is the community's status as a disadvantaged community that was called out for focused attention under the AB 617 process. To the extent that emissions from stationary facilities are a focus of the commenter, the District

has added new measures to the CERP that reflect existing commitments by the District to review 16 rules to ensure they comply with state BARCT requirements, and to review 7 rules to determine whether there are additional PM<sub>2.5</sub> and NO<sub>x</sub> emissions. In each of these efforts, committee input can be considered in the rule development process.

**78. COMMENT:** Adopt a new rule which would allow the South Central Fresno Steering Committee the opportunity to review and provide feedback for all new and expansion permit applications for stationary sources within the boundary.

**79. COMMENT:** Adopt a new rule that requires Community Benefits Agreements as part of permit application process to reduce air quality and health impacts to neighborhoods within the boundary.

**RESPONSE to 77-78:** The District's permitting regulations and processes address public noticing opportunities and health impacts of the District's permitting actions. For instance, the District's New and Modified Source Review regulation (Rule 2201) requires public noticing of all significant permitting proposals, and the District has provided a convenient, bilingual, online public noticing process that provides interested parties to request to receive all public notices for proposed permits, or request all notifications for a given region of the Valley, or receive public notices for specific facilities. These notices allow instant access to the proposed permit and the District's comprehensive evaluation of the project's compliance with all District, state, and federal air pollution requirements. Of particular relevance to this comment, the District's evaluation contains an assessment of the proposal's potential to create a health risk to its neighbors. The District will not issue a proposed permit if it is found to have the potential to create a significant health risk to those that work, live, or go to school near the proposed project. This health risk evaluation is based on the most conservative of computer modeling approaches, consistent with guidelines created by the state's Office of Environmental Health and Hazard Assessment, and generally assumes as a basis of the risk calculation that a person will be exposed to the maximum possible pollutants for 70 years. This extremely conservative approach ensures that the District does not issue permits for proposals that will create a risk. For further information about the noticing processes, see this link on the District's website: [http://www.valleyair.org/busind/pto/Permitting\\_Notification.htm](http://www.valleyair.org/busind/pto/Permitting_Notification.htm)

**80. COMMENT:** Through a public process and in partnership with the Steering Committee, adopt a Supplemental Environmental Project (SEP) policy that requires violators to fund community identified projects in the neighborhood where violations have occurred as an enforcement strategy. This policy must be adopted within six months of adoption of final CERP.

**RESPONSE:** The District is always open to evaluating proposed alternative settlements (such as a "Supplemental Environmental Project") that would result in emission reductions. As specified in state law, these alternative settlements

provide those alleged to be in violation of air quality rules the opportunity to voluntarily agree to fund emission reduction projects to offset the penalty that they would otherwise be required to pay to resolve the violation. The District lacks the statutory authority to require a violator to enter into an alternative settlement or to solicit community input on the development of such projects because these alternative settlements are voluntary under state law and settlement discussions are typically confidential in nature. The District can, however, encourage responsible parties to solicit community input on an appropriate project, and can also assist in locating appropriate community organizations and other resources that can assist in the development and implementation of alternative settlement projects.

**81. COMMENT:** We appreciate the inclusion into the draft CERP the health impacts of air pollution in South Central Fresno. As the draft CERP is finalized, quantifiable health protective targets for all sources of emissions must be included. A strategy with goals to reduce respiratory and other air quality related diseases and an ongoing analysis of related health statistics should conclude the CERP chapter on health impacts.

**RESPONSE:** Thank you for your support. The District will continue to work with the Steering Committee, OEHHA, CARB, and health researchers to track and support local research efforts to understand the public health impacts of local and regional emissions reduction efforts.

**82. COMMENT:** The final CERP must be inclusive of community identified project priorities. As such, incentive resources must be targeted to community identified projects and households within the boundary. Incentives must clearly provide a direct, beneficial, and measurable benefit to households in the boundary. In the draft CERP, the majority of the 617 funds have been earmarked for incentives that will go directly to industrial businesses and only future unknown sourced funds that are leveraged on a contingent basis will be allocated to the priorities that directly benefit individual households. The community steering committee has proposed strategies that focus and accelerate actions to provide direct emission reductions and reduce exposure to toxic air contaminants through urban greening, air filters for homes, and vegetative barriers. All of these strategies have yet to be allocated any 617 funding.

**RESPONSE:** [See measures UG.1, IAQ.1, VB.1, RB.1, LG.1, C.1, C.2, and SD.1](#)

The CERP reflects community-established priorities and suggestions, including committing to finding funding for a number of high-priority exposure reduction measures to target urban greening, weatherization and energy efficiency upgrades, and vegetative barriers. Furthermore, many of the measures outlined in the CERP provide direct funding to residences, including incentives for replacing residential wood burning devices, lawn and garden equipment, electric vehicles, and residential solar installation. Chapter 4 describes how much funding is allocated or needed for each measure. Furthermore, throughout the

implementation of AB 617, frequent community steering committee meetings will continue to be held to allow the District an opportunity to provide progress reports to, and receive input from, the full committee and the public, including prioritizing measures to receive immediate or accelerated action.

**83. COMMENT:** The draft CERP includes a strategy of promoting the use of biodiesel and renewable diesel fuels. In an already overburdened area like South Central Fresno, the CERP needs to target and take immediate action and goals to invest in only zero emission technology and infrastructure. This strategy must be removed and in its place, incorporate a strategy that prioritizes investment in zero emission technology and infrastructure within the boundary.

**RESPONSE:** The CERP promotes zero and near-zero emissions technologies as fleets transition to newer vehicles. The measure, while not including any financial incentives, was recommended by Steering Committee members and is designed to promote the use of fuels certified by CARB to achieve immediate air quality and toxic benefits, especially in the absence of zero-emission technologies for certain heavy-duty applications. This measure would only support fuels that are certified by CARB to provide those reductions.

**84. COMMENT:** The Blueprint states that, “CARB and the Air District staff will partner together to build on existing enforcement efforts and identify the best path forward for enforcing air quality rules and regulations within and directly surrounding the community”. We therefore request inclusion of a proposed strategy that calls for collaboration with the CARB Stationary Sources Division so that they may work in coordination with the Air District to ensure actual emission reductions within the boundary. We additionally request both CARB and the Air District provide a joint analysis of the stationary sources’ emissions listed in the July 22nd draft CERP so as to identify emission reduction opportunities as well as increased regulations, enforcements, permitting procedure opportunities.

**RESPONSE:** [See new measures IS.6, IS.7, IS.8, and IS.9 for more information.](#)

In recognizing the importance of implementing enforcement strategies for both stationary and mobile source rules and regulation, the Blueprint establishes that “enforcement responsibilities are jointly shared between CARB and the air districts, with CARB primarily responsible for enforcement of mobile sources and air districts primarily responsible for area-wide and stationary source enforcement.” Consistent with the Blueprint guidance, the District and CARB enforcement strategies contained in the CERP build on existing enforcement efforts and leverage each agencies core competencies to ensure that enforcement activities and resources are being focused on both stationary and mobile sources within the community to maximize the effectiveness of the CERP.



Consistent with the requirements of AB 617, the District will be evaluating District rules through a public process according to the expedited schedule and existing Board commitment to evaluate Best Available Retrofit Control Technology (BARCT) to identify emission reduction opportunities and ensure that air emission limits that applies to existing sources is the maximum degree of reduction achievable, taking into account environmental, energy and economic impacts by each class or category of source. In addition to the BARCT implementation schedule, the District will be proceeding with amending a number of District rules included as commitments in the new 2018 PM2.5 Plan.

**Comments submitted on Tuesday, September 10, 2019 by Steering Committee Member Genevieve Gale on behalf of several community advocates and some advocates on the South Central Fresno Steering Committee.**

**85. Comment:** Facilities with significant emissions within the AB-617 defined area in Fresno include the biomass power plant, the glass factory, the petroleum terminal, and MB technology (the latter two which are inappropriately missing in the draft CERP). While we are appreciative of the enhanced stationary source inspection measure, the majority of stationary source measures within the CERP concern the feasibility of offering incentives to these major facilities. Incentives can be an important aspect of obtaining cleaner air, but they should not be used as a replacement for increased regulation and enforcement, and should not be offered before a full analysis of the facilities is completed and presented to the Steering Committee. **We formally request CARB and the Air District produce a joint analysis of the following facilities' emissions and all emission-reduction opportunities**, including the potential for increased regulations (including PM2.5-specific rules), increased enforcement, permitting changes, and incentive opportunities:

- 1. Biomass Power Plant:** In addition to the aforementioned asks, a robust conversation is needed among community residents, decision-makers and stakeholders to decide if offering incentives to this facility is in the public's best interest. It is our understanding that this facility will lose its contract in 2-3 years and potentially shut down. If this is the case, we should not give public money to a private facility that will generate a soon-to-be obsolete community benefit.
- 2. Vitro Glass Factory:** CARB and the District should include in their analysis a review of the public health impact and acceptability of the exemptions (variances) regularly provided to the facility and the stringency of current control measures. Additionally, the residences fence-line to the facility need to be engaged and the glass piles covered.
- 3. Santa Fe Petroleum Terminal:** The joint analysis should include an accurate account of the facility's toxic air emissions, the associated public health impact, and all emission reduction opportunities.

**4. MB Technology:** The joint analysis should include all emission reduction opportunities, especially as they relate to PM2.5.

**Response:** We are very interested in working with the Steering Committee to examine and analyze additional emissions reduction opportunities for these and other facilities in the South Central Fresno, moving into the CERP implementation phase. However, it should be noted that members of the committee have already asked us to eliminate the specific incentive-based measures that would have potentially reduced emissions from the Rio Bravo and Vitro facilities, and the District has eliminated them. The CERP does still contain a general commitment to discuss with the Committee potential opportunities to incentivize emissions reductions at stationary sources, so opportunities remain, but only after additional evaluation, input from affected sources, and further discussion with the Committee. The District looks forward to these discussions with the committee, and the facilities, regarding potential emissions reduction areas and determining the best mechanisms to achieve those reductions, whether they are through regulatory, incentive, or other mechanisms.

In addition, we have added measures to the CERP that commit the District to review 16 specific rules as to whether each rule meets state Best Available Retrofit Control Technology requirements (BARCT), and that commit the District to review eight additional rules for the purposes of analyzing whether additional PM2.5 and NOx emissions reductions are possible. These efforts will be discussed with the committee as CERP implementation moves forward and as opportunities and updates are available.

It should be noted that all four of these facilities are listed in the CERP (Appendix E), as they are subject to the District's commitment for expedited review of any health risk potentially created by their emissions of air toxics under the District's Air Toxic Hotspots Information and Assessment program (see measure IS.9 for more information). This process will result in identifying the degree of risk presented by each facility to the people that live, work, and attend schools in the area near the facility. If there is a significant risk, those facilities will be required by the District to implement risk reduction efforts to bring their risk down to a less than significant level.

Finally, specific to the facilities mentioned:

- As stated above, there is no longer a specific incentive measure related to Rio Bravo or Vitro, so any emissions reduction efforts that come out of the AB 617 process can only happen after additional discussions with the Committee, as requested.
- The requested process that will result in an assessment of the risk from the SFPP pipeline terminal is already underway, under the Air Toxics Hotspots

Assessment program discussed above, with a District commitment to complete the process by 2021.

- A note about MB Technologies – the original emissions information posted on our website were incorrect – the emissions were overstated by a significant amount. The actual emissions from the facility are much lower than originally reported (about 1.4 tons per year of PM2.5, 2.3 tons of NOx per year). Regardless, emissions from this facility are being reviewed under the same Air Toxics Hotspots program as the major sources of emissions listed above ([measure IS.9](#)).

**86. Comment:** The above facilities should also be included in CARB’s Emission Reduction Credit (ERC) program review, with the following questions answered: Was the New Source Review rule applied to this facility? Did the facility utilize ERCs, if so, which ones? If not, how were emissions offset? Finally, what type of controls does the facility use, were they the best available at the time, do they remain the best available?

**Response:** While this is a request to CARB, the District would be happy to sit down with the commenters and discuss permitting actions for each of the facilities in question, including the application of BACT, computer modeling to demonstrate emissions increases won’t cause health risks or attainment issues, and offsetting requirements and how they were met.

**87. Comment:** There do not appear to be any chrome plating operations in the Fresno 617 community. We would like an inventory of plating operations impacting the South Central Fresno community before any incentives are offered.

**Response:** There are two chrome platers in the South Central Fresno community, Rutter Army and King Industrial Chrome. Both are well controlled, and may not benefit from additional controls. However, as CARB has identified hexavalent chrome as the second most potent air toxic in California’s ambient air, the District believes it is important to maintain the current CERP strategy that provides for the potential to invest incentive funding in further reductions in chrome emissions from chrome platers, to be prepared should the community and the facility express interest in the future.