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Subject: AB 617 South Central Fresno Community Progress

Hello Samir,

We're following up on a couple of items identified in the "tracker report" brought to the CSC and Governing Board meeting. We are writing ahead of the CSC meeting this week with the hope that Air District staff will provide a response prior to the meeting so as to allow for a more fruitful conversation.

CERP Measure: Pesticide Reduction: While we appreciate that DPR is creating a pilot mitigation program for the state, it remains unclear how the Air District plans to address or take action on CSC identified priorities related to pesticide application and exposure. The CERP states that the Air District had discussions with the Committee, DPR, CARB for strategy commitments to address pesticides. While the Air District states that it has no regulatory authority over pesticides in their pesticidal use, the Air District agrees that once the use of a pesticide is completed and its waste gas emitted into the ambient air, then the air district's regulatory jurisdiction begins. No investigations or report of enforcement actions of what is within the Air District's jurisdiction has taken place. Also, of the two times that DPR has come to the CSC meetings, there have been no direct actions or strategies created from any of the agencies involved specific to South Central Fresno.

CERP Guidelines: The progress report lists in several categories that "the district is working on guidelines based on CARBs draft community air protection incentive guidelines" to fund incentive strategies. It says the document will eventually be posted online for CSC review and input. The District should be developing in partnership with CSC and not just asking for a response or input after the fact. Draft documents developed to date and / or submitted to CARB must be made immediately available to the CSC. Additionally, there's language that states "the district is working on developing language for District commenting letters under CEQA" and in one section it says "language will be focused on VMT". As mentioned, the CSC should be involved in this process to ensure the scope is consistent with CSC priorities.

Enforcement: Enforcement actions that go above and beyond the current standards have been repeatedly expressed as a major request by community steering committee members. In regards to fugitive dust, idling, and burning, the report states that the Air District is only doing ONE enforcement effort in the 2nd and 3rd quarter of the year for the next five years. These enforcement actions need to be more frequent. We also request the District provide any information of any enforcement efforts or status update of mitigation measures identified in EIR mitigation monitoring programs applicable to the South Central Fresno area.

Lack of Communication and Engagement with the CSC: The Air District states that it is taking steps to speak with local agencies, such as the city of Fresno regarding street sweeping and road dust issues. However, the CSC is not aware of these actions before they happen.

The report states that the Air District is connecting Clean Fueling Infrastructure to the biodiesel/renewable diesel strategy. It states that one million dollars in funding has been authorized and that two projects have been authorized. These two projects have not been discussed with the CSC. Please provide the CSC with information regarding these two and any other project in the process.

Unmet Requirements of the CARB Resolution: To date, not all of the requirements of the Resolution approved by CARB in February 2020 have been met and much work remains to be done on the measures included in the adopted CERP. The resolution states that the CSC will have the ability to adjust and discuss the funding amounts to be appropriated to each said measure. We have not yet discussed this very important detail. The resolution also states that the Air District will create a memorandum of understanding with agencies such as the city of Fresno and the County of Fresno. We have not yet seen a draft MOU or discussed at CSC meetings.

Lack of Transparency of the Air District Budget and 617 Funds: The report states that joint advocacy is moving forward to bring in more funding, yet, the District has failed to provide a budget presentation to the CSC of all its funding sources and its uses that are related to programs of AB167. We request Air District staff provide a presentation on its annual budget setting process, expenditure priorities. This must be inclusive of all AB 617 funds the Air District has received to date.

Rules and Regulations: Regarding the review of rules and regulations, the report relies on efforts under the PM 2.5 and SIP plan to continuously state what is being done to reduce emissions, however, this is not the same as going above and beyond which is already required. For the 617 community, the focus is not only supposed to be on NOx and PM reductions. The review of rules and regulations includes the purpose of addressing community concerns that have daily impacts on the lives of residents. There does not appear to be a process or system in place to systematically review existing rules to identify the gaps/issues and opportunities for new rules to address emissions, as required in the Resolution.

The report states that under AB 2588 assessments, the air district is currently implementing a plan designed to expedite the assessment of health risks associated with each of the facilities located in S. Central. After having completed assessments for 265 facilities, no issues were found, 5 facilities currently working to complete a health risk assessment and 2 facilities were conducting source tests to measure toxic air contaminants. The CSC has not been involved in this process. The CSC is unaware of the criteria and factors that have been included in the assessment process and we have seen no documentation or report to confirm why there have been no issues found with the assessed facilities. We request the Air District provide this information to CSC and make publicly available as soon as possible.

In summary, while much progress has been made in how the Air District interacts with the Community Steering Committee, there is still a need for more transparency, accountability and communications. The goal of AB617 is to create a community driven process, in which the Air District moves through the process of implementing the CERP measures and air monitoring hand in hand with CSC members and according to what the priorities are of that community. By continuously including the CSC in a transparent manner, it allows the CERP measures to be implemented with the intent set by the community.

We will continue to work with the Air District and all involved agencies.

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