

# APPENDIX H

## **Comment Responses**

Arvin/Lamont CERP

San Joaquin Valley Air Pollution Control District

## SUMMARY OF SIGNIFICANT COMMENTS AND RESPONSES

### *Arvin/Lamont CERP*

#### COMMENTERS:

Various CSC members during April 27 Meeting **[Various]**  
Leadership Counsel for Justice and Accountability **[LCJA]**

#### **AB 617 Process**

- 1. COMMENT:** The Arvin/Lamont Community Steering Committee (CSC) is one of the largest committees in AB 617. We acknowledge the efforts provided by the San Joaquin Valley Air Pollution Control District (Air District) staff to ensure active participation of the CSC members. As a community driven process, adequate time to review documents and ask questions is critical for a meaningful community participation. Unfortunately, residents of the CSC were not provided adequate time to review the draft community air reduction plan (CERP). Most residents received the CERP in the mail on May 20th, with the expectation for a vote on May 25th. While the Air District provided a one week extension for a CERP vote, the additional time provided was not enough for residents to review the revised CERP before voting for the CERP on June 6th. **[LCJA]**

**RESPONSE:** The draft CERP measures were provided in both English and Spanish to community members at the April 27, 2022, CSC meeting. Based on committee feedback during the April 27 CSC meetings and the District-requested extra meeting on May 6, the District published a full draft of the CERP document on May 10. As a best practice for community members who cannot access documents via email, the District sends hard copy documents via mail ahead of every CSC meeting. Due to the nature of printing and lead-time needed to mail final translated documents, the materials sent via mail will always arrive after the publication date.

Before the May 25 CSC meeting, we received word from EJ partners that some community residents did not receive the May 10 materials until May 20. Acknowledging that was not enough time to make a decision, and realizing the District had a handful of small changes to make based on feedback at that meeting, the District worked with the community co-leads to extend the CERP document review time and postponed the CSC vote on the final CERP to June 6. The final version of the CERP, which included a handful of changes based on feedback from the May 25 meeting, was mailed via USPS to every CSC member on May 27, along with a description of what changes were made.

The District did not receive any comments from residents before or during the June 6 meeting that they felt uncomfortable voting on the CERP due to lack of review time.

2. **COMMENT:** The CERP does not mention the small communities within the 617 boundary, including Fuller Acres and Weedpatch. The CERP must mention these communities as part of the boundary and as eligible communities to benefit from the CERP. **[Various]**

**RESPONSE:** The District has updated the CERP document to more specifically acknowledge the communities in the boundary, including the unincorporated Kern County communities of Weedpatch and Fuller Acres.

### **Incentives Measures**

3. **COMMENT:** Provide more information on charging infrastructure availability and cost for near-zero and zero-emission heavy-duty trucks. **[Various]**

**RESPONSE:** Heavy-duty truck infrastructure for zero and near zero emission technology is advancing as more of types trucks are commercially deployed. The District's incentive program offers grant funding for electrical charging and natural gas fueling infrastructure projects. Costs can range from several hundred thousand dollars to several million depending on the size and scope of the project. A large-scale commercial heavy-duty truck charging station is currently being developed in Kern County that will be able to provide charging opportunities for trucks operating throughout the area. In addition, most fleets that deploy zero emission vehicles will utilize a return to base model, where the truck returns to its home base at the end of the day and is charged with infrastructure installed in these locations.

4. **COMMENT:** Prioritize outreach to local truck drivers for the truck replacement measure. **[Various]**

**RESPONSE:** The District will work with the Community Steering Committee to identify outreach opportunities to local heavy-duty truck operators to inform them of available grant funding opportunities.

5. **COMMENT:** The CERP identifies dairy digesters as a means of addressing air quality impacts from dairies. Dairy digesters do not effectively remedy the massive air quality impacts from dairy operations and in fact threaten to exacerbate and further entrench air and water pollution incentivizing and rewarding large dairy operations and manure management processes that pollute water with nitrates and air with VOCs and ammonia, among other contaminants. Moreover, the incorporation of dairy digesters increases the risk of biogas facilities, consequently increasing emissions in the community. We request that digesters be removed from the list of strategies and be replaced by programs and policies that do in fact effectively reduce pollution from dairies. **[LCJA]**

**RESPONSE:** The comment references an informational section of the CERP, which outlines existing control programs. The District acknowledges that the CSC did not request or support dairy digesters as a CERP measure. As such, there is not a dairy digester commitment in the Arvin/Lamont CERP.

### **Regulatory and Enforcement Measures**

6. **COMMENT:** Conduct more outreach about Heavy-Duty Idling regulations.  
[Various]

**RESPONSE:** The District and CARB have both committed to regularly connecting with the CSC regarding *Measure 4.E Heavy Duty Idling Enforcement*. Both agencies will seek feedback on community concern areas, or “hot spots,” in which to conduct idling enforcement, and on how to improve outreach to encourage idling regulation compliance. The District can also provide a quarterly report detailing surveillance efforts and enforcement actions regarding this regulation.

7. **COMMENT:** The Air District promises to increase inspections for emissions violations based on facilities who have violated emission permits in the last three years. We recommend that the Air District conduct inspection to facilities with violations within the last 5 years, to make sure more facilities are following permits. [LCJA]

**RESPONSE:** Facilities that do not have emissions violations within the past three years are still subject to the District’s regular annual inspections. Should an emission-based violation occur at *any* facility throughout the implementation of the CERP, even if they were violation-free in the past three years, those facilities would trigger the CERP commitment to increase the inspection frequency to at least twice per calendar year for the next five (5) years or until the facility has four (4) consecutive inspections without an emissions violation, whichever occurs first.

8. **COMMENT:** The CERP states, “Compliance inspections are unannounced whenever possible.” Residents have raised that announced inspections are not productive as facility staff are able to rectify violations prior to the inspections. The CSC also asks to be informed when facilities are in violation of emission standards.[LCJA]

**RESPONSE:** Advance notice is not provided to facilities prior to inspections; however, inspections of unmanned facilities may receive short notice to ensure access is gained and a trip is not wasted. Furthermore, the District will provide an annual report that will include a list of permitted facilities, facility inspections, a summary of complaints, and a summary of enforcement action taken when non-compliance was documented. The District and CARB can also provide quarterly enforcement update reports during CSC meetings and provide a summary

worksheet of the activities that are completed during that quarter should the CSC request them.

- 9. COMMENT:** The current CERP language states, “Community Steering Committee members, members of the AB 617-selected community, and the general public are encouraged to be involved in the upcoming rulemaking process for these rules.” AB 617 requires collaboration amongst the Air District and the community to develop more stringent rulemaking of stationary sources. As such, the Air District must commit to engaging the CSC in the development of more stringent rulemaking to ensure a regulatory reduction of emissions. The Air District can provide space during the CSC meetings to discuss the purpose of the stationary source rulemaking, and create space for residents to provide their feedback and inform more stringent rules. Engaging the CSC in these processes must transcend solely sharing meeting information. We recommend editing this measure to reflect strategies that the Air District will take to actively engage the CSC in the rulemaking. **[LCJA]**

**RESPONSE:** The District has updated the language in *Measure 4.B: Stationary Source Rulemaking* to clarify that Community Steering Committee members, members of the AB 617-selected community, and the general public will regularly receive notice from the District on opportunities to be involved in the upcoming rulemaking process for these rules. In addition, the District will publish monthly status updates to the Arvin/Lamont community-specific website.

- 10. COMMENT:** Urge the Air District to provide enforceable timelines for the review and adoption of District rules in *Measure 4.B: Stationary Source Rulemaking* and urge the Air District to prioritize rules that can result in emissions reductions from the Kern Oil Refinery. **[LCJA]**

**RESPONSE:** The rulemaking schedule for the commitments in the CERP, including those related to oil and gas facilities, will be sent to CSC members in the monthly CERP tracker and regularly updated on the District’s webpage at <https://ww2.valleyair.org/rules/rules-under-development/>.

- 11. COMMENT:** In addition to the edits on the measures stated above, we recommend including a measure to work with the Kern Oil Refinery to provide notification of emissions utilizing the fence line monitoring system. In addition to information and notification of emissions, the Kern Oil Refinery must commit to working with the CSC to reduce emissions based on community feedback. **[LCJA]**

**RESPONSE:** Through the implementation of District Rule 4460 (Petroleum Refinery Fence-line Air Monitoring), the Kern Oil Refinery has already implemented a fenceline air monitoring system, which provides the ability for residents to sign up to receive notifications if pollutant concentrations exceed specific health thresholds. This system became operational in January 2022,

and is available at <https://www.kern4460.com>. More information about Rule 4460 implementation, including community and fence-line monitoring data, is available at <https://ww2.valleyair.org/air-quality-information/air-monitoring/petroleum-refinery-air-monitoring/>.

## **Pesticide Measures**

1. **COMMENT:** Add local pesticide notification, specifically near schools, in advance of spraying. **[Various, LCJA]**

**RESPONSE:** Like many partnership measures in the CERP, the District does not have jurisdictional authority over pesticide application and notification, and has therefore relied on the partnership and communication between the Department of Pesticide Regulation (DPR), California Air Resources Board (CARB), Kern County, and Office of Environmental Health Hazard Assessment (OEHHA) to provide commitments in the CERP in response to community concerns and requests.

Based on these comments, the District amended *Measure 5.A Pesticides* to more specifically outline the community's ask for local notification, including the request to work with schools. DPR strengthened their commitment to engage community residents in the development of a statewide pesticide notification regulation.

### **DPR Response:**

DPR already has a schools notification regulation in effect where the schools are notified of pesticide use around them. Schools in the community choose how will disseminate any information about pesticide application that they will receive per school notification regulation. This comment is mainly directed to school and collaboration between school and community. In leadership counsel comment letter, this section was correctly directed to Kern High School, Lamont Elementary School, and Arvin Union School District.

2. **COMMENT:** Establish a pesticide buffer zone of 1 mile within application. **[Various, LCJA]**

**RESPONSE:** Like many partnership measures in the CERP, the District does not have jurisdictional authority over pesticide application and notification, and has therefore relied on the partnership and communication between the Department of Pesticide Regulation (DPR), California Air Resources Board (CARB), Kern County, and Office of Environmental Health Hazard Assessment (OEHHA) to provide commitments in the CERP in response to community concerns and requests.

Based on these comments, the District worked with DPR to amend *Measure 5.A Pesticides* to more specifically outline the community's ask for mitigation practices, like buffer zones. DPR strengthened their commitment to engage community residents in the research and development of statewide mitigation regulations. There is also a proposed Kern County commitment to continue to engage with DPR, the CSC, and the District regarding pesticide exposure mitigation practices.

**DPR Response:**

We would like to reiterate that any mitigations including the notification system are developed as statewide regulation and DPR will communicate the progress and outcome through different channels such as DPR website, workshop, and educational outreach.

3. **COMMENT:** Engage with the CSC and the community on ongoing Sustainable Pest Management Regular updates to the CSC on the recommendations from the workgroup. Provide opportunities for engagement in the workgroup and development of recommendations. Provide education on the benefits of sustainable pest management. **[LCJA]**

**RESPONSE:** Like many partnership measures in the CERP, the District does not have jurisdictional authority over pesticide application and notification, and has therefore relied on the partnership and communication between the Department of Pesticide Regulation (DPR), California Air Resources Board (CARB), Kern County, and Office of Environmental Health Hazard Assessment (OEHHA) to provide commitments in the CERP in response to community concerns and requests.

Based on these comments, the District worked with DPR to amend *Measure 5.A Pesticides* to include the language in the comment above, submitted by CSC members, which strengthens DPR, CARB, and OEHHA commitments to engage community residents in outreach and education about alternative Sustainable Pest Management practices.

**DPR Response:**

The sustainable pest management practices are developed through close collaboration with university researchers, extension specialists, and farm advisors and is aimed to provide alternative practices for growers and farmers. Depends on the level of complexity, there might be limited opportunities of engagement with community residents. DPR will communicate the progress and outcome of this effort through different channels such as DPR website, workshop, and educational outreach.

4. **COMMENT:** Engage with the CSC and the Community on enforcement procedures including complaints Provide clear steps and processes on how to report illegal application of pesticides. Provide updates to the CSC on violation

reports. Provide education of processes on how DPR handles illegal application of pesticides. Provide engagement opportunities the CSC to provide recommendations on how to improve current enforcement mechanisms. [LCJA]

**RESPONSE:** Like many partnership measures in the CERP, the District does not have jurisdictional authority over pesticide application and notification, and has therefore relied on the partnership and communication between the Department of Pesticide Regulation (DPR), California Air Resources Board (CARB), Kern County, and Office of Environmental Health Hazard Assessment (OEHHA) to provide commitments in the CERP in response to community concerns and requests.

Based on these comments, the District amended *Measure 5.A Pesticides* to include the language in the comment above, submitted by CSC members, which strengthens agency commitments to engage community residents in outreach and education about general work related to enforcement.

**DPR Response:**

This comment should be directed to Kern County CAC and DPR cannot speak on behalf of County Agricultural Commissioners, including Kern county. We would like to reiterate the submission of complaints and the consequent investigations are confidential as they involve legal actions. DPR is not able to share information about ongoing investigation and enforcement activities. DPR, however, can provide an educational outreach about general work related to enforcement.

5. **COMMENT:** Engage the School Districts in the 617 boundary to notify parent/guardians about restricted materials applications. School districts must provide a yearly notice to parents/guardians about the restricted materials growers ¼ mile from the school intend to apply. Schools must provide notice of any changes to the list of pesticides used, as provided by the growers. Schools must provide information on the health impacts associated with pesticide exposure, specific to the pesticides that are used ¼ mile from the school. [Various]

**RESPONSE:** As CERP implementation begins, the formation of subcommittees will help CSC members have more time in a focused space to develop detailed plans for implementing CERP measures. If a pesticide subcommittee is formed, CSC member are encouraged to continue discussing the numerous existing DPR, CARB, OEHHA, and Kern County CERP commitments with the implementation partners.

**DPR Response:**

DPR already has a schools notification regulation in effect where the schools are notified of pesticide use around them. Schools in the community choose how will disseminate any information about pesticide application that they will receive per



school notification regulation. This comment is mainly directed to school and collaboration between school and community. In leadership counsel comment letter, this section was correctly directed to Kern High School, Lamont Elementary School, and Arvin Union School District.

6. **COMMENT:** Engage with the County Ag Commissioner and local groundwater sustainability agencies (GSA) to identify land to repurpose as buffer zones between ag and community, particularly, sensitive land uses. Work with the Ag Commissioner to identify land for potential buffer zones. Prioritize land adjacent to sensitive land uses. Develop relationships with the local GSA to help identify land for buffer zones. Develop and execute plan for buffer zones near sensitive land uses. **[Various]**

**RESPONSE:** As CERP implementation begins, the formation of subcommittees will help CSC members have more time in a focused space to develop detailed plans for implementing CERP measures. If a pesticide subcommittee is formed, CSC members are encouraged to continue discussing the numerous existing DPR, CARB, OEHHA, and Kern County CERP commitments with the implementation partners.

**DPR Response:**

This is outside DPR's authority. DPR cannot tell landowners what to do with their properties. The buffer zones cited in this comment would not be developed based on any scientific research or action and would be outside the work performed by DPR. In leadership counsel comment letter, this section was correctly directed to Kern CAC and Groundwater Sustainability Agencies.

### **Other Partnership Measures**

7. **COMMENT:** Input and participation from community leadership in Fuller Acres, Weedpatch, Arvin, and Lamont are needed to successfully execute Measure 5.B Support Land Use Agencies. Do not use AB 617 incentives funds to support. **[Various]**

**RESPONSE:** The purpose of *Measure 5.B* is to facilitate inter-agency collaboration between the City of Arvin, Kern County, and Kern Council of Governments to promote environmentally mindful alternative commute options through early discussion of related land use planning initiatives. We have updated the language to specifically acknowledge and welcome Fuller Acres, Weedpatch, Arvin and Lamont residents to be a part of these interactions. We have also included a commitment that there will be meaningful discussions with and updates to the CSC about *Measure 5.B*.

8. **COMMENT:** Multiple sources of pollution in the Arvin/Lamont CSC boundary is a result of historically locally unwanted land uses in the community. Zoning for

industry near sensitive land uses increases the risk for additional industry to be built in the community, which will result in exacerbating air quality impacts. As such, we recommend a measure for collaboration amongst the Kern Planning Commission and the CSC to ensure notification of CEQA reviews, public hearings, and permit requests, for any industrial projects or transportation projects within the CSC. The Kern County Planning Commission, or County representative must provide an update about this projects in a timely manner or as the zoning ordinance requires. **[LCJA]**

**RESPONSE:** A primary concern expressed by Steering Committee members during CERP development was that heavy-duty truck exhaust, specifically from truck traffic along the main highways, resulted in increased exposure to emissions for residents that live near these trucking corridors and major thoroughfares in the community. Land use decisions are critical in contributing to the improvement in air quality within a community and should be geared towards promoting strategies aimed at reducing vehicle miles traveled.

To address community member concerns, there are strategies included in the CERP that reduce exposure to mobile source emissions resulting from land use decisions. The District has updated *Measure 5.B: Support Land Use Agencies* to specifically commit the District to work with the City of Arvin, Kern County, Caltrans, and Kern Council of Governments to ensure that the Arvin/Lamont CSC is notified about public engagement opportunities regarding transportation projects.

The District will also work with the local land use agencies to provide information during a CSC meeting on how to use existing public engagement mechanisms to provide input on land use projects. Finally, to clarify, the Planning Commission is a hearing body, not a County Department. The Kern County Planning and Natural Resources Department is the County Department responsible for land use planning.

9. **COMMENT:** Residents have expressed concern about the lack of information available to the community regarding idle wells. This measure must have a commitment from CalGEM to the local community to identify the number of idle wells in the community, assess and monitor emissions from idle wells, and work with the CSC to develop a plan to address leaking wells. The current language in the measure does not show a strong commitment and it must be edited to reflect a strong commitment from CalGEM and a strong commitment from the Air District to ensure implementation of this measure. **[LCJA]**

**RESPONSE:** In response to the comment, the District worked with CalGEM to strengthen the measure. CalGEM is committed to working with the CSC and the District to identify wells within the community and to assess, prioritize, and to address any compliance issues accordingly. CalGEM has provided online tools,

like WellFinder, and annual idle well reports on their website. In the near future, CalGEM and CARB will undertake a study of idle and abandon well emissions.