



June 6th, 2022

*Sent via email*

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San Joaquin Valley Air Pollution Control District  
34946 Flyover Ct,  
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RE: Arvin/Lamont Emissions Reduction Program

San Joaquin Valley Air Pollution Control District Staff,

Leadership Counsel for Justice and Accountability works with residents of Fuller Acres and Lamont, two communities burdened by multiple sources of air pollution. Residents live and work in a sea of contaminants without respite. Participating in the AB 617 Community Air Protection Program is an opportunity for residents to identify sustainable long term solutions toward improving air quality and most importantly improving health outcomes.

The Community Air Protection Program is meant to drive community involvement in identifying community concerns and identifying community solutions. As such we write this letter to raise concerns regarding the AB 617 process in the Arvin/Lamont boundary and provide recommendations and edits to the community air reduction emission plan (CERP).

### **AB 617 Process**

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.

## **Community Emissions Reduction Plan**

According to the Arvin/Lamont charter, the CSC is meant to, “Suggest and inform final strategies to be incorporated into the CAMP and/or CERP, including specific measures, enforcement strategies, and clear metrics to track progress.” Thus, the CERP must reflect recommendations provided by the CSC. We provide the following recommendations based on feedback provided by the community during the CSC meetings and conversations with residents.

### **Measure 4.A Enhanced Inspection Frequency**

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. The CERP also 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.

### **Measure 4.B Stationary Source Rulemaking**

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. Furthermore, we urge the Air District to provide enforceable timelines for the review and adoption of these rules. Lastly, we urge the Air District to prioritize rules that can result in emissions reductions from the Kern Oil Refinery.

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.

### **Measure 5.A Reducing Exposure to Pesticides in the Community**

The regulation of pesticides has been an immense concern for the community. The measure surrounding pesticides was debated deeply within the community. During the last CSC

Regular Meeting, members voted 18-18 in support of the pesticides measure, with the addition of buffer zones and notifications which were not added into the final CERP. Being that pesticides are a big issue for the community, below we have added a few additions to the CERP.

<p><b>Work with the Kern County Agricultural Commissioner &amp; the CSC to identify pesticide use &amp; agricultural practices common to the community</b></p>	<ul style="list-style-type: none"> <li>● Identify pesticides used in Arvin/Lamont</li> <li>● Communicate <b>during each monthly meeting</b> to CSC the frequency, amount, and ingredients of pesticide use in community</li> <li>● <b>Communicate which harvests are associated with the pesticides that are discussed</b></li> </ul>	<p>DPR &amp; Kern County Ag Commissioner</p>
<p><b>Assist in the identification of pesticides of concern by the CSC &amp; provide technical expertise to aid the CSC in prioritizing pesticide monitoring</b></p>	<ul style="list-style-type: none"> <li>● Develop a screening approach for agricultural pesticides commonly used in community</li> <li>● Support prioritization of pesticides for potential air monitoring based on screening criteria, <b>including health impacts, proximity to sensitive land uses, application methods,</b> and other relevant information</li> </ul>	<p>OEHHA</p>
<p><b>Engage with the CSC and the community on ongoing statewide pesticide notification development efforts</b></p>	<ul style="list-style-type: none"> <li>● Regular updates to CSC on the temporary pilot notification efforts</li> <li>● Regular updates to CSC on timeline for notification in Kern county through statewide regulation</li> <li>● Provide opportunities for public engagement &amp; feedback on regulatory development</li> <li>● <b>Identify recommendations from the CSC to inform the Statewide Notification System</b></li> </ul>	<p>DPR</p>
<p><b>Engage with the CSC and the community on ongoing Sustainable Pest Management</b></p>	<ul style="list-style-type: none"> <li>● Regular updates to the CSC on the recommendations from the workgroup</li> <li>● Provide opportunities for engagement in the workgroup and development of recommendations</li> <li>● Provide education on the benefits of sustainable pest management</li> </ul>	<p>DPR</p>

	<ul style="list-style-type: none"> <li>● Work with the County Ag Commissioner to implement Sustainable Pest Management in the CSC Boundary by next year</li> </ul>	
<ul style="list-style-type: none"> <li>● Engage with the CSC and the Community on enforcement procedures including complaints</li> </ul>	<ul style="list-style-type: none"> <li>● Provide clear steps and processes on how to report illegal application of pesticides</li> <li>● Provide updates to the CSC on violation reports</li> <li>● Provide education of processes on how DPR handles illegal application of pesticides</li> <li>● Provide engagement opportunities the CSC to provide recommendations on how to improve current enforcement mechanisms</li> <li>● Implement recommendations provide by the CSC</li> </ul>	DPR
<p><b>Engage the School Districts in the 617 boundary to notify parent/guardians about restricted materials applications</b></p>	<ul style="list-style-type: none"> <li>● School districts must provide a yearly notice to parents/guardians about the restricted materials growers ¼ mile from the school intend to apply</li> <li>● Schools must provide notice of any changes to the list of pesticides used, as provided by the growers</li> <li>● Schools must provide information on the health impacts associated with pesticide exposure, specific to the pesticides that are used ¼ mile from the school</li> </ul>	<p>Kern High School District</p> <p>Lamont Elementary School Districts</p> <p>Arvin Union School Districts</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>● Work with the Ag Commissioner to identify land for potential buffer zones</li> <li>● Prioritize land adjacent to sensitive land uses</li> <li>● Develop relationships with the local GSA to help identify land for buffer zones</li> <li>● Develop and execute plan for buffer zones near sensitive land uses</li> </ul>	<p>Kern Ag Commissioner</p> <p>Groundwater Sustainability Agencies</p>

**Agriculture - Dairy Digesters**

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.

### **Land Use**

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.

### **Measure 5.D Address Potential Impacts From Idle Oil Wells in the Community**

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.

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.

The Community Air Protection Program is a trailblazing program as it shifts power to residents impacted by pollution to inform strategies to reduce emissions. As such, we urge the Air District staff to incorporate these recommendations in the CERP to reflect community priorities in the final adopted CERP. Thank you for your consideration.

Sincerely,

/s/

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