

Community Air Monitoring

Ambitious Timeline: Strategy to Reduce Emissions in 2018, Implementation in 2019

Summary

With the focus shifting more recently from reducing criteria air pollutants and toxic air contaminants to greenhouse gas emissions, communities in the state have felt that they are being left behind. The mantra “people, not polar bears” has been used when characterizing California’s environmental policies. Although air quality in the state is continually improving with advancements in technology and cleaner energy, there is a renewed effort to address air pollution and air toxics at a community level. What exactly this program will look like is unknown, but recent legislation is creating new regulations to develop statewide and community-specific strategies, air monitoring programs and accelerated retrofits for criteria air pollutants and toxic air contaminants.

Background

The State Clean Air Act (Clean Air Act) sets standards for air quality attainment by region. The Clean Air Act is regulated and enforced by local air quality management districts that develop a strategy for air quality improvement which then is approved by the California Air Resources Board (CARB) and subsequently incorporated into the State Implementation Strategy (SIP).

Although these plans are implemented at a local level, some air quality management districts are vast and cover more than 10,000 square miles. There are instances when, overall, the air district may have improved air quality, but certain communities feel they have been left behind when it comes to tangible results in their backyards.

California’s air quality has improved dramatically in recent history. In the last decade, however, the focus has turned from criteria air pollutants and toxic air contaminants to greenhouse gas emissions and combating global climate change. Certain environmental justice groups believe that while greenhouse gases may have been reduced, the emphasis on improving air quality in their neighborhoods has taken a back seat. As a result, there has been a lot of controversy surrounding the cap-and-trade program, which is a cornerstone regulation for reducing greenhouse gas emissions.

In conjunction with the 2017 extension of the cap-and-trade program (see Climate Change article), legislation was signed to identify issues and improve air quality in specific communities throughout the state. The goal of AB 617 (C. Garcia; D-Bell Gardens; Chapter 136, Statutes of 2017) is to reduce emissions of criteria and air toxic pollutants in disadvantaged communities by developing a statewide strategy, monitoring systems, community-specific reduction plans and accelerated retrofits for stationary sources.

Statewide Strategy

The CARB is required to develop a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in communities that face high cumulative exposure burdens. Currently, no definition for “community” exists under AB 617. Models available, such as CalEnviroScreen, have been used to identify communities with cumulative health impacts.

By October 1, 2018, CARB is required to produce the strategy to reduce exposures of communities affected by high cumulative exposure burdens. CARB also is required to update that strategy at least once every five years. In developing the strategy, CARB must:

- Assess and identify communities;
- Have a methodology for assessing and identifying the contributing sources or categories of sources and estimating their contribution to exposure in impacted communities;
- Determine if a specific facility has a significant impact on a community and, if so, develop a specific plan to measure and reduce emissions from that facility;
- Assess the existing and available measures, including retrofit technologies, for reducing emissions.

Air Monitoring

By July 1, 2019, specified air districts must deploy air monitoring systems for criteria air pollutants and toxic air contaminants. To do this, a strategy will need to be developed in conjunction with local communities. In that strategy, it will be determined where to place the air monitors, how to permit/site them, who will provide the necessary power for the systems, as well as who will collect and analyze the data.

Air districts also may require a stationary source to deploy a fence-line monitoring system to monitor the emissions from that

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facility. It is unclear at this point whether those facilities will be required to monitor for emissions that are outside their production or if they may simply be used as a location to install additional community monitors. These air monitors are intended to provide the information necessary to inform the community-specific emission reduction plans.

Community-Specific Emission Reduction Plans

With the data collected from the air monitoring systems, local air districts will be required to develop and implement a community emissions reduction program within one year of CARB selecting the location. Whether the emissions reduction program will rely on strengthening current regulations or developing new ones to address the identified sources is yet to be determined.

There have been indications that some communities already identified as having cumulative burdens will be required to implement a community-specific plan without monitoring air emissions. Should this approach be taken, it is unclear how to set the baseline for emissions as well as how to determine the improvement in air quality within those communities.

Accelerated Retrofits

There is a perception among certain communities where stationary sources are located that those facilities have not upgraded their equipment or are having a disproportionate impact on the community. To ensure that stationary sources are reducing criteria air pollutants on site, a new provision for mandating updated technologies that will reduce pollutants was adopted under AB 617.

For certain air districts, AB 617 requires the adoption of an expedited schedule for implementing best available retrofit control technology (BARCT) for stationary sources. This means that the equipment at a facility will be evaluated to determine if there is a more current technology. The schedule must be adopted at the earliest date feasible, but no later than January 1, 2023.

This BARCT requirement applies to each industrial source that was subject to the cap-and-trade program as of January 1, 2017, and which has not implemented BARCT since 2007. To prioritize which units will be upgraded first, the highest priority will be given to units that have not modified emissions-related permit conditions for the greatest period.

To ensure compliance, the maximum criminal and civil penalties for violations of air pollution laws from stationary sources have been increased \$1,000 to \$5,000 per day, with annual adjustments based on the consumer price index.

Funding

Worth mentioning, when AB 617 was passed, no funding source was connected to the legislation. Although one-time appropriations were made in the 2017 budget, these were only a limited allocation for administration to get the program up and running. Funding sources have not been identified for air monitors or the program's ongoing staffing needs. The funding uncertainty was a point of opposition from air districts throughout the state during the legislative process. Moving forward, it will be important to watch where the funds are identified to implement this legislation.

Anticipated Action in 2018

AB 617 lays out a challenging timeline. Meetings to collect input from community members began throughout the state in fall 2017. On or before October 1, 2018, CARB is required to prepare a monitoring plan on the availability and effectiveness of toxic air contaminants and criteria pollutant monitoring technologies and existing community air monitoring systems. Also required by October 1, 2018 is a statewide strategy to reduce emissions of air toxics and criteria air pollutants.

By January 1, 2019, CARB must select the highest priority locations around the state—communities with high exposure burdens. It must deploy air monitoring systems in those locations by July 1, 2019. A community-specific plan must be developed within one year of a location being selected.

CalChamber Position

The California Chamber of Commerce will:

- Monitor and engage in the development of a uniform statewide system for reporting emissions of air pollutants and air toxic containments as required under AB 617.
- Oversee and engage in the process for developing air monitoring systems throughout the state as well as community monitoring systems.
- Ensure that businesses are represented during the development of community emissions reduction programs.

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