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EARTHJUSTICE



SIERRA CLUB

January 30, 2017

VIA ELECTRONIC MAIL

Chair Burke and Members of the Board
South Coast Air Quality Management District
21865 Copley Dr.
Diamond Bar, CA 91765
cob@aqmd.gov

Re: Final Air Quality Management Plan – Request for Improvements

Dear Chair Burke and Members of the Board:

On behalf of the undersigned organizations, we submit these comments on the Final Air Quality Management Plan (“AQMP”). Over the past three years, many of us have appeared before your board asking for a strong plan that finally brings safe air to our region. We have asked for a plan that will be a national and world model. We have asked for a plan that makes those responsible for pollution clean up their pollution. We have asked for a plan that requires the use of affordable and readily available clean energy equipment necessary to tackle our clean air threats. We do not claim that drafting and implementing this type of plan is easy. Rather, we claim that it’s necessary to demonstrate courage to provide relief to the hundreds of thousands of children and adults with asthma. We also claim it is necessary to stop the tide of thousands who die prematurely from breathing air pollution in our air basin. We know all of you agree as to the

severity and consequences of not tackling this harmful and even deadly pollution. But, we need you to convert that concern about this real problem into a plan that actually results in the hard work of cleaning up our air.

There is one question that each one of you must ask about this plan. Does it do everything in the Air District's authority to force pollution sources to clean up? Currently, the answer to this question is indisputably “no.” We have identified five places where the Board could use its authority to make the answer to that question closer to being a “yes.” As such, we ask that the Board fix this plan in the ways identified below prior to submitting it to the California Air Resources Board.

- **Oil Refineries** – Commit explicitly to ending the Nitrogen Oxide (“NOx”) Regional Clean Air Incentive Markets (“RECLAIM”) program. This should begin by removing oil refineries from the program and requiring them to install pollution control equipment that this agency has already identified as cost-effective, readily available, and life-saving. A discussion about “potentially requiring” these controls is not sufficient. We need a clear statement that this agency will end this flawed program that has demonstrably resulted in the largest stationary sources of air pollution in the basin failing to install the best control technologies available. More is needed to protect refinery adjacent communities from high pollution levels, and we encourage the Governing Board to make sure the plan provides desperately needed protections to these communities.
- **Ports** – As the largest fixed source of pollution in the region, the Ports of Los Angeles and Long Beach impose immense air pollution burdens on our communities. The current plan relies on voluntary action by these large polluters, and we need more from the air plan. The plan must include a commitment to require the Ports to achieve their fair share of pollution reductions. This means incorporating into the Plan specific emissions targets, reductions that must be met through regulations, and a commitment to complete a rulemaking in 2017. Too many people are dying in this area with the highest cancer risk in the entire basin.
- **Warehouses** – The proliferation of warehouses in the air basin is a public health crisis that needs stronger medicine than hoping to work out a voluntary deal with developers. The Air District has the authority and the obligation to address the massive—and growing—pollution that this proliferation has caused. The plan should commit to using the agency’s indirect source authority to place requirements on all new warehouse developments to make sure they implement the cleanest technologies in design and operation that will result in lower air emissions, not more.
- **Diesel Back Up Generators and Gas Home Appliances** – Technology advances in recent years allow us to shift from antiquated technologies like diesel back-up generators and fossil-fuel burning residential appliances. The current plan anticipates a review of technologies for these categories of equipment, but we need a commitment that this

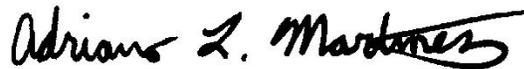
review will come to the Board in 2017. Moving these two sources away from needlessly burning fossil fuels as quickly as possible is of paramount importance.

In addition, to improving the plan in the ways mentioned above, we want to provide two additional pieces of guidance moving forward.

- **Raising Our Taxes** – The current plan’s inclusion of approaches that raise taxes on the most basic human needs, like housing, and using taxing mechanisms, like sales taxes, must be fixed. Heaping tax after tax on passenger cars in order to buy new trucks for private truck fleets is inappropriate. Sources of pollution should pay to clean up their own pollution. Actions asking us to support private corporations (e.g. port terminals, private trucking companies, and oil refineries) to install equipment stands in stark contrast to your stated commitment to justice and a “fair share” framework to address air pollution. The District cannot ask other public officials to take politically tough votes to require new taxes, while the District itself dodges its own politically hard votes and refuses to use its own authority to reduce air pollution. We call on the Board to reject the use of regressive means to achieve the needed reductions.
- **Near-Term Relief** – This plan seeks to take until the last minute (and in the case of at least one clean air standard – 12 years tardy) to meet federal air quality standards. In the meantime, people are suffering from illness and loved ones are dying. This reality is particularly acute in many of our neighborhoods, which suffer from air pollution disproportionately compared to other neighborhoods. The plan and the Air District should seek to provide zero emission technologies to the most overburdened communities first. In addition, other strategies to bring immediate relief are necessary to build goodwill in the neighborhoods that have been consistently pummeled by air pollution.

Our lives are in your hands. We all depend on your courage to stand up to large industries to compel them to finally clean up their pollution. Please be the champion we deserve. We appreciate your consideration of these comments.

Sincerely,



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