



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

2023 Legislative Platform



2023 GOVERNING BOARD ROSTER

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JURISDICTIONAL ROLES

The **San Joaquin Valley Air Pollution Control District (District)** is the local agency in charge of cleaning the air within the eight county region of the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern County). The District has the primary authority in regulating stationary sources of pollution, such as factories, businesses, and industries. Although state and federal laws preempt the District from setting new tailpipe standards for mobile sources of emissions, the District implements indirect source regulations and incentive-based programs to reduce emissions from on-road and off-road sources of air pollution. The primary authority to regulate emissions from mobile sources of air pollution, such as cars and trucks, lies with the state and federal government. In achieving our clean air goals, the District partners with a number of other governmental agencies:

- The **federal government**, primarily through the Environmental Protection Agency (EPA), sets health-based standards for air pollutants. EPA also controls emissions from trucks, trains, planes and boats and oversees state and local actions to improve air quality.
- The **state government**, through the California Air Resources Board (ARB) and the Bureau of Automotive Repair, develops programs to reduce pollution from vehicles and consumer products. The state also oversees the actions of local air districts and city and county agencies.
- **County and city governments** are responsible for land-use planning to accommodate residential, commercial, and industrial growth (including addressing sustainability mandates and goals)) as well as transportation and mass transit planning.

Progress in cleaning our air is often measured in relation to the health-based standards established by the federal government. The state of California also establishes ambient air quality standards that serve as ultimate goals in achieving clean air.

2023 LEGISLATIVE PRIORITIES

The following priorities will provide policy guidance and recognize the unique needs of the Valley in the coming year:

1. **(State/Federal) Funding for Clean Air Projects:** Provide new and continued funding for investment in projects that reduce air pollution throughout the Valley, particularly in disadvantaged communities. The District's existing attainment plans already contain some of the strongest regulatory measures in the nation, and significant additional reductions in emissions will be achieved from new measures in the upcoming plans for the latest federal standards. However, funding is necessary for reductions to expedite public health benefits and attainment of the federal standards through incentive-based measures. Funding for incentive-based measures is primarily needed for reducing mobile source emissions given the significance of these sources to our region's air quality. Given the significant need for emissions reductions in the coming years, attainment plans adopted by the District and CARB contain aggressive incentive-based control measure commitments by CARB to accelerate the deployment of new clean vehicles, equipment, and technologies across a variety of sectors that will require billions of dollars in new incentive funding investment from the state. The District will pursue all available funding sources including but not limited to Moyer, Cap and Trade, AB 118, and General Fund at the state level, and DERA, Targeted Airshed, Farm Bill EQIP, and new infrastructure/climate initiative funding at the federal level.
2. **(State/Federal) Support Greenhouse Gas Reduction Measures that Provide for Local Criteria and Toxic Air Emissions Benefits:** The District's adopted positions recognize the potential impacts that changing climate conditions could have on local air quality and support greenhouse gas reduction measures that provide co-benefits in reducing criteria and toxic pollutants to assist in meeting air quality public health goals. These positions have guided the District's interactions with the State during the development of GHG reduction programs that substantially intersect with the District's mission to reduce air pollutant emissions and improve air quality and public health in the San Joaquin Valley.

Many state/federal climate change measures provide for co-benefits in reducing both GHG and criteria pollutant emissions. The District will support reasonable measures that reduce greenhouse gas emissions as well as toxic and criteria pollutants.

3. **(State/Federal) Engagement on New Climate Initiatives to Maximize Opportunities for Achieving Goals of Reducing Local Air Pollution (Criteria/Air Toxics) and Greenhouse Gas Emissions:** The San Joaquin Valley has served as a center of innovation for many of the state's recent transformative clean air, low carbon strategies. These strategies provide strong potential for further investment under new state and federal climate initiatives.

The District will partner with Valley metropolitan planning organizations, municipalities, transportation agencies, school districts, other public agencies, businesses, non-governmental organizations, and other Valley partners to assist in maximizing new state and federal resources coming to the Valley in support of clean air initiatives. In response to new mandates, a number of climate initiatives have been developed, are currently under development, or are under discussion at the state and federal level. The following highlights opportunities currently in development and implementation, and that present opportunities for the San Joaquin Valley:

- State Budget: The enacted 2021-22 and 2022-23 State Budgets included unprecedented funding for air quality and climate investments. With a tighter budget situation in 2023-24, the District will continue to advocate for transformative technologies across various Valley sectors, obtain environmental benefits, and provide economic stimulus. Key areas of funding focus include sustainable agriculture (e.g. FARMER, ag burning alternatives, addressing air quality impacts of drought and Sustainable Groundwater Management Act, zero-emission agricultural funding, and methane reduction), low carbon vehicle and equipment deployment programs (across all mobile source sectors), and Community Air Protection Program funding.
- New State Mobile Source Strategy: CARB will be implementing an updated State Mobile Source Strategy to achieve climate and air quality mandates and goals. This strategy will build upon the current Mobile Source Strategy that includes measures to reduce air pollution from a variety of mobile sources, including passenger vehicles, heavy duty trucks, off-road equipment, cargo handling equipment, and other sources. In implementing the strategy, it is critical that CARB prioritizes near term public health as well as long-term climate goals.
- CARB Scoping Plan Update: CARB has adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) plan aimed at addressing various state climate goals. The 2022 Scoping Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.

The actions and outcomes in the plan will achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

- New Federal Infrastructure and Climate Program Funding: There is substantial unprecedented funding at the federal level for projects designed to reduce greenhouse gas and criteria pollutant emissions. In commenting on programs and funding from the Inflation Reduction Act, Bipartisan Infrastructure Law, the District will stress the importance of prioritizing funding in areas with the greatest air quality challenges that contain a large number of disadvantaged communities.
- USDA Climate Smart Initiative/Farm Bill Investments: USDA is currently developing a new Climate Smart Forestry and Agriculture Initiative that will include funding for a variety of investments in sustainable agriculture. Additionally, leading up to the next Farm Bill re-authorization, there has been congressional interest in developing a package to provide incentives for programs to support climate smart agriculture, in addition to existing air quality programs.

4. (State/Federal) Supporting Impacted Communities: The air quality challenges that communities in the San Joaquin Valley face are unmatched by any other region in the nation. The San Joaquin Valley is home to many of the state's disadvantaged communities, including 7 of the 10 most impacted communities in California (CalEnviroScreen). Through Board-adopted Environmental Justice and community-focused policies, the District is committed to working with community stakeholders to address the disproportionate socioeconomic and environmental impacts faced by many Valley communities. Additionally, new state and federal environmental justice initiatives, are bringing additional clean air resources and strategies to Valley communities that are burdened by socioeconomic disadvantages and air pollution despite significant emissions reductions that have already been achieved regionally. In order to improve air quality in the Valley's disadvantaged communities and effectively implement the requirements of AB 617, the District will work with residents and other community stakeholders to advocate for the following:

- A. The District will support efforts to target additional state and federal resources to address impacts and challenges faced by disadvantaged communities. The District recognizes CalEPA's California Communities Environmental Health Screening tool

(CalEnviroScreen) as an important tool in assisting to identify disadvantaged communities.

- B. The state should provide ongoing, sufficient resources to support the emissions inventory, regulatory, administrative, air monitoring, community outreach, and community capacity-building activities necessary to effectively implement AB 617 requirements.
- C. The state/federal government should provide significant Community Air Protection and other funding to support the implementation of clean air projects in disadvantaged communities in the Valley and throughout the State.

5. (Federal) Work with Federal Government to Advance Streamlined and Efficient Implementation of Clean Air Act Mandates: Under the federal Clean Air Act, the District is required to meet stringent mandates that are increasingly difficult to meet given the Valley's unique air quality challenges, mature and stringent air quality program, and ever-tightening federal health-based air quality standards. Satisfying these mandates is of paramount importance to the Valley given the potential public health and economic consequences under the Clean Air Act, including the loss of federal transportation funding, permitting barriers for new and expanding businesses, and loss of local control. The District will work with EPA and the federal government to build an effective working relationship to make sure that Clean Air Act provisions are applied reasonably and in accordance with Congress' original intent. Additionally, the District will work to ensure that the administration's focus is on working with state and local agencies to develop programs that work for their specific situations and provides opportunities to pursue administrative solutions to solve some of the issues presented by antiquated provisions of the Act. Priorities in the coming year include working with EPA to demonstrate compliance with evolving Clean Air Act requirements (e.g. contingency), and ensuring that the federal government does its fair share in reducing emissions from federal mobile sources in Valley communities.

6. (Federal) National Standards for On-Road Heavy-Duty Trucks, Locomotives, and other Mobile Sources under Federal Jurisdiction: Despite achieving significant emissions reductions through decades of implementing the most stringent stationary and mobile regulatory control program in the nation, nitrogen oxide (NOx) emissions, the primary precursor for both ozone and fine particulates (PM2.5) in the San Joaquin Valley, must be significantly reduced in order to attain the latest federal ozone and PM2.5 standards that now encroach on natural background levels. The District has jurisdiction over stationary and area sources, which make up less than 15% of the total NOx emissions inventory. With over 85% of the Valley's remaining ozone and PM2.5 precursor

emissions now coming from mobile sources under federal jurisdiction, additional reductions from heavy-duty trucks and other mobile sources are needed for the Valley to reach federal air quality standards. Additionally, the mobile source sector contributes the vast majority of greenhouse gas and toxic air contaminant emissions in the Valley and throughout the state. The Governing Board has previously submitted petitions to the federal government requesting that they reduce their fair share of emissions in an equitable manner through more stringent national standards for heavy duty trucks and locomotives, and the District will continue to seek additional opportunities for achieving additional mobile source reductions under federal and state jurisdiction as necessary to meet federal air quality standards. In response to ongoing advocacy efforts, EPA recently adopted new heavy duty truck emissions standards for the first time in over 20 years, and announced their intention to review new locomotive emissions standards.

7. **(State/Federal) District Policy Position on the Deployment of Near-Zero and Zero Emission Technologies:** In the development of new zero emission and near-zero emission state strategies, the District will advocate for prioritization of the cleanest technologies feasible that will assist in meeting near-term air quality and public health goals, as well as the transformational changes needed to meet longer-term objectives. Additionally, the District will advocate for state and federal support for the necessary infrastructure investments/policies to provide the support infrastructure necessary to address capacity and equity challenges, and make next generation vehicles a reality in the San Joaquin as expeditiously as possible.
8. **(State/Federal) Support Efforts that Provide for Cost-Effective Alternatives to Open Burning of Agricultural Waste:** In 2003, state law was amended to require the District to limit open burning of agricultural material in accordance with a phased-in schedule of deadlines. The District has long worked to identify alternatives and phase-out open burning in the Valley, and the challenge has been exacerbated by significantly reduced bioenergy capacity, extreme drought, water shortages, and fluctuating crop economics. As the latest action on this issue, in June 2021, the District adopted final phase-out requirements that will prohibit the majority of remaining agricultural burning by the end of 2024. In adopting this state-mandated phase-out schedule, the District and CARB recognized that significant new state funding would be needed to support the deployment of recently emerging alternatives to burning. The District will continue to work with stakeholders to seek state and federal resources for alternatives to agricultural burning.
9. **(State/Federal) Support Efforts that Address Drought, Water, and Air Impacts:** According to the Public Policy Institute of California, the San

Joaquin Valley is projected to experience the following of up to 1 million acres of farmland due to the extended drought and State Sustainable Groundwater Management Act requirements. If not transitioned properly, the Valley faces the prospect of significant air quality, public health, and economic impacts to communities throughout the region. Funding is needed to support the development of following programs at the local level that also include the implementation of conservation management practices to mitigate the potential air quality impacts associated with fallowed lands.

10. (State/Federal) Support Clean Air Technology Demonstration

Efforts: Meeting the latest federal air quality standards will require transformative measures and broad deployment of new zero and near-zero emissions technologies. In order to further develop technology to close the gap in required emissions reductions, the District operates a Technology Advancement Program. Along with its own resources, the District is seeking state and federal assistance to advance technology in key areas for the Valley, including heavy duty trucks, heavy duty off-road equipment, agricultural equipment, passenger vehicles, locomotives, freight technologies, renewable energy, and stationary sources.

11. (State/federal) Support Development of Underfired Charbroiler

Technology Certification and Demonstration Program: To help address PM_{2.5} attainment challenges and community impacts associated with commercial underfired charbroiling operations, resources are needed for the development of a new program to establish uniform certification requirements for vendors of emissions control technologies, and support the real-life demonstration and certification of these technologies. Currently, there is no uniform certification program in place, and no technologies have been certified under regional programs. Given the community-level importance of reducing emissions from large underfired charbroiling operations, establishing a certification and demonstration program in close coordination with air districts, CARB, EPA, and other partners would significantly accelerate the development and deployment of these technologies.

12. (State/Federal) Support Adequate Resources and Policies to Reduce the Impact of Wildfires and their Attendant Public Health Impact:

Wildfires result in significant loss of life and property. Air pollution generated from wildfires is enormous and can well exceed total industrial and mobile source emissions in the San Joaquin Valley, overwhelming all control measures and resulting in periods of excessively high particulate matter and ozone concentrations. In addition to excessive fuel build-up in the state's wildlands due to decades of fire-suppression, widespread drought-driven tree mortality, higher temperatures and drier conditions in recent years have contributed to extended and more intense wildfire seasons in the western United States. Historically clean rural areas

throughout the state and in the San Joaquin Valley have experienced their worst air quality in decades.

Given the devastating public health impact that the Valley suffers from wildfires, the District supports measures that can help reduce the intensity, magnitude, and frequency of wildfires and enhance wildfire response and communication efforts, including the following:

- A. Support the implementation of the Agreement for Shared Stewardship of California's Forest and Rangelands which includes a commitment by the federal government to match California's goal of reducing wildfire risks on 500,000 acres of forest land per year. To protect public safety and ecology, experts agree that at least one million acres of California forest and wildlands must be treated annually across jurisdictions.
- B. Air districts work with local, state, and federal land managers to provide the necessary authorizations and provide support for prescribed burning to ensure that is done with minimal impacts on air quality and public health. This work has traditionally been funded through fees paid by the land managers who implement prescribed burn projects. To support reduced/eliminated District fees for prescribed burn projects, the District supports funding from the State and Federal government for air district work associated with supporting prescribed burn projects.
- C. Additional financial and staffing resources for public and private land managers to conduct prescribed burning as an effective means for reducing fuel supplies that lead to large and uncontrollable wildfires.
- D. When wildfires occur, fighting wildfires should be funded as other natural disasters are funded. Funding should not be diverted from forest management and fuel reduction activities to fight wildfires.
- E. Lessening or removal of contradictory environmental protection policies that prohibit the use of mechanized methods, or prescribed burning to reduce fuels when those are the only feasible methods available.
- F. Changes in the federal policies that better incorporate air quality concerns by shifting focus to prescribed burning and employing fire management techniques that reduce air quality impact when wildfires occur.
- G. As the State moves forward with addressing public utility related wildfire risk reduction efforts (e.g., Public Safety Power Shutdowns), advocate for resources for the mitigation of related emissions impacts from increased backup generator usage or other activities, and the

development and deployment of new cleaner backup energy alternatives, such as fuel-cell microgrids.

- H. In response to recent wildfires, a number of proposals and policies have been developed to ensure that air quality information is made available to the public, and that clean air facilities be provided to provide relief from wildfire smoke impacts. Based upon our extensive experience in providing air quality information and activity recommendations to the public, the District will support policies that are designed to provide real-time accurate air quality information to the public, and funding for clean air centers to provide relief for our most vulnerable populations during periods of smoke impact.

GENERAL PRINCIPLES OF THE LEGISLATIVE PLATFORM

The following general principles will provide policy guidance for legislative action:

PROPORTIONAL MOBILE AND STATIONARY SOURCE CONTROLS: To achieve emissions reductions that are adequate to attain air quality standards, it is imperative that all sources are adequately controlled according to their contribution the Valley's air quality challenges. In order to achieve this objective, the following principles will guide District policy:

1. Continue to support legislation that requires the U.S. EPA to develop and implement programs that effectively and efficiently control interstate mobile sources including, but not limited to, trains, trucks, boats, and planes. Support federal actions that will provide cleaner operating vehicles. Support legislation that requires improved emission standards for buses.
2. Support legislation that requires federal sources, including trains, trucks and ships, to contribute their "fair share" of the emission reductions required for attainment of air quality standards in the San Joaquin Valley.

MOBILE SOURCE AND TRANSPORTATION: To address issues dealing with mobile source reductions and transportation alternatives; to achieve mobile source reductions in addition to those currently approved in air attainment plans; to create market-based incentives for mobile source emissions; and to encourage and promote public transportation improvements; the following principles will guide District policy:

1. Support funding for mobile source reductions.
2. Support legislation that provides options for local air districts for pilot incentives to reduce mobile source emissions.
3. Support state and federal legislation and regulations to further promote cost-effective and clearly defined strategies associated with vehicle emission reductions and effective statewide vehicle Inspection & Maintenance programs.
4. Support legislation to assist regional transportation authorities' efforts for multi-modal transit systems that ensure ongoing growth in ridership by promoting and encouraging maximum public use.
5. Support legislation and efforts to enhance interregional transit options that provide an alternative to driving. This should include options for the movement of both people and goods within the San Joaquin Valley and to adjacent regions.

6. Oppose legislation that restricts the District's use of Governing Board-authorized funds for cost effective emission control projects.
7. Support legislation that simplifies Transportation Conformity compliance and synchronizes conformity related transportation planning requirements with air quality planning requirements and deadlines.
8. Support legislation that puts organizational structures in place that facilitate inter-regional and intra-regional solutions for the efficient movement of people and goods through the San Joaquin Valley utilizing a variety of transportation modes.

TOXIC AIR EMISSIONS: To ensure the protection of public health and to minimize exposure to significant toxic pollutants, the following principles will guide District policy:

1. Oppose legislation that results in the release of cancer-causing and other toxic emissions in quantities that pose significant risks to public health.
2. Support legislation that upholds the requirement for public notification when significant toxic pollutants are located in close proximity to a given neighborhood.
3. Support legislation that allows for the integration of state and federal air toxic mandates while protecting public health.
4. Support legislation that calls for cleaner, renewable fuels and energy.

LOCAL: To fulfill the goals of the District, to maintain the ability to develop and implement control strategies to address stationary and area pollutants, and to achieve ambient air quality standards, the following principles will guide District policy:

1. Support efforts that ensure the effective and efficient implementation of air quality strategies at the local and state level, and do not create duplicative requirements or dilute local authority to address community needs.
2. Support legislation that encourages the generation of mobile source emission reduction credits and retains the Governing Board's control over the use of emission reduction credits (ERCs).
3. Oppose legislation that usurps the District's authority to determine the cost-effectiveness of proposed District rules.

4. Oppose legislation that diminishes the District's ability to write permits that are practical and enforceable.
5. Support legislation that encourages the management of air quality on a regional basis, particularly in the Valley, and not on a statewide basis, in order to assure that local concerns are recognized.
6. Support and actively advocate for increases in state and federal operational funding based on inflation and increased mandates.
7. Support legislation that retains local enforcement and discretionary authority for Notices to Comply/Notices of Violation (NTC/NOV fines, adjudication, etc.).
8. Oppose all legislation that transfers any part of local permitting authority to the state or federal governments.
9. Oppose legislation that limits the District's ability to regulate the installation or utilization of wood-burning fireplaces and wood-burning heaters.

STATE/FEDERAL: To support state and federal means of addressing, without duplication, the need for better air quality in the San Joaquin Valley, and to support state and federal actions that are effective and economically feasible, the following principles will guide District policy:

1. Support state and federal legislation that would preserve and enhance the ability of local governments to adequately finance mandated and essential services.
2. Support federal legislation or regulations that alleviate administrative burdens that are unnecessary for the protection of air quality, associated with permitting requirements.
3. Support legislation to streamline the permitting process at the local level that is efficient and effective. Oppose legislation that negatively affects the District's ability to protect and improve air quality.
4. Support legislation to reduce the duplicative oversight responsibilities of state agencies and boards vis a vis the regional air districts.
5. Support legislation that eliminates duplication between state and federal air quality agencies. Allow a single permit system that satisfies both state and federal regulations. California has the strictest air quality standards in the country. Federal duplication only hinders business and does not improve air quality.

6. Sponsor or support legislative options that would increase funding to the District to develop Valley-specific options for attainment.
7. Support legislation that promotes energy conservation and efficiency programs for energy end-users. Reduced energy use will result in lower pollutant emissions and a more stable electrical distribution system.
8. Support legislation that allows “net metering” or feed in tariffs for alternative energy projects.
9. Support legislation that encourages zero/low-emission utilization of waste gas as an alternative to waste gas venting or flaring.
10. Seek adequate funding from CARB and EPA to implement state and federal air quality mandates.
11. Oppose efforts to allow the sale and use of safe and sane fireworks outside of the period surrounding the 4th of July.

FAIR APPLICATION OF CLEAN AIR MANDATES: The District supports remedies for ensuring that sanctions and penalties are not imposed on local regions where their inability to attain federal standards is due to pollution from sources outside their regulatory authority. This fairness doctrine may be instituted through various means without amending the Federal Clean Air Act.

For decades, the District has promulgated and implemented measures to reduce emissions from sources of air pollution under its regulatory authority. The District has also deployed innovative measures to reduce emissions from mobile and indirect sources of air pollution that fall outside its traditional regulatory authority with stationary sources. The District continues to seek additional local emissions reductions, but the Valley has reached a point where attainment of the health-based standards established under the Federal Clean Air Act is not feasible without significant reductions in emissions from mobile sources that fall under federal jurisdiction. Additionally, recent judicial interpretations have made “contingency” particularly challenging in regions like the San Joaquin Valley that have significant air quality challenges and cannot hold measures in reserve solely for the purpose of demonstrating contingency. With newly established federal standards, many other regions throughout the nation will find themselves in similar situations.

Under current law, local jurisdictions could be subject to devastating federal sanctions even though failure to attain the standards may be due to emissions from sources under federal jurisdiction. These federal sanctions include:

- Permitting barriers for new and expanding businesses (2:1 offset requirement)
- Loss of federal highway funds (\$2.5 billion and numerous jobs lost in the San Joaquin Valley)
- Loss of local control through Federal Implementation Plan
- Expensive federal nonattainment penalties