

June 20, 2002

South Coast Air Quality Management District
Attn: Kathy Stevens
21865 E. Copley Drive
Diamond Bar, CA 91765-4182

RE: Comments on Ultramar/Valero Wilmington Refinery Expansion for Phase III Clean Fuels

Dear SCAQMD:

1. The EIR must adequately describe the regional setting of the refinery. The draft EIR failed to clearly describe the setting and demographics of the Wilmington community surrounding the refinery, and by doing so, has ignored the environmental justice aspects of the project. 44-1
2. People of color bear a disproportionate amount of the impacts of air pollution and other environmental hazards in Southern California. A 1993 Air District study found that those who are poorer and young, black or Latino, are exposed to more pollution than those who are wealthier, older, white, or Asian. According to the 2000 Census, Wilmington is more than 86% Latino, and 92% people of color. The EIR must discuss how communities of color, like the Latino communities living near the refinery, are disproportionately impacted by environmental hazards. 44-2
3. A recent Air District study found that residents of the area suffer from some of the highest cancer risks in the South Coast from breathing polluted air. 44-3
4. The EIR must also contain a complete description of sensitive receptors, like schools, near the refinery. The draft EIR failed to analyze what affect potential accidents at the refinery will have on these sensitive receptors. The EIR must discuss mitigation measures, such as a buffer zone, to reduce these impacts. 44-4
5. In addition, many children in Wilmington suffer from asthma, in large part due to breathing in polluted air. The draft EIR failed to analyze the both the affect of more air pollution on children with asthma, and possible mitigation measures. 44-5
6. The draft EIR failed to study the potential of the refinery to worsen urban blight. Residents in the San Pedro-Wilmington area live in one of the most heavily-industrialized areas in California that is home to many dangerous industries, and this reputation has negatively affected the community. The project has the potential to decrease property values, increase the burden on local health care providers, and cause local businesses (and consequently jobs) to leave for healthier areas. 44-6

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7. According to the 1990 census, more than 700,000 people in Los Angeles speak Spanish, but do not speak English well. Most likely, the 2000 census will show that those numbers have increased.
8. In light of the large number of Spanish-speaking residents that will be impacted by the Ultramar project, it is clear that the entire review process must be made accessible to these residents. It seems inconsistent of the Air District to acknowledge the need for Spanish translation by providing translation at this hearing, yet fail to provide the draft EIR in Spanish. One of the goals of CEQA is public participation, which cannot be achieved if a significant portion of the public, has effectively been denied access to the review process due to a failure to provide the EIR Spanish.
9. The draft EIR should be redone to reflect the comments of concerned residents, and should be recirculated for public comments. The redone EIR should be translated into Spanish to ensure a review process that is truly open to the public.
10. Finally, Ultramar/Valero is the only refinery in the U.S. that still uses Hydrofluoric acid (HF) in the refining process. HF is a highly toxic chemical. Ultramar should immediately cease use of HF and turn to less toxic alternatives.

44-7

44-8

44-9

Sincerely,



Stephanie Lee, CBE Legal Intern
Communities for a Better Environment

COMMENT LETTER NO. 44
LETTER FROM COMMUNITIES FOR A BETTER ENVIRONMENT

Stephanie Lee
June 20, 2002

Response 44-1

The commenter asserts that the EIR must clearly describe the demographics of the Wilmington community surrounding the Refinery. However, CEQA Guidelines, §15125, setting forth requirements for a description of the environmental setting, does not contain such a requirement. Therefore, the environmental setting description is adequate. However, SCAQMD is not ignoring environmental justice issues, but is actively addressing them. The Draft SEIR adequately describes the environmental setting. Please see the Final SEIR, Chapter 3 – Environmental Setting. See Response to Comment 44-2.

Response 44-2

The commenter asserts that the EIR must discuss how communities of color, such as Latino communities living near the Refinery, are disproportionately impacted by environmental hazards. CEQA does not contain a requirement for a discussion of impacts on specific groups. However, that does not mean the SCAQMD is failing to address environmental justice issues. CEQA does contain a requirement to adopt all feasible mitigation measures to reduce any significant impact on the environment, including air quality and human health, regardless of who is impacted. The SCAQMD will require all feasible mitigation measures. Also, under CEQA the SCAQMD may not approve any project with significant adverse impacts unless it makes a finding that specific overriding considerations justify approval of the project. These requirements parallel the requirements under Title VI of the Civil Rights Act to address environmental justice concerns.

In addition, the SCAQMD has demonstrated its commitment to environmental justice by adopting a comprehensive program of measures to reduce adverse environmental justice impacts. The original 10 environmental justice initiatives, adopted in 1997, have been completed or are ongoing. These include: Town Hall Meetings, ambient monitoring of air toxics, community response teams, expanded CEQA commenting, an Environmental Justice Task Force, participating in a City of Los Angeles Environmental Justice Forum, providing incentives for early clean-up or removal of diesel engines, improved field inspection technology, portable equipment guidelines to protect sensitive receptors, and amending air toxic control rules, Rules 1402 and 1402, to further reduce toxic emissions.

Beyond these original 10 initiatives, the SCAQMD has adopted a number of additional measures which reduce emissions in areas impacted by air toxics. An outgrowth of the SCAQMD's Multiple Air Toxics Exposure Study (MATES-II) conducted in 1998-1999 was a landmark series of fleet rules requiring alternative fuel vehicles to replace diesel vehicles in many public fleets, including transit and school buses. Also, the SCAQMD adopted a rule to significantly reduce the sulfur content of diesel fuel.

Similarly, in March 2000, the SCAQMD adopted an Air Toxics Control Plan designed to achieve an additional 50% reduction from today's levels in air toxics exposure, including measures for source-specific rules. The SCAQMD has also adopted measures to specifically reduce risks in the port areas. These include Rule 1158 amendments to prohibit open storage of petroleum coke, and a large number of incentive grants to reduce diesel emissions from marine vessels in the ports. Some incentive programs, including the Carl Moyer program for diesel clean-up, are required to target funds to areas having the highest exposure to pollutant concentrations, including low income populations and communities of color, or both. The SCAQMD has voluntarily incorporated this concept into other incentive programs. The SCAQMD has also adopted a program of extensive targeted outreach toward ethnic communities in the basin, designed to insure these communities are adequately informed and know how to make their voices heard.

This July, SCAQMD staff has proposed a series of further enhancements to the SCAQMD's environmental justice programs. Some of these measures are specifically targeted to benefit the areas affected by this project. A copy of these proposals, together with a summary of progress under previous environmental justice initiatives, is attached to this response. In particular, staff proposes development of a low-emission and clean-equipment control measure for the category of off-road intermodal equipment, such as that operated at ports and large distribution centers, including off-road diesel equipment. This measure will further reduce diesel emissions in the port. Similarly, the SCAQMD staff has proposed adoption of a rule to require the use of modified hydrogen fluoride (HF) or alternative processes that eliminate the use of concentrated HF. Ultramar is the only Refinery still using concentrated HF and will be directly required by this rule to reduce the risk posed to the community of accidental toxic exposure.

Thus, the SCAQMD is actively pursuing a myriad of measures to reduce risks, some of which are specifically targeted at the areas affected by the Ultramar project, and is fully committed to implementing concrete measures to address environmental justice concerns. In discussing how to reduce disparate impacts, U.S. EPA has stated, "Efforts that focus on all contributions to the disparate impact, not just the permit at issue, will likely yield the most effective long-term solutions." (65 Fed.Reg. at 29662, June 27, 2000.) The SCAQMD is carrying out an aggressive program of controls for all sources within the SCAQMD's jurisdiction that contribute to air quality concerns in the affected area as well as a comprehensive program of environmental justice measures, consistent with U.S. EPA's recommendation.

Response 44-3

The SCAQMD completed the Multiple Air Toxic Exposure Study, referred to as the MATES-II Study. The results of the MATES-II Study are summarized in the Final SEIR (see page 3-8). The summary in the SEIR includes information on the average carcinogenic risk in the Basin, which is about 1,400 per million people. The environmental setting for toxic air contaminants in the Wilmington and Southern California areas are summarized in the Final SEIR (see pages 3-6 through 3-9).

Response 44-4

The locations of the sensitive populations near the refinery are identified in the SEIR. Volume 2 of the Final SEIR includes an extensive review of the potential impacts of the proposed project at each of the proposed project sites on the surrounding community, including sensitive receptors. See Response 7-5 for a discussion on the hazards associated with the proposed project on the sensitive populations. The hazards associated with a release, accidents and fires were evaluated in the SEIR. In all cases, the hazards identified for the proposed project would be reduced or the impact would only extend into the immediate vicinity of the project site, which are industrial areas. No hazards were identified that would extend into residential areas or impact other sensitive populations (page 4-68, Volume I of the Final SEIR and Volume III of the Final SEIR). The industrial areas surrounding the proposed project sites act as buffer zones to the residential areas. For example, the hazard impacts associated with the Olympic Tank Farm were determined to be potentially significant because some of the hazards (fire radiation) have the potential to migrate up to 60 feet off-site. However, only industrial land uses are located within 60 feet of the Olympic Tank Farm so that the hazards are not expected to impact residential areas. For additional information on potential hazard impacts from the proposed project, the commentator is referred to Chapter 4 of Volume I and Volume III of the Final SEIR.

Response 44-5

See Response 7-5 regarding the project impacts on air quality. There is no question that poor air quality can exacerbate respiratory problems such as asthma. The SEIR discloses that the proposed project is expected to generate significant adverse regional air quality impacts, which could affect sensitive populations, especially those with respiratory problems. No localized air quality impacts, however, were identified for the proposed project. As a result, the SEIR fulfills the letter and intent of CEQA, i.e., to disclose information on potential adverse impacts to the public.

Response 44-6

See Responses 7-40 and 7-41 regarding urban blight. The proposed project will help reduce existing blight by upgrading, painting and replacing existing tanks that, in some cases have deteriorated as a result of non-use by the previous owner or periodic vandalism, such as graffiti or theft of materials that have not been corrected or repaired by the previous owner.

Response 44-7

See Response 7-106 regarding public notice and the need for Spanish translation. Due to requests by the public, Spanish translation was provided at the June 20, 2002 public meeting for the proposed project. At its July 12, 2002 meeting, the SCAQMD Governing Board released its Proposed Enhancements to the SCAQMD's Environmental Justice Program for review and comment by the public. Enhancement II-15 describes the SCAQMD's commitment to increase the involvement of minority communities in SCAQMD town hall or other meetings by making "further efforts to translate pertinent public notices into multiple languages, as applicable, to the cultural and ethnic populations of individual neighborhoods and communities." At this time, Enhancement II-15 does not apply to complex technical documents, such as CEQA documents.

Response 44-8

Based on comments received on the Draft SEIR, minor revisions have been made in the Final SEIR. Those revisions did not constitute significant new information, result in impacts greater than those that were evaluated in the Draft SEIR, or constitute significant new information that would trigger recirculation of the Draft SEIR pursuant to CEQA Guidelines §15088.5. Therefore, the Draft SEIR does not need to be revised and re-circulated for public review. See Response 7-106 regarding the need for Spanish translation.

Response 44-9

The comment that the Ultramar/Valero Refinery is the only Refinery in the United States that uses HF is incorrect. Based on information contained in the 1996 Worldwide Refining and Gas Processing Directory, 52 Edition, 32 refineries in the United States use HF acid, 22 refineries use sulfuric acid and some refineries use both.

See Response 7-26 regarding the fact that equipment at the Refinery using HF is not undergoing any modifications or other alterations. As a result, existing impacts associated with HF use are not part of the proposed project.



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**ENVIRONMENTAL JUSTICE
PROGRAM REVIEW
AND PROPOSED ENHANCEMENTS
FOR FY 2002-03**

DRAFT

July 2002

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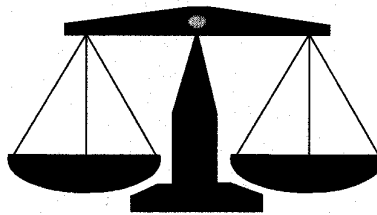
- A - AQMD Environmental Justice Guiding Principles and Initiatives (October 1997)
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PREFACE

This document is intended to examine and chart the overall direction of AQMD's environmental justice program and to propose key action items for FY 2002-03. Development and implementation of proposed enhancements will require partnerships with other agencies, regulated businesses, environmental and community groups, and the general public.

Staff is circulating this draft report to solicit feedback and suggestions from the public, industry, and other stakeholders. In response to feedback, staff will further refine the identified enhancements contained in this draft report, possibly add additional enhancement proposals, and finalize its recommendations for Board consideration.

**ENVIRONMENTAL JUSTICE
PROGRAM REVIEW
AND PROPOSED ENHANCEMENTS
FOR FY 2002-03**



PROGRAM BACKGROUND

In October 1997, the AQMD Governing Board approved a workplan to implement ten Environmental Justice Initiatives proposed by Chairman William A. Burke. These Initiatives, along with a set of guiding principles (Appendix A), were intended to ensure that clean air benefits are accorded to all citizens and communities of the South Coast Air Basin (Basin).

The Initiatives touched upon most facets of AQMD's budgeted work program, including monitoring, emissions source inventory, computer modeling, planning, rulemaking, permitting, enforcement, education, technical innovation, and public outreach. The Initiatives helped identify and address potential areas within AQMD's jurisdiction where residents could be disproportionately impacted by air pollutants.

Together, the Environmental Justice Initiatives were designed to ensure that the AQMD's policies and programs include full disclosure and participation at the community level, and also complement the region's Air Quality Management Plan (AQMP) control strategy.

For purposes of carrying out the proposed Initiatives, the Board also adopted the following working definition of the term "environmental justice":

"Environmental justice means equitable environmental policymaking and enforcement to protect the health of all persons who live or work in the South Coast Air Quality Management District (AQMD), regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution."

This working definition was adapted from U.S. EPA's lengthier definition to conform to the AQMD's needs. In AQMD's daily work, the terms "environmental justice" and "environmental equity" are used synonymously.

At the time of the Governing Board's adoption of the Initiatives in 1997, AQMD was one of the first major regulatory agencies in the nation to go beyond issuing a simple statement of principles or intent, and to design a formal and comprehensive workplan to implement the concept of environmental justice in agency practices. In March 1999, the Governing Board approved a follow-up workplan to implement a Children's Air Quality Agenda, comprised of ten additional action Initiatives (see Appendix B).

PROGRAM STATUS

Since AQMD's historic Environmental Justice Initiatives were first set in motion, a great deal of progress has been made to develop related policies and procedures, to advance science & technology tools, and to implement community empowerment actions. As with all District programs, such progress is monitored, re-assessed, and re-calibrated to ensure continuing improvement.

The original set of Initiatives was considered completed as of Spring 2000. (See Appendix C for individual dates of completion.) Following their implementation, a brief status of ongoing environmental justice activities has appeared as part of the regular Public Affairs Report to the Board, included with each month's meeting agenda for informational purposes.

Ongoing environmental justice issues and activities have also been tracked by the Board's standing Committees and advisory groups. Ongoing activities include Town Hall meetings, community response team actions, CEQA commenting, diesel clean-up incentives, improvements in field inspection technology, and successive amendments to Rule 1401 and 1402 controlling toxic air contaminants (See Appendix C .)

In February 2002, AQMD's Governing Board approved the workplan for Chairman Norma Glover's Strategic Alliance Initiatives, including Initiative #6, Environmental Justice. This initiative called for staff to perform an annual review of AQMD's environmental justice program, and to lay out planned environmental justice related activities for the following fiscal year.

This document comprises the first annual review, and presents planned actions for FY 2002-03 related to the identification and resolution of environmental justice issues related to air quality. In the future, the annual review will be performed concurrent with the annual agency budget preparation process, and serve as the basis for further outreach and problem-solving activities with stakeholders regarding short- and long-term environmental justice challenges and solutions.

KEY PROGRAM ACCOMPLISHMENTS

Perhaps the strongest accomplishment of AQMD's Environmental Justice program to date has been, simply, to dramatically raise the profile of this important community criterion, inside and outside the agency. In 2002, environmental justice is no longer a marginal topic - - it is a key component of AQMD policymaking.

While each of the original Environmental Justice Initiatives has brought about specific progress toward equity, the most significant success can be represented by three key historic accomplishments.

- ***Significantly Enhanced Scientific Knowledge on How To Reduce Airborne Health Risks.*** Findings from the Multiple Air Toxics Exposure Study (MATES-II) showed that the strongest reduction in air toxics exposure for the highest number of Southern California residents, including low-income areas and communities of color, will be attained through technology advancements that reduce vehicle emissions - - especially from heavy-duty diesel engines.

The intent of MATES-II was to fully characterize cancer risk from air toxics exposure in the South Coast Air Basin, especially in areas near heavy industrial activity and traffic. Following the introduction of market incentive programs such as the Regional Clean Air Market (RECLAIM) cap-and-trade program, questions arose concerning the equitable geographic and socioeconomic distribution of pollution impacts and control program benefits. Some public interest and environmental groups believed that when a business used such temporary credits as a more flexible means of compliance, the surrounding neighborhoods were being subjected to a "hot-spot" of air contaminants higher than ambient exposure levels.

MATES-II represented a landmark urban toxics monitoring and evaluation study, carried out at a cost of over \$750,000 (not counting in-kind services by CARB) - - unprecedented at a regional funding level. The study consisted of a comprehensive monitoring program, an updated emissions

inventory of air toxics, and a sophisticated modeling effort to fully characterize Basin risk.

MATES-II had two separate monitoring components: 1) a network of ten fixed sites sampling for an entire year, and 2) a microscale study which utilized three mobile platforms to sample at 14 additional communities. Over 30 specific air pollutants were measured, and over 4,500 samples were collected and analyzed, with laboratories at the District and CARB sharing responsibilities for the chemical analyses.

In addition, the entire study design was reviewed and overseen by the Air Toxics Study Technical Review Group, an assembled panel of 13 experts from academia, environmental groups, medical researchers, industry, and public agencies, representing diverse expertise in air toxics related issues.

Key findings of MATES-II, as released in March 2000, were as follows:

- Mobile sources clearly represent the greatest contributor to carcinogenic risk from toxic air contaminants. Moreover, 70% of that risk is attributable to diesel particulate emissions, and 20% to remaining mobile source emissions. Showing a downward emissions trend in recent years, stationary sources now contribute about 10% of cancer risk, on average, due to air toxics.
- In comparing one site to another in the four-county region, differences in carcinogenic risk are driven by the influence of mobile sources, while risk ascribed to stationary sources is relatively uniform across the Basin. Model-estimated risk is higher at locations receiving high rates of diesel exhaust, such as freeways, airports, and marine port facilities. Facility-originated risks are greatest near immediate "fencelines," with sharp drop-off thereafter.

The above scientific findings led AQMD's Governing Board to:

- *re-prioritize heavy-duty diesel exhaust as a critical target for near-term emission reductions,*
- *adopt, in March 2000, a benchmark Air Toxics Control Plan to continue reducing remaining air toxics risk from individual industry sources on a rule-by-rule basis, and*
- *provide increased funding support for an accelerated transition to low- and zero-emission fuels and vehicles in order to reduce all residents'*

exposure to air toxics as well as criteria pollutants (ozone, NOx, and fine particulates).

In 2002, the Governing Board has put particular emphasis on allocating significant support funding for alternative-fuel and retrofitted lower-emission school buses. First in line for assistance are those school districts showing simultaneous high rates of poverty, cancer risk, and fine particulate exposure.

In the long term, the study also clearly illustrated what a carefully budgeted and designed research effort can provide: critical knowledge which enables decision-makers to reach meaningful assessments, make informed choices, and set balanced priorities, to ensure that all Basin residents are accorded the benefits of improved air quality. As reflected in AQMD's Technology Advancement Plan Annual Update as well as the recently issued Advanced Air Pollution Research Plan for Fiscal Years 2002-03, 2003-04, and 2004-05, well-planned ongoing research investments can help create the foundation for greater consensus in air quality attainment efforts.

- ***Significantly Enhanced Capacity for Community Participation.*** In the five years since the inception of AQMD's Environmental Justice program, the Governing Board has directed and overseen an intensive expansion in the scope, effectiveness, and diversity of the agency's public outreach efforts.

Town Hall Meetings. Prior to the implementation of AQMD's Environmental Justice program, the majority of public comment on impending rulemaking or policy development was limited to formal testimony to the Governing Board at monthly Board meetings. These meetings and many others, such as advisory group and committee meetings, are fully open to the public but may not be convenient for some members of the public. Because such meetings are of necessity held in the daytime on weekdays, are often several hours in length, and include numerous discussions using technical language, this style of public participation may not encourage informed involvement by the full spectrum of affected stakeholders, especially small business owners, residents from potentially under-represented communities, and persons who primarily speak a language other than English.

To provide all residents and stakeholders more convenient opportunities to discuss their neighborhood air quality concerns, AQMD's Environmental Justice program began hosting an ongoing series of local Town Hall

meetings in all four counties of the Basin. To date, over 40 have been held, each one customized to that particular community's needs, interests, and circumstances. Town Hall meetings are held on evening and weekend hours, at accessible sites such as recreation halls or community centers, and are publicized in advance through local communication routes such as public health advocacy groups, parent & teacher associations, faith-based organizations, commercial trade groups, and renters' & property owners' groups, among many others.

At each Town Hall meeting, staff gives a brief presentation on what AQMD does, what the measured air quality is in that locale, and known area-specific air quality issues. Then the meeting is opened up for questions and comments by the audience. During the open question-and-answer session, the agency's executive and senior management staff are available to respond in person, first-hand, to all attendees' comments, queries, or suggestions concerning their personal air quality concerns and priorities. Follow-up commitments to provide contacts, information, or specific actions are also made.

In addition, at most Town Hall events, one or more Governing Board members or representatives of other organizations (such as deputies from state legislative offices or Congressional field offices, officers from industry trade associations, or contacts from affected utilities and businesses) are also present to listen to local concerns.

Approximately one location is visited per month, as determined by a number of factors including but not limited to, the number of complaints that are received on AQMD's toll-free line (1-800-CUT-SMOG), requests from local elected officials, and nuisance reports received by AQMD field inspectors. Typically, about six weeks of lead time is required, during which staff identifies any known air quality issues in that community and neighboring communities, so that background data and enforcement records can be assembled.

Enforcement. When community residents become pro-active, informed partners in reaching compliance resolutions, the District can focus its resources more cost-effectively. As AQMD has strengthened its focus on community air quality issues, several nuisance situations have been resolved as a direct result of participation by members of the public.

Examples include:

- curbing residential exposure to emissions from idling diesel locomotives;
- controlling fugitive dust from grain handling and shipping processes;

- revising control of petroleum coke storage & handling operations at port facilities; and
- raising awareness of dust mitigation requirements at construction sites.

As AQMD's environmental justice program has evolved, it has also become clear that careful balancing of budget allocations is necessary so that attention to new initiatives does not occur at the expense of traditional enforcement tools, including permitting, compliance assistance, and field inspections. For example, AQMD conducted a dedicated compliance audit of Southern California gas stations in 2000 which showed low rates of compliance, caused by poor reliability of hardware and inadequate maintenance. There are some 3,700 gas stations and 1,900 private fueling stations spread throughout this region, and emissions escaping during fueling activity are a significant source of smog-forming as well as cancer-causing air toxic emissions. As a result of concerns raised by the audit, Rule 461 - Gasoline Transfer and Dispensing was changed to require more frequent testing of underground storage tanks, gas pumps and associated hardware to ensure that vapor recovery equipment is functioning efficiently. This resolution followed a more traditional enforcement route than some newer initiatives, but nonetheless reduced pollution impacts near gas stations in all communities in the Southland.

Education on Local Land Use Authority. As AQMD has sought to address a variety of regional and local community concerns, experience has shown that sometimes, outstanding environmental justice concerns can remain even after air quality impacts have been minimized to the full extent of the law within AQMD's jurisdiction. Specifically, this can occur in these instances:

- 1) projects which are individually acceptable but which may contribute to adverse cumulative impacts (e.g., warehouse distribution centers), and
 - 2) projects where the location, proximity, and/or direction, rather than the level, of emissions may be problematic (e.g., industrial siting near a school).
- In such instances, the siting decision rests with the local land use planning authority, such as a city council or local planning commission.

As a result, in implementing AQMD's environmental justice initiatives, staff has made extensive efforts to provide responsive information to both the public and fellow governmental bodies, relative to responsible agencies, the public comment process, monitoring/meteorology/ dispersion modeling data, and potential mitigation options.

In addition, AQMD staff has actively participated in a variety of forums, hearings, and civic programs on environmental justice so as to be able to

offer actual case studies and sample problem resolutions. In this and other ways, the Governing Board intends to emphasize that community impacts are best addressed when local governments exercise far-sighted, preventative actions, rather than when attempts are made to impose after-the-fact remedial actions by third parties.

- ***Significantly Greater Emphasis on Strategic Targeting and Strategic Partnering for Air Toxics Prevention.*** AQMD has a legal responsibility to lower ozone and particulate matter levels District-wide. Air toxics emissions, however, tend to present more localized risk impacts. The South Coast's Air Toxics Control Plan, issued in 2000, was not required by state or federal law, but instead was put in place by the Governing Board in response to grassroots concerns. The plan seeks to address hazardous emissions in a systematic, preventative way that protects the health as well as the economic vitality of disadvantaged communities.

AQMD's risk management of air toxics for individual facilities is conducted under the state Tanner Act (AB 1807), utilizing health risk assessment methodologies and standards of the Office of Environmental Health Hazard Assessment (OEHHA). AQMD's 2000 MATES-II study, described earlier, showed that cancer risk has decreased significantly across Southern California since first measured in 1990, due in large part to reformulated gasoline. Mobile sources remain the major contributor to unacceptable risk levels in the South Coast, with diesel exhaust the primary driver.

Based on the findings of the MATES-II program and an evaluation of the projected remaining toxic emissions after implementation of the AQMP, the AQMD's Governing Board in 2000 approved an Air Toxics Control Plan. The plan outlines additional control strategies to further reduce toxic contaminants over the next eight years. Air toxics to be further controlled include diesel particulate, certain criteria pollutants and their related toxic compounds (e.g., 1,3-butadiene), and specific non-VOCs, such as perchloroethylene and hexavalent chromium. (See Appendix I.)

The design criteria employed in developing the Air Toxics Control Plan strategies were:

- to integrate and maximize concurrent emission reduction opportunity for both criteria and toxic pollutants;
- to promote pollution prevention/elimination technologies;
- to address both regional and localized toxic exposures;
- to seek compliance flexibility to the extent feasible, and to streamline compliance requirements among various regulatory agencies; and
- to minimize adverse socioeconomic impacts while protecting public health.

These strategies represent a comprehensive approach designed to further reduce air toxic emissions in the Basin. Along with additional mobile and stationary control measures to be developed and implemented over the next eight years, four early-action priorities began to be implemented immediately (see Table 1.)

*Table 1
Early-Action Control Strategies
in AQMD's Air Toxics Control Plan*

- | |
|--|
| <ul style="list-style-type: none">• New Clean Fleet Vehicle Rule 1190 series - Gradual conversion of on-road vehicles (began in 2000)• Amend Rule 1401 - New Source Review of Toxic Air Contaminants for new and modified sources of air toxics (last amended May 2002)• Amend Rule 1402 - Control of Toxic Air Contaminants from Existing Sources (amended March 2000)• Further reductions from gasoline dispensing facilities; Rule 461 - Gasoline Transfer and Dispensing (April 2000) |
|--|

To date, implementation of the Clean Fleet Vehicle rules has been one of the most ambitious policies ever undertaken by the AQMD, staking a clear leadership position in supporting the transition to low-emission and alternative-fuel vehicles. The rules, applicable to thousands of fleet service vehicles operated by hundreds of local governments and other organizations, will reduce both toxic and smog-forming air pollutants (Table 2).

Table 2
Rule 1190 Series, Clean Fleet Vehicle Rules

RULE 1191 --	Clean On-Road Light- and Medium-Duty Public Fleet Vehicles
RULE 1192 --	Clean On-Road Transit Buses
RULE 1193 --	Clean On-Road Residential and Commercial Refuse Collection Vehicles
RULE 1194 --	Commercial Airport Ground Access
RULE 1195 --	Clean On-Road School Buses
RULE 1196 --	Clean On-Road Heavy-Duty Public Fleet Vehicles
RULE 1186.1--	Alternative-Fuel Sweepers
RULE 431.2 --	Sulfur Content of Liquid Fuels

In particular, AQMD's Governing Board was careful to structure Rule 1195-Clean On-Road School Buses so that it does not divert school funds from the classroom. The rule requires school bus fleet operators to purchase low-emission models, generally powered by compressed natural gas (CNG), only when acquiring new buses -- and only if outside funds are available to cover the cost differential of such vehicles. In turn, AQMD Governing Board has made the acquisition and dedication of such funding a top priority, fully aware that thousands of older, smoke-emitting school buses have remained in service simply because school districts lack funds to replace them.

To replace dirty-running school buses, AQMD has (as of June 2002) awarded schools nearly \$25 million toward cleaner buses. In June 2002, the Governing Board also awarded over \$7 million in pass-through funds from CARB's Lower-Emission School Bus Retrofit Program to retrofit diesel school buses with particulate filters.

AB 1390 (Firebaugh) requires that at least 50% of state school bus clean-up funding be spent to reduce health impacts from airborne toxics and particulate matter in areas that have the most significant exposure, including low-income communities or communities of color or both. AQMD pioneered in the development of a clear, objective methodology for evaluating funding applications based on a combination of poverty level, PM exposure, and air toxics exposure.

In 1998, the State legislature created and allocated funding to the Carl Moyer Program (named in honor of a key figure in developing state air quality measures), to support the move to cleaner-running engines, which otherwise would take decades. The AQMD has targeted its share of CARB's Carl Moyer funding to help speed the introduction of low-emission, heavy-duty engines in school buses as well as transit buses, refuse haulers, over-the-road trucks,

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marine and port applications, construction equipment, alternative power units, and off-road vehicles such as forklifts.

Lowering emissions from the above categories will directly reduce air toxic emissions from those heavily impacted geographic areas which were highlighted in the MATES-II findings as having the most significant risk from high diesel exposure.

PROPOSED PROGRAM ENHANCEMENTS FOR FY 2002-03

Based on discussions with various stakeholder groups, other agencies, and internal staff, 23 action items are proposed for FY 2002-03.

The 23 proposed enhancements to AQMD's environmental justice program have been grouped into three inter-related categories: I - Further-Reduced Health Risks, II - Greater Community Access and Involvement, and III - Economic Incentives for Accelerated Mitigation. Category II has by far the greatest number of suggested enhancements because it focuses on improving community access and involvement.

CATEGORY I: FURTHER-REDUCED HEALTH RISKS

I-1. Re-adopt Rule 1410 requiring the use of modified hydrogen fluoride (HF) or alternative processes that eliminate the use of concentrated HF.

Hydrogen fluoride (HF) is a colorless, corrosive inorganic acid. Low concentrations of HF may cause irritation and inflammation of skin, eyes and respiratory tract. HF boils at 67 degrees Fahrenheit under normal atmospheric pressure. HF vapor is colorless but in the presence of moisture, gives the appearance of a white cloud. Accidental release of HF may result in the formation of an aerosol cloud that has the potential to persist at toxic concentrations for a long distance downwind of a release.

Currently, two refineries and one chemical plant in the Basin use HF in their processes. A chemical plant producing fluorocarbon products in El Segundo and a refinery in Wilmington are currently using HF without chemical additives. However, a refinery in Torrance is using HF containing chemical additives that reduce volatility and aerosol formation properties of HF. The chemical plant in El Segundo is anticipated to shut down by the end of 2002 due to the discontinued use of certain fluorocarbon products.

In 1988, following a 1987 HF-release incident in Torrance, AQMD formed an HF task force, which recommended phasing out use of the acid in the South Coast. Based on the study results, Rule 1410 - HF Storage and Use was unanimously adopted in April 1991, but was subsequently

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suspended by Los Angeles Superior Court in June 1992 after legal findings of a problem in the rule's CEQA assessment process.

This proposed Environmental Justice program enhancement calls for re-initiation of rulemaking similar to the former Rule 1410. Such action is necessary since some affected companies have not fully complied with the intent of Rule 1410 on a voluntary basis as anticipated.

I-2. Provide leadership in the development of an enhanced Model Air Quality Element that could be adopted into local governments' General Plans, and perform outreach with regional Councils of Government on the community benefits of implementing such an element.

Many opportunities exist for local government leadership to complement AQMD's attainment efforts, by promoting, educating, and encouraging partnerships that support clean air strategies.

One of the primary tools for local government participation in air quality stewardship is through the exercise of wise land use authority, specifically through informed discretionary permitting (e.g., tentative maps, conditional use permits, Specific Plans, and General Plans).

AQMD evaluates projects and issues permits in accordance with regional, state, and federal air pollution requirements, but it must do so based on the requirements of AQMD rules, not on where the operations occur. Instead, local governments (such as planning commissions, city councils, or boards of supervisors) possess principal locational siting authority for projects. In addition, a number of city/county activities or operations require air permits, including publicly owned treatment works (POTWs), landfills, some portable generators, and any municipal energy generating facilities.

This proposed enhancement would have the AQMD develop and promote a Model Air Quality Element for potential adoption by cities in the South Coast. Such an Element would identify types of land use related actions that can achieve air quality benefits and avoid adverse impacts to sensitive receptors such as schools. The AQMD previously developed a model Air Quality Element in the early 1990's and reinstitution of that effort is needed as part of the agency's environmental justice efforts. This action item will

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be carried out with active solicitation of input from local government and others.

I-3. Continue to pursue the concept of “subregional analyses” to address significant air quality impacts in specific areas of the Basin, similar to that being currently conducted for the area of Mira Loma, in northwest Riverside county.

On direction of the Governing Board, AQMD recently conducted an air quality impact study on the Mira Loma area to analyze cumulative emissions impacts from distribution centers/warehouse facilities (especially due to diesel exhaust), and to identify potential control opportunities. The study encompassed a three-step process, including: 1) the development of a land use map and data base per the local General Plan along with facility permit activity, 2) estimation of diesel truck emissions from these activities, and 3) computer modeling to estimate cumulative impacts from air toxics and fine particulate. The analysis also includes working on methodology to separate out transported and locally generated PM.

Staff is now focusing on the identification of stationary source control opportunities such as low-NOx combustion equipment, energy conservation/efficiency programs, and light-colored roofing and paving materials; and mobile source control opportunities such as lower emission and/or alternative-fueled vehicles, electrification of refrigeration units, low-sulfur fuel and PM traps, and auxiliary power unit applications for idling operations, and potential emission-reduction enhancements for off-road equipment.

This proposed enhancement calls for the continuance and expansion of these subregional analyses to other areas of the Basin which may be specially impacted by hazardous air pollutants (HAPs) and/or fine particulates in a manner that poses a potential environmental justice concern.

I-4. Continue to develop localized significance thresholds for subregions of the air district, as another indicator of CEQA significance.

The California Environmental Quality Act (CEQA) environmental analysis process is structured to identify significant potential adverse environmental

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impacts of a proposed public or private project, and then identify ways to avoid or reduce such impacts through reasonable alternatives or mitigation measures.

This proposed enhancement calls for AQMD staff to continue pursuing the Governing Board direction of February 2002, to develop and evaluate the implications of localized significance thresholds (primarily for NO₂, PM₁₀, and CO) for potential inclusion in a revision of AQMD's CEQA Air Quality Handbook. The Handbook serves as a guidance document to assist local government agencies and consultants in developing the environmental analysis required pursuant to CEQA.

Currently, significance is determined based on regional thresholds (except for CO hot-spots analysis for mobile sources). Localized analysis would provide a second test of significance, and provide additional information to decision-makers who are considering a proposed project for approval.

I-5. Develop a discretionary mechanism that directs "creative penalties" to benefit communities affected by local impacts.

The District Prosecutor's office of AQMD attempts, where feasible and appropriate, to utilize civil rather than criminal enforcement tools. In this way, an incentive to comply remains, while non-compliance is resolved without undue burden to the respective permit holder or undue economic impact on the business's host community.

"Creative penalties" involve a financial expenditure and/or investment with pollution-prevention value, termed a Supplemental Environmental Project (SEP). Examples of SEPs would include stipulating that a violating company accelerate cleanup of its stationary equipment or heavy-duty vehicle fleet. An SEP project can allow AQMD to ensure that required emission reductions are achieved while also remaining sensitive to limited financial resources.

This proposed enhancement calls for the development of a discretionary mechanism that can target penalty fines and SEP dollars to benefit those communities or neighborhoods which were impacted by the emissions violations which triggered those penalties, including violations of facility permit conditions and/ or air toxics requirements.

I-6. *Pursue the development of personal monitors for air contaminants.*

AQMD's field inspectors routinely investigate over 9,000 public complaints each year regarding the emission of odors, smoke, dust, and other contaminants. The nature of emissions under evaluation is usually unknown. There is an ongoing need for both inspectors and interested residents to be able to identify unknown air contaminants and approximate their concentration in ambient air during such an evaluation.

Previous considerations of portable systems have indicated only limited usefulness in short-duration events due to the long (two to three hour) set-up time for the instruments. There are a number of occupational health oriented air sampling and air monitoring device technologies that are species-specific; however, these are keyed to higher concentrations of contaminants for use in industrial settings.

This proposed enhancement calls for AQMD to sponsor or co-sponsor research targeted to identifying useful technologies and refining their sensitivity to ambient air concentration levels; if possible, for use by layperson residents and AQMD as a first step to identify pollutant emissions of concern. Such monitors would be used as a screening tool, with more rigorous traditional sampling under the auspices of AQMD used for compliance purposes.

**CATEGORY II:
GREATER COMMUNITY ACCESS & INVOLVEMENT**

II-1. *Pursue a requirement that all AQMD CEQA assessments include a project alternative with lowest air toxics emissions.*

This proposed enhancement calls for AQMD staff, in CEQA documents comparing specific project alternatives, to include at least one alternative, where feasible, which considers the proposed project or rule from a "*least harmful*" perspective with regard to hazardous air emissions.

Such an alternative would feature the lowest feasible air toxics emissions and/or exposure of the alternatives being analyzed, and would present comparative impacts and potential trade-offs for that particular project. In contrast to standardized harm-driven "risk assessment," this goal-driven approach (referred to as "alternatives assessment") would encourage the

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examination of reasonable, feasible precautionary measures (i.e., pollution prevention). The new alternative would be in addition to current policy, which evaluates a staff proposal and more- and less-stringent alternatives recommended by industry or environmental organizations.

II-2. Develop guidance and specific training for AQMD staff in agency protocol regarding public testimony & comment, to ensure that their comments put into proper perspective their type of expertise regarding potential adverse health impacts.

AQMD staff members are called upon to present comments on behalf of the agency at local government hearings or other agency proceedings. Topics include characterization of potential adverse health impacts or levels of risk presented by a proposed project or permit action.

This proposed enhancement calls for senior management to develop guidance and training for all staff who present testimony or comment on behalf of AQMD, delineating reasonable limits and preferred terminology to be followed when making prepared or live public comments in an advisory capacity on air quality related matters.

II-3. Implement formal environmental justice awareness and guidance training among AQMD's management staff and other designated staff, to be completed within 12 months.

AQMD's management, supervisory, and line staff have received varying types of background training on environmental justice concepts and issues, to supplement their field experience in carrying out the Governing Board's original Environmental Justice Initiatives. Depending on the individual staff member, training has ranged from academic classes or briefings from community-based groups or technical /legal experts in the field.

AQMD representatives also attended the 2-day "Fundamentals of Environmental Justice" pilot training session offered by U.S. EPA at AQMD's Diamond Bar offices in February 2002, which brought together staff and about 40 stakeholders including community-based and faith-based organizations. The training featured "peer clinic" exercises and discussions of actual case studies on national, state, and local scales.

This proposed enhancement calls for the implementation of environmental justice awareness and guidance training to be given to all AQMD management staff down to the Manager's level, all Hearing Board support staff, and all AQMD "Radio Room" personnel (who respond to AQMD's toll-free public nuisance complaint line 1-800-CUTSMOG, and gather reports to be forwarded to inspector staff). To the degree possible within available resources and work schedules, this training shall include a site tour of specific sites which have been the subject of past and present environmental justice case studies. Once this training has been completed, the agency will proceed with training of additional staff members.

II-4. Improve the transparency of AQMD's data holdings regarding AB2588 Risk Assessments for air toxics "hot spots."

A number of websites currently provide access to federal Toxics Release Inventory reporting data for interested members of the public. These tools allow a more direct method of monitoring environmental performance by permit-holders. However, many of the websites have suffered from outdated data.

This proposed enhancement calls for AQMD to streamline and expedite the electronic posting of its own information on Basin air toxics inventory and health risk assessments, to be publicly available on the Internet. Implementation of this concept would require analysis of related legal safeguards, proprietary data & access concerns, quality control processes, in-house Information Management resources and capabilities, and maintenance funding, among other issues.

II-5. Implement the electronic posting of all validated Notices to Comply and Notices of Violation.

Currently, the office of District Prosecutor submits a regular "Civil Filings and Civil Penalties Report" as a receive-and-file item on each month's Governing Board agenda, which lists settlements and court cases arising from notices issued by AQMD inspection & enforcement staff during a specific time period. This report is carried on AQMD's website as part of the regular Governing Board agenda posted each month.

This proposed enhancement calls for the electronic posting of all notices and orders of abatement, once validated and finalized, in a readily accessible location on AQMD's website.

II-6. Conduct a survey to identify the website information needs of interested community-based organizations and other stakeholders.

AQMD's website, at <http://www.aqmd.gov>, has greatly expanded its information offerings in the past five years. Currently, the District's home page offers quick access to material on the following topics: smog levels, news & information, meetings & agendas (including scheduled Town Hall meetings), smoke & odor complaints, clean air plans, rules & CEQA, compliance programs, getting permits, business assistance, transportation programs, clean air technologies, business & job opportunities, the Governing Board and management staff, and a children's page, as well as topic search functions.

A number of these offerings are chiefly of interest to site visitors who already have a working knowledge of the agency and its programs. This proposed enhancement calls for AQMD to conduct a survey to determine what other kinds of information are desired - - by interested web-connected groups as well as new visitors, especially with regard to issues related to environmental justice.

II-7. Establish "clean air data depositories" at sites accessible and preferred by community stakeholders.

Whenever possible, AQMD makes available District documents on-line over the Internet. However, the Governing Board and management staff are sensitive to the fact that not all impacted residents have computer access.

At its Diamond Bar headquarters, AQMD has a Public Information Center located in the main entrance lobby, at which interested members of the public can pick up paper copies of such documents as informational brochures, rulemaking staff reports, and environmental and socioeconomic assessments of proposed rules & projects; these documents can also be

ordered by phone.

This proposed enhancement would seek to make available to a select number of heavily impacted communities a semi-permanent data repository (public access files) containing currently available data for their particular geographic area, and make such data available at a location convenient to and preferred by community consensus. For example, if a resident wanted to know about emission sources in the community, the resident could review this file.

II-8. Enhance AQMD's public noticing and advertising procedures to include distribution to a broader cross-section of community media outlets.

Currently, AQMD places public notices advertising Requests for Proposals in more than 25 newspapers published throughout the four counties of the South Coast (see current list below). Additionally, potential contract bidders are notified through professional directories, legislative caucuses, electronic listings, various minority chambers of commerce and business associations, and a 24-hour telephone message line.

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| 1. Antelope Valley Press | 11. Inland Valley | 22. Rafu Shimpō |
| 2. Black Voice News | Daily Bulletin | 23. San Bernardino Sun |
| 3. California, State of, | 12. Korea Central Daily | 24. Signal, The |
| Contracts Register | 13. Los Angeles Daily News | (includes Santa Clarita, |
| 4. Chicano, El | 14. Los Angeles Sentinel | Newhall, and Saugus) |
| 5. Chinese Daily News | 15. Los Angeles Times | 25. Voz, La, Publications |
| 6. Desert Sun | 16. Opinion, La | 26. Wave Community |
| (Coachella Valley) | 17. Orange County Register | Newspapers |
| 7. Eastern Group Publications | 18. Philippine News | (includes Southwest Topics |
| 8. Excelsior, The | 19. Precinct Reporter | Wave, Angeles Mesa Wave, |
| 9. Informador, El | 20. Prensa Hispana, La | & Central News Wave) |
| 10. Inland Empire | 21. Press Enterprise | |
| Hispanic News | (Riverside County) | |

Due to limitations of cost, timeliness, and verifiability, classified public notices for rulemaking workshops & hearings (as well as public comment periods on released documents) are published in one outlet in each county and the Coachella Valley (specifically, the *Inland Valley Daily Bulletin*, *Los Angeles Daily Journal*, *Orange County Register*, *Riverside Press-Enterprise*, and the *Desert Sun*). AQMD's Public Affairs office also distributes media releases on a regular basis about District-related activities and events, which are often picked up by a variety of regional news outlets.

This proposed enhancement calls for a low- or no-cost expansion of rulemaking and public comment noticing to additional community outlets, utilizing such media as free-circulation local news weeklies and community cable television time. This expansion would especially be sought for notice of community public meetings regarding topics related to environmental justice, permitting actions, and local air sampling data.

II-9. Prepare and make available to interested residents a convenient, user-friendly public guidance handbook in multiple languages on how to: recognize an air pollution problem; make a complaint regarding a neighborhood air quality problem, an inquiry regarding local emission sources, or a request for public records.

Under this proposed enhancement, AQMD staff would work with entities such as the Ethnic Community Advisory Group and Home Rule Advisory Group to draft an abbreviated handbook for use by the lay public. The handbook would explain topics including, but not limited to: AQMD's general enforcement procedures, how to recognize an air pollution problem and submit optimally complete information when making a nuisance complaint, and how to obtain or access other local air quality information by mail, in person, or over the Internet. The handbook would also be translated into Spanish, Korean, and other languages used in Southern California.

Upon Board Committee approval, the handbook would undergo trial usage and troubleshooting (possibly in conjunction with the pilot "Environmental Justice Community Watch" project described in proposed enhancement #II-14) before distribution.

II-10. Prepare an annual summary of AQMD's Environmental Justice program efforts, and lay out proposed environmental justice related activities for the ensuing 12 months.

In addition to specific community problem-solving work, many regional regulatory activities have broad multi-county benefits but also help address environmental justice issues of concern (for example, as related to air toxics, clean fleet vehicle rule implementation, and special enforcement actions).

Under this proposed enhancement, AQMD staff would prepare an annual summary of environmental justice accomplishments for the preceding 12 months, and in collaboration with stakeholders, would list proposed enhancement concepts for the ensuing year. Staff would also continue to hold local workshops to inform impacted communities on progress made. The review and update process would coincide with the annual agency budget adoption process.

II-11. Organize and host an annual air quality conference for science teachers at the middle- and high-school level of instruction, and provide enhanced materials on both regional and local air quality research findings.

This proposed enhancement would build on the successful workshops that AQMD has already hosted for educators, school administrators, sports coaches, and medical professionals in the South Coast. These successful workshops have outlined AQMD's clean air programs and have included participation by such specialists as research academicians, physicians in the field of children's respiratory health, and community-based groups that advocate for research and treatment of asthma and other chronic respiratory illnesses affected by poor air quality.

AQMD's staff members hold degrees and professional certifications in fields including agricultural resource management; atmospheric science; biology; chemistry; computer science; engineering (mechanical, chemical, civil, electrical, and environmental); environmental health; geophysics; law; mathematics; meteorology; physics; and public health - - and make use of these multiple perspectives in their daily work.

Co-sponsorship partners, such as the National Science Teachers Association and the California Regional Environmental Education Community (CREEC) Network, would be sought. In addition to providing supplementary materials support for science educators as related to air quality, such an annual conference would seek to encourage education regarding local and regional air quality issues; to encourage recruitment of more students to consider becoming professional scientists and environmental policy analysts; and to provide outreach on AQMD's laboratory and monitoring analysis capabilities, as well as current research and demonstration projects being carried out under AQMD's Advanced Air Pollution Research Plan and annual Technology Advancement Plan.

Beyond the conference itself, opportunities would also be explored for District support of hardware needs of local school science departments, especially in under-served districts.

II-12. Make broader use of co-sponsorships in AQMD's outreach efforts, including educational events held in partnership with local community-based groups.

This proposed enhancement would seek to emphasize communities as active partners in seeking solutions to local air quality challenges.

As mentioned previously, AQMD has hosted educational workshops and has helped underwrite expenses for a number of community events, and will continue to do so. Also as mentioned previously, AQMD has hosted many local Town Hall gatherings, featuring an open-microphone format where attendees are invited to make statements or ask questions directly of AQMD staff.

Under this enhancement, some community-based meetings would occasionally emphasize a more multilateral style of participation, where entities other than the AQMD serve as co-hosts. Agendas could be assembled in the style of a symposium, where ideas are freely exchanged on a particular subject.

II-13. On each month's listing of lead agency projects and environmental documents received by the AQMD, highlight any projects where environmental justice concerns have been raised by elected officials, or interested members of the public.

Each month, the Governing Board and its Mobile Source Committee receive a listing of lead agency projects and environmental documents received by the AQMD. The tabular format presents information on planned projects in all four counties of the District, showing project title and log number, description, CEQA document type, lead agency, and comment status (i.e. whether AQMD will comment or not); as well as another stand-alone listing of those projects for which the AQMD is acting as lead agency pursuant to CEQA.

This proposed enhancement would highlight, by a to-be-determined marking of some kind, those proposed projects where potential air quality related environmental justice concerns regarding potential disproportionate impacts have been raised by elected officials, or interested members of the public. If possible, the table would also inform interested readers on the status of public involvement opportunities on specific dates (e.g., comment deadlines, hearing dates, etc.).

II-14. Develop a pilot “Environmental Justice Community Watch” program to harness the power of neighborhood cooperation.

One of the tools local law enforcement agencies use to combat local crime and nuisance problems is to support the formation of “Neighborhood Watch,” “Apartment Watch,” and “Business Watch” groups of local homeowners, residents, business owners, and enforcement officers. Participants keep lines of communication open to support safe neighborhoods.

In AQMD’s own recent experience, field inspectors have been able to utilize observations made by local residents as a component to successfully address nuisance levels of air pollutants.

This proposed enhancement calls for establishing a pilot “Environmental Justice Community Watch” program in a single neighborhood, to include community residents and advocates, industry representatives, and AQMD enforcement staff. Interested participants would meet on a task-force basis to receive a background briefing on AQMD policies, procedures, and local air quality and emission sources. It is hoped that this pilot effort will lead to improved dialogue between residents, local businesses, and AQMD.

II-15. *Make further efforts to translate pertinent public notices into multiple languages, as applicable to the cultural and ethnic populations of individual neighborhoods and communities.*

Under the original set of environmental initiatives, AQMD began distributing translated versions of notices for Town Hall meetings when called for by the cultural mix of an individual location. Town Hall meeting notices have thus far been produced in Chinese (Mandarin), Korean, Spanish, and Vietnamese.

In addition, AQMD maintains a list of bi-lingual and multi-lingual employees who have been tested for proficiency in a specific language [including Armenian, Chinese (Cantonese), Chinese (Mandarin), Farsi, Korean, Spanish, and Vietnamese], and accesses the services of these employees for translations on an as-needed basis.

This proposed enhancement calls for AQMD to extend its translation actions to include written translations of public notices related to controversial projects and rulemakings, and if possible, translations of associated staff summaries and/or presentations.

**CATEGORY III:
ECONOMIC INCENTIVES FOR ACCELERATED MITIGATION**

III-1. *Develop a low-emission and clean-equipment control measure for the category of off-road intermodal equipment, such as that operated at ports and large distribution centers.*

Intermodal equipment includes yard hostlers or haulers, which are generally off-road diesel trucks used to haul containers from ships to storage areas, such as the cargo and container staging areas at local port facilities, and at large inland freight distribution centers. Such vehicles have not been subject to strict emission requirements in the past, but represent a local source of NOx and particulate emissions.

This proposed enhancement project would result in an estimated emissions inventory of, and seek emission reduction opportunities from, this equipment category. Control options to be considered would include add-on controls, use of advanced fuels and alternative

technologies. As with previous AQMD rulemaking efforts, emission reductions achievable would take into account technical feasibility, cost-effectiveness, and extent of AQMD legal authority. Market incentive measures could be included as a control strategy.

III-2. Develop an expedited CEQA analysis process for any major project which contains commitments and milestone schedules for implementation of "super mitigation" actions.

CEQA evaluations of proposed projects include a section which identifies ways that environmental damage can be avoided or significantly reduced. Such ways can include requiring changes in a project through alternatives or mitigation measures that are found to be reasonable and feasible.

This proposed enhancement would seek to strike a better balance between community protection and investment stability, by offering the incentive of an expedited CEQA process in return for "super mitigation." By agreeing to implement superior emission reduction components to a project, a proponent would be assured of a speedier administrative review, but still consistent with CEQA timeframes for public comment. Looked at another way, by receiving a project plan of clear accountability for advanced pollution prevention actions, AQMD could reward the proponent with streamlined review steps. This enhancement could therefore incentivize the incorporation of advanced low- and zero-emission technologies in project planning.

A working group of diverse stakeholders (e.g., environmental and trade group representatives) will be formed to define "super mitigation" actions and make recommendations on streamlining of the CEQA analysis process.

APPENDICES

NOTE: Due to formatting limitations and page bulk, the appendices below only appear in the paper version of this draft document. The final document will include electronic versions of all appendices.

Contents

- A - AQMD Environmental Justice Guiding Principles and Initiatives (October 1997)
- B - Outcomes, AQMD Environmental Justice Initiatives
- C - Children's Air Quality Agenda, Basic Tenets and Action Initiatives (March 1999)
- D - Environmental Justice Task Force Final Report (August 1999)
- E - Environmental Justice Compact
- F - California State Legislation Related to Environmental Justice (as of ____ 2002)
- G - Town Hall Meeting Synopsis
- H - Sample Town Hall publicity flyer
- I - Additional Strategies from the 2000 Air Toxics Control Plan (March 2000)
- J - CARB Policies and Actions for Environmental Justice (December 2001, list only)
- K - Proposed Environmental Justice Program Enhancements (list only)