

Comment Letter #103



October 18, 2022

VIA EMAIL

Air Quality Management Plan (AQMP) Team
South Coast Air Quality Management District ("SCAQMD")
AQMPteam@aqmd.gov

Re: Revised Draft AQMP

Dear AQMP Team:

We comment on the Revised Draft 2022 AQMP (Draft Plan). As this agency is aware, this is the most important air plan in the history of the agency. Critically, the draft plan recognizes what our organizations have said for a long time – “the only way to achieve the required NO_x reductions is through extensive use of zero emission technologies across **all stationary and mobile sources**.”¹ We don’t have time to waste pursuing incrementally cleaner combustion strategies because, like all the past ozone strategy failures, it will not work. In light of this zero-emissions North Star for regional air planning, we remain concerned that the plan as drafted remains far too weak. The following provide concrete suggestions for improving the plan.

Strengthen Measures for Commercial and Large Combustion Sources.

In critiques on the lack of a commitment to more aggressive measures in the Large Combustion and Commercial Combustion space, staff points to the rules adopted as part of the transition from RECLAIM—claiming that these measures are achieving 13 tpd in NO_x reductions. The District further claims that when combined with these RECLAIM achievements, the total emissions reduction percentage from combustion stemming from proposed measures in the Draft 2022 AQMP will be closer to 64.7 percent. This response misses the point. On the very first page of the Air Plan, the staff says we must get to zero-emissions for stationary sources. Yet, the control strategy leaves so many emissions reductions on the table and pursues the plain, vanilla combustion-centric approach of the past.

We recognize the District’s talking point that it could reduce all stationary source emissions to zero, and the region would still not attain. This mantra often is used as a shield to actual self-reflection over whether the agency is doing everything it can. For example, the last air plan was anchored on a strategy to clean up stationary sources that operated under a broken pollution trading system —RECLAIM — that resulted in half of all equipment in the program not meeting Best Available Retrofit Control Technology (BARCT). For years, the Air District operated under a rubric that its sources “were the most well controlled in the country” when that was not likely the case at many facilities like refineries. Deflecting from additional needs in emissions

¹ Revised Draft AQMP, at Executive Summary.

reductions at stationary sources also fails to recognize where these sources are so often concentrated – low-income communities of color.

A better approach is to examine the commitments and have the agency ask, can we afford to leave remaining emission reductions on the table instead of adopting zero-emissions oriented BARCT regulations? For example, in the L-CMB-02 control measure covering Boilers and Process Heaters, the staff is proposing zero additional emission reductions by 2031 and only 0.45 tpd NOx reductions by 2037. In 2037, this category will emit 2.36 tpd of NOx, so the plan proposes a measly 19% reduction in NOx. The appropriate question is, rather, can we afford to forego the 1.9 tpd of NOx reductions as the plan currently proposes by 2037? We believe the answer is no.

To fix this problem, the Board should direct staff to commit to achieving .45 tpd by 2031, in addition to an overall commitment of 1.75 tpd by 2037. The shift would look like the below:

Current Plan Commitment:

Number	Title	Emissions Reduction (tons per day) (2031/2037)
L-CMB-02	Reduction from Boiler and Process Heaters (Permitted) [NOx]	0 / 0.45

Strengthened and More Health Protective Plan Commitment:

Number	Title	Emissions Reduction (tons per day) (2031/2037)
L-CMB-02	Reduction from Boiler and Process Heaters (Permitted) [NOx]	0.45 / 1.75

In Appendix A of this letter, we have proposed modifications to the commitments for all the Commercial and Large Combustion Sources for consideration.

Fix the South Coast's Broken Cost Effectiveness Approach, which Deters Staff from Requiring Pollution Controls.

We appreciate willingness to revise the 2022 AQMP in a way that shifts gatekeeping for strategies based solely on the costs – ignoring many key factors required under the Health & Safety Code like the health benefits of rules. Stated bluntly, the Air District's cost effectiveness thresholds make the agency's rulemaking process not work. In some rules, staff has not explored strategies that go above the arbitrary thresholds set in the 2016 AQMP.

Regarding the proposal in the Draft AQMP to set a \$325,000 threshold, this is a step in the right direction, but it too misses the mark. First, this \$325,000 number must be higher; the AQMD concedes that this number is lower than the \$342,000 per ton benefits from the 2016 AQMP. Why would we have a lower threshold than the prior AQMP? At a minimum, the cost effectiveness should be \$342,000 in 2021 dollars indexed to inflation, or \$386,121.23². We still think the cost effectiveness threshold is not needed per existing law, but if the plan includes a threshold, Option 1 would continue to be a disaster, and Option 2 is preferable with the fix mentioned above. Instead of additional process outside the Board, the approach should simply be to mark a box on the front page of the final rulemaking package if a rule exceeds whatever new cost threshold is determined. This will put the decision back to where it needs to be, which is the Governing Board.

Direct Staff to Hasten Work in Cleaning Up Deadly Diesel Magnets and Bring Rules to the Board by Dates Certain with No Delays.

This month, the Ports of Los Angeles and Long Beach released their 2021 Emissions Inventory.³ The analysis is not pretty. The Ports dosed residents and the region with unconscionably high levels of pollution last year. While the Ports will try to claim this was an anomaly given ship back-ups, they fail to recognize that record volumes have continued to rise and levels prior to the pandemic were too high, and we will continue to see these high levels. The report also shows the Ports are not likely to meet the NOx reduction goals set in the 2017 Clean Air Action Plan Update by 2023. This shows the voluntary approach is not working.

Yet, despite over a decade of the South Coast AQMD debating the creation of more accountability, the Board has failed to deliver. Even if the Board does not feel comfortable identifying emissions reductions associated with deadly port sources, railyards, and other sources, we ask the Board to provide clear direction that it expects strong indirect source rules by dates certain next year. The time for delay is over, and voluntary approaches do not work.

Reliance on Section 182(e)(5)- the Black Box- Will Continue to Fail the Region

There is no single example of how the “Black Box” has actually served to improve air quality and reduce emissions in the region. Still, the District is doubling down on its commitment to use this stop gap measure that the region cannot afford. Reliance on Black Box measures has led to significant gaps in emissions reduction just as the District continues propping up combustion-

² Based on CPI Inflation Calculator; available at <https://www.officialdata.org/us/inflation/2020?endYear=2021&amount=130000>. (Last visited October 4, 2022).

³ Port of Long Beach. (October, 2022). *Air Emissions Inventory-2021*. Retrieved from: <https://polb.com/port-info/news-and-press/annual-inventory-reflects-unprecedented-pandemic-congestion-supply-chain-disruptions-increased-emissions-in-2021-10-03-2022/>; Port of Los Angeles (September 2022). *Inventory of Air Emissions 2021-Technical Report*. Retrieved from: https://kentico.portoflosangeles.org/getmedia/f26839cd-54cd-4da9-92b7-a34094ee75a8/2021_Air_Emissions_Inventory.

based technology while avoiding a stronger push towards zero-emissions. To address the emission reduction gap the Black Box has caused, the District should focus on redirecting regulations and incentive programs so that the strongest possible support for zero-emissions solutions happens today.

The District rightly recognizes that deployment of zero-emissions across all sectors is required to achieve the emissions reductions necessary to improve the air in the region. We call on the District to carefully examine each of its programs—whether in the form of regulations or incentives— and eliminate those that continue to hamper its ability to bring the region to zero-emission sooner. This means eliminating unnecessary subsidies for technology with emissions and prioritize those that have none.

We fear that another “Black Box” will just mean the “federal sources” that the Air District complains about lacking regulatory control over (e.g. Ships, Airplanes, Locomotives, etc) will just be expanded through developments at ports, railyards, airports, etc based on the farce we have a real clean air plan. This is what has happened for decades with the “Black Box,” and at a minimum, the Air District needs to explain how having a plan that claims attainment will not just unlock this expanded development that continues to make the region’s air dirty.

CONCLUSION

We need all our agencies to step up if we want to tackle deadly smog pollution. We are asking the Environmental Protection Agency to do more, as well as the California Air Resources Board. But, we need the Air District to do more. It is not too late to provide the clear direction needed to make vital changes to the 2022 AQMP.

Sincerely,

Fernando Gaytan
Adrian Martinez
Earthjustice

Appendix A – Control Measures in Plan

The current plan looks like this:

Control Measure	Description of Control Measure	2031 Emissions Reductions / 2037 emissions reduction (Total Source Tonnage in 2037 / Percentage Reduction Commitment by 2037)
C-CMB-01	Emission Reductions from Replacement with Zero Emissions or Low NOx Appliances – Commercial Water Heating	0.04 / 0.25 tpd (0.42 tpd in 2037 / 60% emissions reduction)
C-CMB-02	Emission Reductions from Replacement with Zero Emission or Low NOx Appliances - Commercial Space Heating [NOx]	0.04 / 0.21 tpd (0.34 tpd in 2037 / 62% emissions reduction)
C-CMB-03	Emission Reductions from Commercial Cooking Devices [NOx]	0.21 / 0.64 tpd (0.98 tpd in 2037 / 65% emissions reduction commitment)
C-CMB-04	NOx Reductions from Small Miscellaneous Commercial Combustion Equipment (Non-Permitted)	0 / 2.25 tpd (3.47 tpd in 2037 / 65% emissions reductions commitment)
C-CMB-05	NOx Reductions from Small Miscellaneous Commercial Combustion Equipment (Non-Permitted) [NOx]	0 / 5.14 tpd (7.05 tpd in 2037 / 73% emission reduction commitment)
	Total Commercial Combustion	0.29 / 8.49 tpd (12.3 tpd in 2037 / 69% emissions reduction commitment)
L-CMB-01	NOx Reductions from RECLAIM Facilities	0 / 0.31 tpd

		(0.69 tpd in 2037 / 45% emissions reduction commitment)
L-CMB-02	Reduction from Boiler and Process Heaters (Permitted) [NOx]	0 / 0.45 tpd (2.36 tpd in 2037 / 19% emissions reduction commitment)
L-CMB-03	NOx Emission Reductions from Permitted Non-Emergency Internal Combustion Engines [NOx]	0 / 0.34 tpd (1.03 tpd in 2037 / 33% emission reduction commitment)
L-CMB-04	Emission Reductions from Emergency Standby Engines (Permitted) [NOx, VOCs]	0 / 2.04 tpd (4.54 tpd in 2037 / 45% emission reduction commitment)
L-CMB-05	NOx Emission Reductions from Large Turbines [NOx]	0 / 0.07 tpd (0.26 tpd in 2037 / 27% emissions reduction commitment)
L-CMB-06	NOx Emission Reductions from Electricity Generating Facilities [NOx]	.09 / 0.91 tpd (2.14 tpd in 2037 / 43% emissions reduction commitment)
L-CMB-07	Emission Reductions from Petroleum Refineries [NOx]	0 / 0.89 tpd (4.44 tpd in 2037 / 20% emissions reduction commitment)
L-CMB-08	NOx Emission Reductions from Combustion Equipment at Landfills and Publicly Owned Treatment Works [NOx]	0 / 0.33 tpd (1.31 tpd in 2037 / 25% emission reduction commitment)
L-CMB-09	NOx Reductions from Incinerators [NOx]	0 / 0.90 tpd (1.20 tpd in 2037 / 75% emission reduction commitment)

L-CMB-10	NOx Reductions from Miscellaneous Permitted Equipment [NOx]	0 / 1.01 tpd (1.27 tpd in 2037 / 80% emission reduction commitment)
	Total	.09 / 7.25 tpd (19.2 tpd 2037 / 38% emission reduction commitment)

Strengthened Control Measure Proposal (strike-throughs equal numbers changes and red numbers are new suggested commitments).

Control Measure	Description of Control Measure	2031 Reductions / 2037 emissions reduction
C-CMB-01	Emission Reductions from Replacement with Zero Emissions or Low NOx Appliances – Commercial Water Heating	0.04 / 0.25 tpd
C-CMB-02	Emission Reductions from Replacement with Zero Emission or Low NOx Appliances - Commercial Space Heating [NOx]	.04 / 0.21 tpd
C-CMB-03	Emission Reductions from Commercial Cooking Devices [NOx]	0.21 / 0.64 .85 tpd
C-CMB-04	NOx Reductions from Small Miscellaneous Commercial Combustion Equipment (Non-Permitted)	0 / 2.25 3.25 tpd
C-CMB-05	NOx Reductions from Small Miscellaneous Commercial Combustion Equipment (Non-Permitted) [NOx]	0 / 5.14 6.25 tpd
	Total Commercial Combustion	0.29 / 8.49 10.81 tpd

L-CMB-01	NOx Reductions from RECLAIM Facilities	0 / 0.31 0.65 tpd
L-CMB-02	Reduction from Boiler and Process Heaters (Permitted) [NOx]	0 0.45 / 0.45 1.75 tpd
L-CMB-03	NOx Emission Reductions from Permitted Non-Emergency Internal Combustion Engines [NOx]	0 / 0.34 0.8 tpd
L-CMB-04	Emission Reductions from Emergency Standby Engines (Permitted) [NOx, VOCs]	0 1.5 / 2.04 3.54 tpd
L-CMB-05	NOx Emission Reductions from Large Turbines [NOx]	0 / 0.07 tpd
L-CMB-06	NOx Emission Reductions from Electricity Generating Facilities [NOx]	.09 / 0.91 1.7 tpd
L-CMB-07	Emission Reductions from Petroleum Refineries [NOx]	0 1.5 / 0.89 3.00 tpd
L-CMB-08	NOx Emission Reductions from Combustion Equipment at Landfills and Publicly Owned Treatment Works [NOx]	0 / 0.33 tpd
L-CMB-09	NOx Reductions from Incinerators [NOx]	0 / 0.90 tpd
L-CMB-10	NOx Reductions from Miscellaneous Permitted Equipment [NOx]	0 / 1.01 tpd
	Total	.09 3.54 / 7.28 13.75⁴

⁴ We recognize that additional reductions in 2031 may impact 2037 numbers, but just produced a straight addition exercise for the two new commitments.