



**1107 Ninth Street, Suite 1005
Sacramento, CA 95814
(916) 441-5700 (916) 441-5708 FAX
www.capcoa.org**

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alan@capcoa.org

July 12, 2017

The Honorable Edmund G. Brown Jr.
Governor, State of California
Members of the California Legislature
State Capitol
Sacramento, CA 95814

Re: Oppose Unless Amended: AB 617 (C. Garcia, E. Garcia, Santiago)
and AB 398 (E. Garcia)

Dear Governor Brown and Members of the California Legislature:

On behalf of the California Air Pollution Control Officers Association (CAPCOA), representing the executive officers of the 35 local air pollution control districts in California, I would like to express our oppose unless amended position to AB 398 and AB 617. While we strongly support the goal of reducing greenhouse gases, criteria pollutants, and toxic air contaminants, and improving air quality in disadvantaged communities and throughout the state, it will be impossible to comply with the far-reaching new mandates without significant and sustained funding for monitoring networks, emissions reduction planning and reporting, regulatory and enforcement efforts, and incentive programs. In addition, new requirements for best available retrofit control technology may not be feasible given the aggressive timeline for implementation.

The current bill language in AB 617 requires the state board to prepare a monitoring plan by October 1, 2018, and for air districts to deploy advanced sensing community monitors by July 1, 2019. This is an extremely aggressive timeline and the bill does not limit the number of networks that will be required, provide an end date for monitoring, or define "advanced sensing monitoring." For air districts, new workloads and expenditures could be unlimited, and funding has to be identified immediately for this legislation to meet its goals, and at an amount necessary to meet equipment needs, sampling expenses, and staffing requirements. This is especially true given the rapid changes in technology associated with monitoring equipment and portable sensors. While districts have the ability to charge fees for their work related to permitted sources, as a practical matter these fees cannot support the significant new monitoring mandates required in AB 617.

July 12, 2017

Monitoring by itself does not reduce emissions, but rather only provides information that will be used for developing an ever increasing number emission reduction plans, which are also unfunded. While we appreciate the proposed language to increase air districts' penalty authority and reaffirmation of authority over criteria and toxic emissions from stationary sources, we believe preempting local districts from having anything but full stationary source authority over facilities subject to market based compliance mechanisms is a strategic mistake. Additionally, full funding for incentive programs will be vital, especially in reducing mobile source emissions, the largest source of criteria and toxic emissions in disadvantaged communities. The current bill language has very aggressive timelines for development of community emissions reduction plans at the state and local level, and although further stationary source reductions may be attainable under air district stationary source authority, the majority of the reductions will have to come from the mobile source sector in which districts have limited authority. For this reason, districts have successfully relied in the past on incentive programs such as Prop 1B, now expired. If reductions are to occur quickly, the state should immediately identify funding for incentive programs that can be deployed well before any reduction plan deadlines.

We also have concerns about the new mandates relative to imposing best available retrofit control technology (BARCT). Full implementation by 2023 may be too aggressive given the time it takes to determine BARCT, and the number of source types to consider. These determinations sometimes take several years, involve a lengthy public process, and additional time for a source to install the required equipment. We also request clarification that the law's provisions do not preempt the districts from using information other than the CARB clearinghouse to establish BARCT or BACT.

We stand ready to work with the Governor's Office, Senate and Assembly leadership, and all interested stakeholders to reduce emissions of greenhouse gases, criteria pollutants, and air toxics. But any such bill must be contingent on providing the necessary funding to implement the required monitoring and to develop appropriate plans and programs to reduce mobile source toxic and criteria emissions. If the state does not provide the funding, the districts cannot do the work expected by this proposal and the environmental improvements sought will not be realized. For these reasons, CAPCOA must oppose AB 617 unless the bill is amended to provide that the mandates imposed on air districts must be implemented only to the extent the state provides significant and sustained funding to local air districts for monitoring, planning, and reducing emissions.

Sincerely,



W. James Wagoner
President

cc: Richard Corey, Executive Officer, California Air Resources Board