



Compliance Assistance

ADVISORY

SUBJECT: Community Air Protection Program (AB 617)

Advisory #19-02

March 2019

IMPORTANT INFORMATION ABOUT THE COMMUNITY AIR PROTECTION PROGRAM (AB 617)

This advisory provides Sacramento County business owners and operators information about new state legislation and the potential impacts and opportunities the legislation may have on businesses.

Background

In 2017, Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) was adopted to develop a new community-focused program to more effectively reduce exposure to air pollution and preserve public health. This bill directs the California Air Resources Board (CARB) and all local air districts, including the Sac Metro Air District, to take measures to protect communities disproportionately impacted by air pollution. The key components to the new AB 617 mandate include: community-level air monitoring and emission reduction plans, accelerated review of retrofit pollution control technologies on industrial facilities subject to Cap-and-Trade, enhanced emission reporting requirements and increased penalty provisions for air quality violations.

Community-level Air Monitoring and Emission Reduction Plans

CARB has selected the first 10 communities throughout the state. The South Sacramento-Florin community was selected for an air monitoring plan to help identify emission sources and associated impacts on the selected community. Monitoring results will also determine baseline emission levels that will be used in the development of a future community emission reduction plan. This plan would include strategies, such as rules and incentive programs, to reduce localized emission impacts. Additional information on the District's Community Air Protection Program can be found on the District's website: <http://www.airquality.org/Air-Quality-Health/Community-Air-Protection>.

Enhanced Emissions Reporting

CARB is developing a new regulation that will have additional reporting requirements for most businesses. The regulation will require those businesses with an air quality permit to track and annually report their emissions, including toxic air pollutants. While the regulation has not been fully adopted, draft language indicates reporting requirements could begin as early as January 2020. Affected sources include large facilities, facilities emitting more than 4 tons/year of certain pollutants, and smaller facilities like chrome platers, auto body shops, facilities with diesel engines, gas stations, etc. A full list is found in Appendix A of the proposed regulation.

****IMPORTANT**** CARB is holding workshops in early March to take public comment on the regulation. There is a workshop scheduled in Sacramento on March 5th, 2019. If you are interested in attending, you can find information on CARB's website:

<https://ww2.arb.ca.gov/our-work/programs/criteria-pollutant-and-toxics-emissions-reporting/meetings-workshops>.

Increases in Penalties for Air Quality Violations

AB 617 includes language that increases the maximum daily penalty the District can assess for air quality violations that were not the result of negligent or intentional actions from \$1,000 to \$5,000 per day. The legislation also requires an annual increase to the maximum daily penalty value based on the California Consumer Price Index. The District is currently in the process of revising our Mutual Settlement Program guidelines to incorporate these changes. The guidelines outline how we calculate penalties and administer the Mutual Settlement Program. Prior to the adoption of the new guidelines, businesses and the public will have an opportunity to provide comments. For information about the District's current program, visit: <http://www.airquality.org/Businesses/Compliance-with-Permits-Rules/Violations-Settlements>.

New Incentive Funding Opportunities

AB 617 includes incentive funding for measures to reduce the disproportionate impacts of air pollution in environmental justice communities. In the first funding cycle, the District was allocated \$3 million. This funding will expand on the District's current Carl Moyer Program to fund cleaner than required heavy-duty engines and equipment including trucks, buses, trains, off-road equipment and infrastructure. Priority will be given to projects in low-income, disadvantaged communities identified by Cal Enviro Screen 3.0 and particularly impacted areas identified through the AB 617 process.

The District is developing potential projects, with community input, that would use this funding to provide timely emission reductions and decrease public exposure to air pollution. Projects and strategies funded through this effort will continue to be refined through public input at community workshops and stakeholder outreach. A list of the projects proposed for funding in the first cycle can be viewed at: <http://www.airquality.org/Air-Quality-Health/Community-Air-Protection/AB-617-Incentives>.

More Information

If you have any questions regarding the Community Air Protection Program or any of the topics discussed in this advisory, please call the Sac Metro Air District at (916) 874-4800 or (800) 880-9025.