

2019 BizFed Central Valley Leadership Roundtable Series David Edwards

When BizFed Central Valley members learned that California Air Resources Board (CARB) was planning to expand the scope of emissions monitoring under AB617, the Community Air Monitoring Program, they wanted to know more.



Dave Edwards, Asst. Chief for Air Quality Planning and Science Division, is in charge of the proposed amendments to AB 617 and agreed to explain these proposed changes during a Leadership Roundtable on April 4.

The proposed amendments to AB617 popped up at CARB’s Dec. 14, 2018 meeting. If enacted as written, these amendments will dramatically increase the number of sources required to report emissions, up to 80,000 sources or 6 times what CARB looked at in its original economic analysis of AB617. And the amendments propose to lower the levels of toxic contaminants required to be reported.

And this would all be done under a 15-day review, not a full board hearing with economic analysis, time for public comment and full transparency.

Edwards said he had been hearing a lot of complaints on that issue and that CARB’s legal staff is reviewing the 15-day review method.

If it stands, the formal comment period will be open sometime in May, with possibly an extra 15-day comment period extension. The issue would then be wrapped up in July or August and CARB staffers must get back to the Administrative Law Judge on this issue by Oct. 23.

Edwards explained the reasoning behind the expanded reporting was based on a letter from Assembly Member Christina Garcia (author of AB 617) requesting that CARB make sure it was looking at toxic contaminants and criteria pollutants on a broad enough scale. To add weight to her letter, she introduced a “spot bill,” AB 315, that CARB believed would codify her suggestions in law.

One BizFed member pointed out that industry supported AB617 as part of the Cap & Trade extension and if legislators involved in that deal making now want a different deal, they should work through the legislative process rather than trying to back door increased reporting through these amendments.

Either way, that’s how these proposed amendments came to be.

What CARB is trying to do is address those legislative hints by creating a larger, statewide, consistent reporting mechanism that can then be used to help pinpoint areas of greatest



impact and the largest emitters. (As a side note, CARB Board Member and former State Sen. Dean Florez told BizFed CV members that a statewide reporting system was necessary in order to carry out AB617's goals during a Leadership Roundtable in summer 2018 – so, you heard it here first!)



The proposed AB617 changes would be phased in, Edwards said. And they would only apply to entities that already have an air permit from their local Air Districts.

Though Edwards indicated the amendments would NOT create greater burdens on smaller businesses, the amendments did include reporting requirements for facilities emitting 4 tons per year of criteria pollutants. However, Edwards said, if an Air District has a permit limit of 5 tons per year, that is the defacto limit and CARB would not ask Air Districts to hunt up unpermitted facilities between 4 and 5 tons per year.

That seemed to be a confusing wrinkle in the proposed amendments that could, in fact, affect a lot more smaller operations, BizFed members noted.

Not only that, if CARB and Air Districts (not to mention environmental groups) start looking at those emissions in a cumulative manner, "You're going to have a big black ball all the way from LA to Fresno. This just seems like you guys are painting yourselves into a corner," one member pointed out.

And speaking of cumulative effects, another member noted, will CARB be looking at these proposed amendments in conjunction with other reporting requirements? Will the economic burden of all that reporting be considered?

Yes, Edwards said. In fact, CARB is in the process of conducting an economic analysis of the proposed amendments.

"Then why not just go back through the rule making process," asked another member.

Edward said all those considerations are on the table and he is working hard to connect with groups like BizFed CV to hear all concerns.

"We are trying to make sure things fall in a reasonable way," he said.

