

The Role of Environmental Justice and Community in Air Quality Policy Making

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About Me

- Born and raised in Oildale, California
- Bachelors and Masters Degree in Community Development from UC Davis
- 20 years of community organizing and advocacy experience, including:
 - Co-Chair of AB 32 Environmental Justice Advisory Committee
 - Principal Consultant of the Joint Legislative Committee on Climate Change Policies
 - Policy & Political Director for the California Environmental Justice Alliance
- Sacramento City Councilmember, District 4
- Consultant for environmental justice organizations working on state policy



Legislative Authority for Air Districts

- 40000
 - The Legislature finds and declares that local and regional authorities have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles.
- 40702
 - A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.



*AB 617 – Community Air
Protection Program*

AB 617 (C. Garcia, 2017) - Monitoring

“Monitoring Devices”

- HSC Section 42700
- HSC Section 42701
- HSC Section 42702
- HSC Section 42703
- HSC Section 42704
- HSC Section 42705
- **HSC Section 42705.5**  *New section for targeted monitoring program*
- HSC Section 42705.6
- HSC Section 42706
- HSC Section 42707
- HSC Section 42708

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- HSC Section 42705.6
- HSC Section 42706
- HSC Section 42707
- HSC Section 42708



(c) The Legislature further finds and declares that all districts, especially the bay district, the districts located, in whole or part, within the South Coast Air Basin, and the San Diego County Air Pollution Control District, should be encouraged to require that monitoring devices be installed in each stationary source of air contaminants that emits into the atmosphere 100 tons or more each year of nonmethane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, or particulate matter or 1,000 tons or more each year of carbon monoxide.

AB 617 (C. Garcia, 2017) - Monitoring

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- HSC Section 42705.6
- HSC Section 42706
- HSC Section 42707
- HSC Section 42708



This chapter shall not prevent any local or regional authority from adopting monitoring requirements more stringent than those set forth in this chapter or be construed as requiring the installation of monitoring devices on any stationary source or classes of stationary sources.

AB 617 (C. Garcia, 2017) - CERPs

“Air Toxics ‘Hot Spots’ Information and Assessment: Facility Toxic Air Contaminant Risk Reduction Audit and Plan”

- HSC Section 44390
- HSC Section 44391
- HSC Section 44391.2 ← *New section for CERPs*
- HSC Section 44391.3
- HSC Section 44391.4
- HSC Section 44392
- HSC Section 44393
- HSC Section 44394

AB 617 (C. Garcia, 2017) - CERPs

- HSC Section 44391.2(c) (emphasis added)
 - (1) Based on the assessment and identification pursuant to paragraph (1) of subdivision (b), the state board shall select, concurrent with the strategy, locations around the state for preparation of community emissions reduction programs. The state board shall select additional locations annually thereafter, as appropriate.
 - (2) Within one year of the state board's selection, the district encompassing any location selected pursuant to this subdivision shall adopt, in consultation with the state board, individuals, community-based organizations, affected sources, and local governmental bodies in the affected community, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures identified pursuant to paragraph (4) of subdivision (b).
 - (3) The community emissions reduction programs shall be consistent with the state strategy and include emissions reduction targets, specific reduction measures, a schedule for the implementation of measures, and an enforcement plan.
 - (4) The community emissions reduction programs shall be submitted to the state board for review and approval within 60 days of the receipt of the program. Programs that are rejected shall be resubmitted within 30 days. To the extent that a program, in whole or in part, is not approvable, the state board shall initiate a public process to discuss options for achievement of an approvable program. Concurrent with the public process to achieve an approvable program, the state board shall develop and implement the applicable mobile source elements in the draft program to commence achievement of emission reductions.
 - (5) **The programs shall result in emissions reductions in the community, based on monitoring or other data.**
 - (6) **In implementing the program, the district and the state board shall be responsible for measures consistent with their respective authorities.**

AB 617 (C. Garcia, 2017) - CERPs

“Air Toxics ‘Hot Spots’ Information and Assessment: Facility Toxic Air Contaminant Risk Reduction Audit and Plan”

- HSC Section 44390
- HSC Section 44391 ← (a) Whenever a health risk assessment approved pursuant to Chapter 4 (commencing with Section 44360) indicates, in the judgment of the district, that there is a significant risk associated with the emissions from a facility, the facility operator shall conduct an airborne toxic risk reduction audit and develop a plan to implement airborne toxic risk reduction measures that will result in the reduction of emissions from the facility to a level below the significant risk level within five years of the date the plan is submitted to the district. The facility operator shall implement measures set forth in the plan in accordance with this chapter.
- HSC Section 44391.2
- HSC Section 44391.3
- HSC Section 44391.4
- HSC Section 44392
- HSC Section 44393
- HSC Section 44394

AB 617 (C. Garcia, 2017) - CERPs

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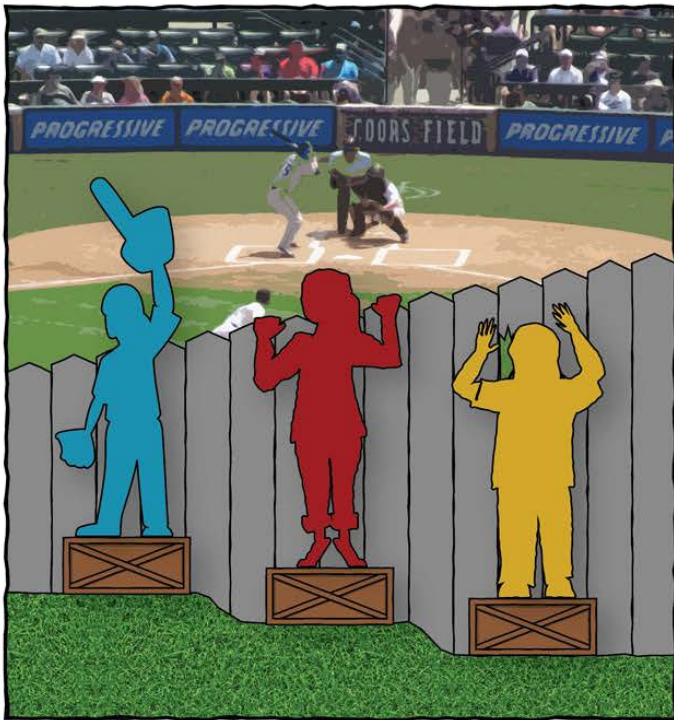
Any facility operator who does not submit a complete airborne toxic risk reduction audit and plan or fails to implement the measures set forth in the plan as set forth in this chapter is subject to the civil penalty specified in subdivision (a) of Section 44381, and any facility operator who, in connection with the audit or plan, knowingly submits any false statement or representation is subject to the civil penalty specified in subdivision (b) of Section 44381.



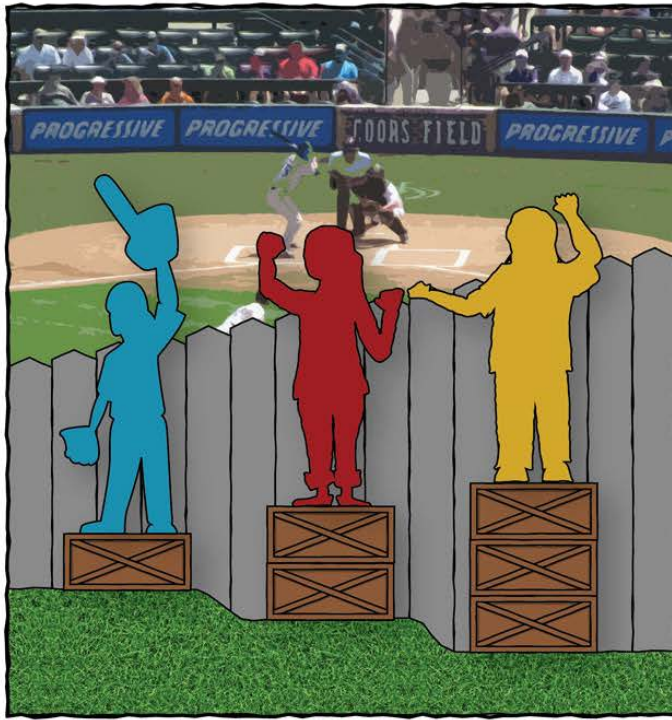
What does environmental justice look like?

Focus | Process | Outcomes

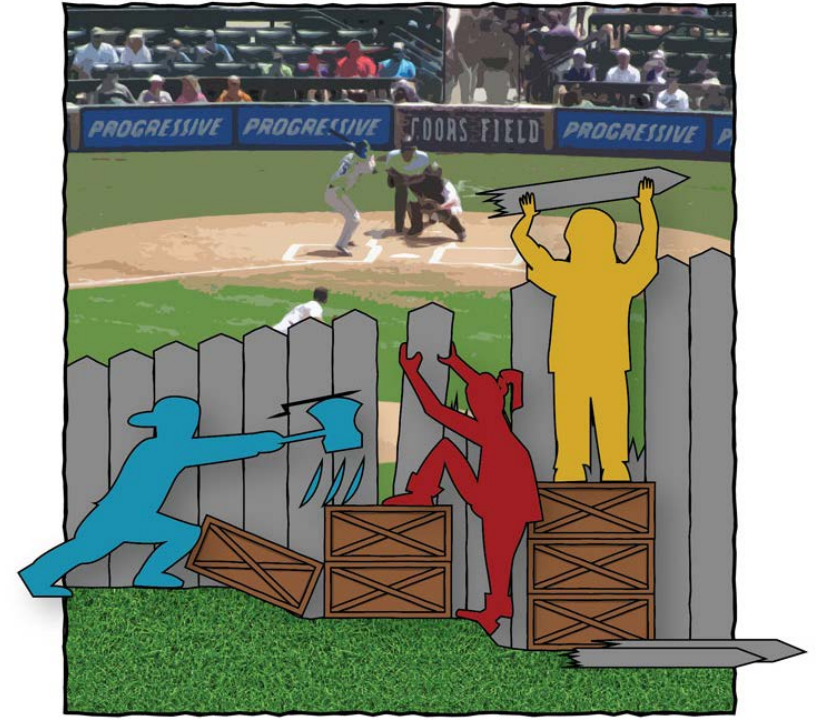
Focus



EQUALITY



EQUITY

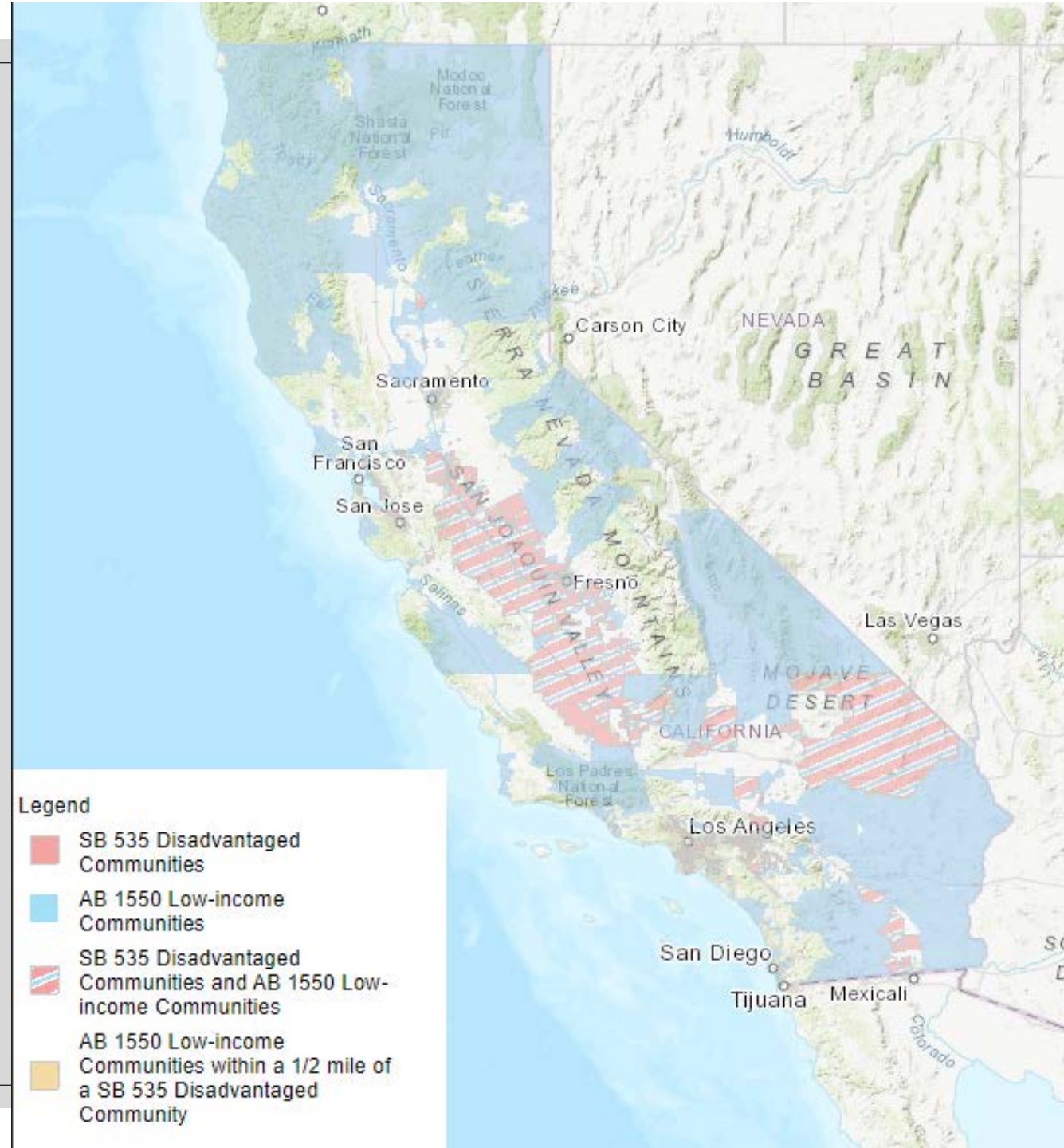


JUSTICE

Low-Income and Disadvantaged Communities

Source: CARB Auction Proceeds Targeting Map,

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>



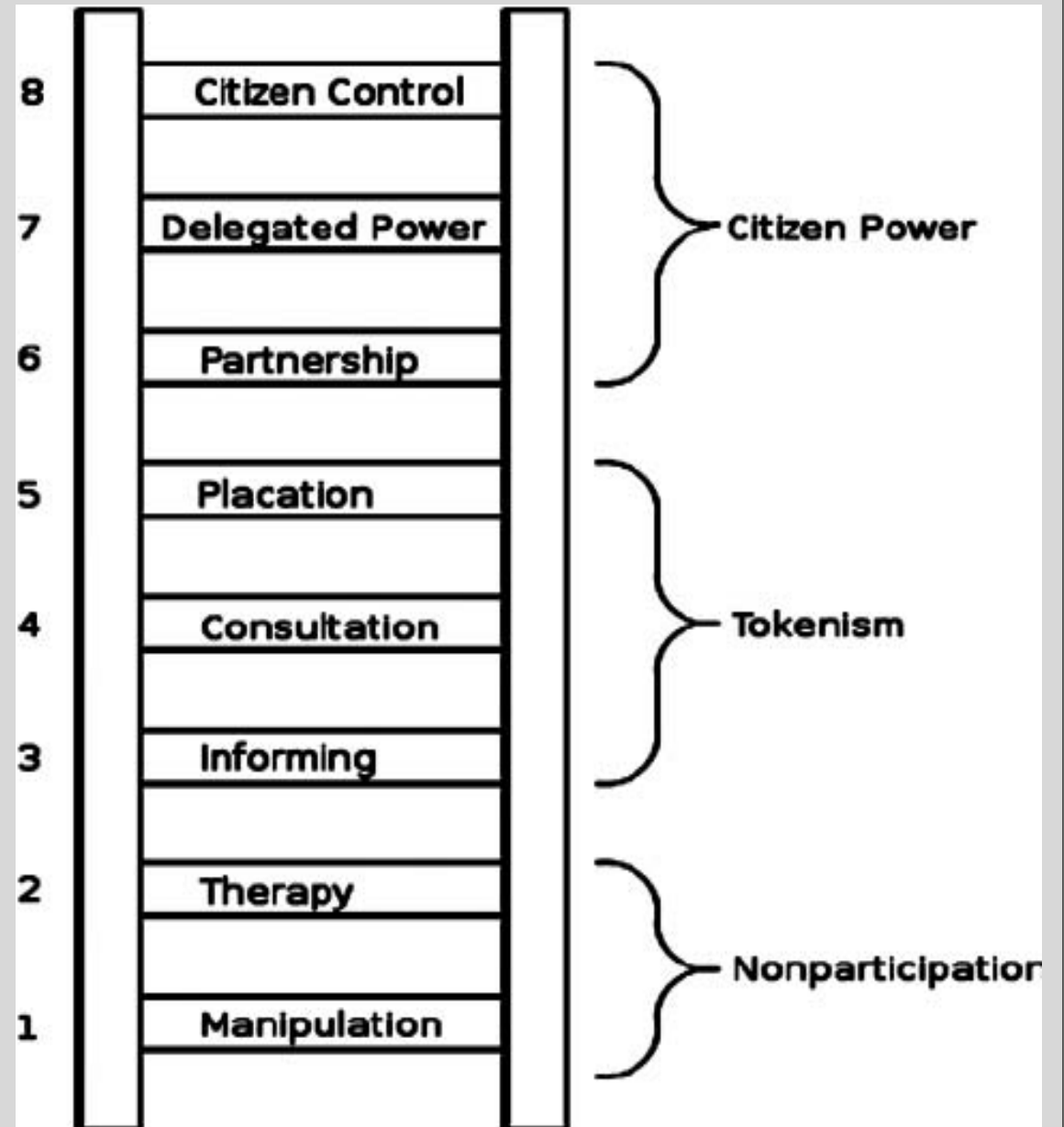
Process



- As amended by AB 1628 (R. Rivas, 2019) – Public Resources Code Section 30107.3 with emphasis added:
 - (a) “Environmental justice” means the fair treatment and **meaningful involvement** of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
 - (b) “Environmental justice” includes, but is not limited to, all of the following:
 - (1) The availability of a healthy environment for all people.
 - (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 - (3) **Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decisionmaking process.**
 - (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

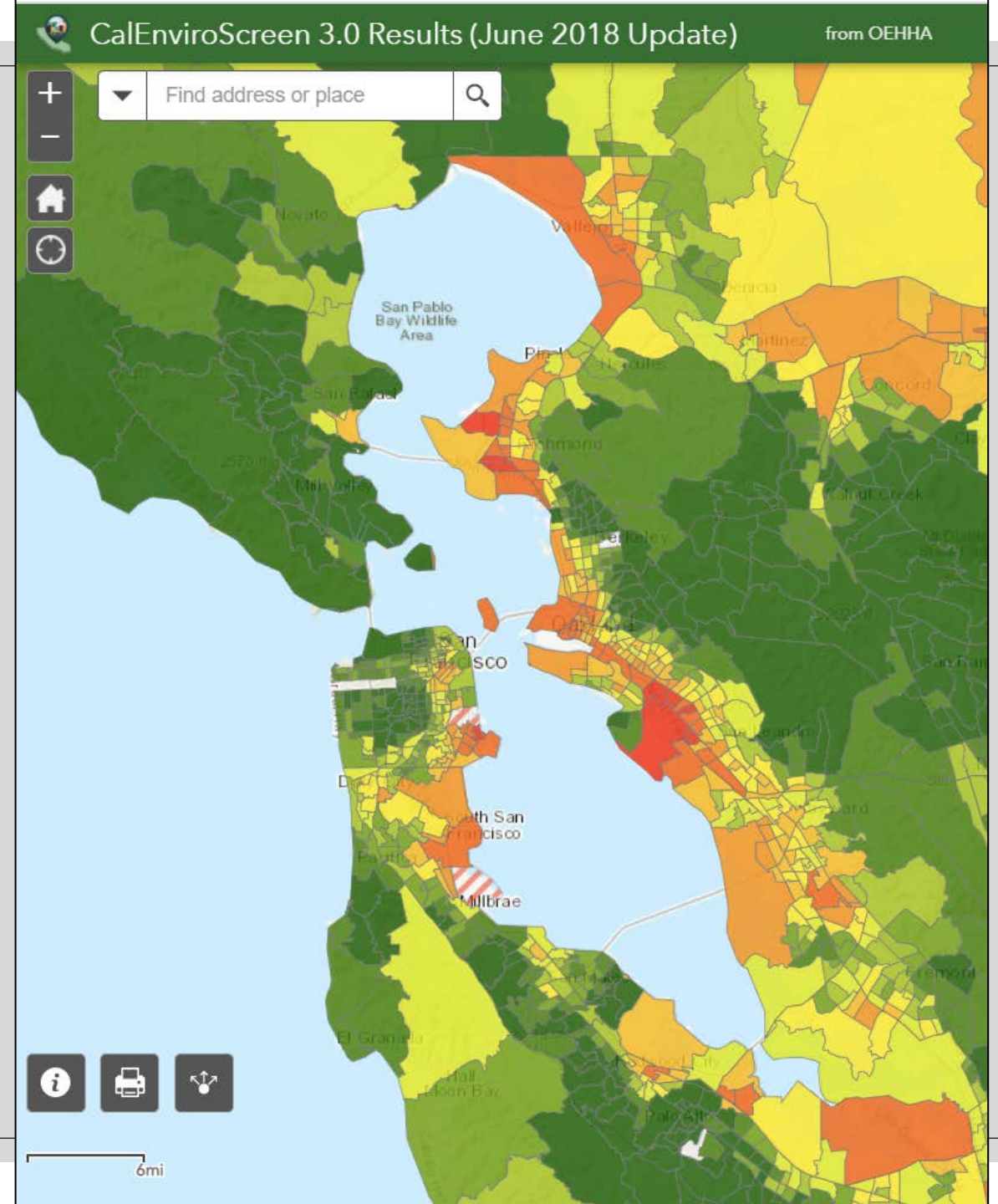
Process

- Proactive outreach
- Education on the issues and learning from other communities - *folks don't know what they don't know*
- Independent facilitation
- Open agendas
- Transparency in decision-making and process



Outcomes

- Direct emissions measures
- Economic justice
- Self-determination



What does 2045 look like?



Photo: Anesti Vega/Maluco Studios

From one elected to another...

- COVID recovery = economic justice
- Recognize your shared goals with community leaders – and partner together to make change
- Walk fearlessly toward racial justice
- Act like each term is your last



Thank you