



April 22, 2021

The Honorable Luz Rivas
 Chair, Assembly Committee on Natural Resources
 Legislative Office Building
 1020 N Street, Room 164
 Sacramento, CA 95814

Re: AB 1001 (Garcia, C.): Environmental permitting and air pollution – OPPOSE

Dear Chair Rivas:

On behalf of the above business organizations in the Inland Empire, we write to express our opposition to AB 1001, which would require unnecessary and overlapping regulations for criteria pollutants that are already regulated and managed at the Federal, State and local level, creating administrative hurdles and substantial costs.

This bill appears to seek to again expand the authority of local air districts in certain communities, creating authority to deny permits in these communities if the permitting agency finds that approval of the application would, “together with other environmental or public health stressors,” “cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities.” AB 1001 would do this by requiring the creation of a broad “environmental justice impact statement.”

The California Environmental Quality Act (CEQA) contains similar language, requiring a broad evaluation of all environmental impacts and submission of an “environmental impact report.” AB 1001 is duplicative of CEQA and local permitting regulations, and does not clearly and objectively establish the standards for making such a determination. Because CEQA has broad standards, it has been used as a tool by NIMBY groups and others to oppose development for non-environmental reasons, and tie projects up in court for years. AB 1001 would likely have the same effect, which should be avoided.

AB 1001 would require that air districts, in a nonattainment area, review existing emissions sources and mandate that each source is subject to a regulation employing best available retrofit control technology (BARCT) or now, BACT. However, stationary sources, including major emitting facilities in non-attainment areas, are already mandated to provide an annual inventory of ALL existing emission sources in a facility on an annual basis. These regularly updated inventories are required by air district regulations and the California Air Resources Board’s Criteria Pollutant and Toxics Reporting regulation, and inform key programs that regulate emissions from existing sources, including the air districts’ Air Quality Management Plan process and the Air Hot Spots Program.

The Air Quality Management Plan process at the air districts already requires periodic review (every 4- 5 years) of existing emissions relative to attainment status to set goals for further reductions based on advancements in control technology. This amounts to an existing practice of regularly updating BARCT to ensure industry emissions are controlled utilizing the latest technology. Despite this, air districts are already underway in accelerating the adoption of BARCT regulations pursuant to HSC § 40920.6(c). The Air Toxics Hot Spots Program includes provisions for Health Risk Assessment, public notification, and, as required, a Risk Reduction Plan to reduce the health risk to the communities near facilities to low levels.

Due to the extensive regulations over the past half-century, all non-attainment pollutants, including precursors, are already covered in a comprehensive environmental permitting process that requires application of BACT, as determined at the time of permitting, when existing sources increase emissions. This means BACT is always up-to-date when permits are issued to increase emissions from existing sources.

For these reasons and others, we urge you to oppose AB 1001. If you have any questions or would like to discuss our position in greater detail, please contact Luis Portillo at 909-944-2201 or by email at lportillo@ieep.com. Thank you.

Sincerely,

Bette Rader Beaumont Chamber of Commerce	Ellen Clarke Big Bear Chamber of Commerce	Zeb Welborn Chino Valley Chamber of Commerce
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Bobby Spiegel Corona Chamber of Commerce	Andrea De Leon Fontana Chamber of Commerce	Joshua Bonner Greater Coachella Valley Chamber of Commerce
Mark Creffield Greater High Desert Chamber of Commerce	Peggi Hazlett Greater Ontario Business Council	Cyndi Lemke Hemet San Jacinto Chamber of Commerce
Chris Nielsen Highland Chamber of Commerce	Paul Granillo Inland Empire Economic Partnership	Maneesha Jones Menifee Valley Chamber of Commerce
Oscar Valdepeña Moreno Valley Chamber of Commerce	Patrick Ellis Murrieta/Wildomar Chamber of Commerce	Ignacio Valdivia Perris Valley Chamber of Commerce
Monique Manzanares Pomona Chamber of Commerce	Robert Hufnagel Rancho Cucamonga Chamber of Commerce	John Mills Redlands Chamber of Commerce
Emily Falappino Temecula Valley Chamber of Commerce	Peggy Robertson Upland Chamber of Commerce	

Cc: Assembly Member Cristina Garcia