

Testimony Senate Environment and Public Works Subcommittee on Clean Air and Nuclear Safety

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Introduction

Good afternoon, Chair Capito, Ranking Member Carper, and Members of the Committee. My name is Andrew Chesley, I am the Executive Director of the San Joaquin Council of Governments in Stockton California. My region is located just east of the Bay Area and each morning 65,000 of our residents make their way into the East Bay to work. We are among the fastest growing counties in California with a median income below the State of California average.

I am here on behalf of the eight San Joaquin Valley metropolitan planning organizations (MPO): Fresno Council of Governments, Kern Council of Governments, Kings County Association of Governments, Madera County Transportation Commission, Merced County Association of Governments, San Joaquin Council of Governments, Stanislaus Council of Governments, and Tulare County Association of Governments. All are striving to seek ways to address the underlying causes of poverty, poor health and unemployment that rank among the worst in the country.

The San Joaquin Valley covers an eight county geographic area slightly larger than West Virginia and is home to approximately 4 million people. We are known for our agricultural prowess, but we also have three of the 100 largest cities in the country. On any given day, our air quality challenges often rival those of the Los Angeles Basin.

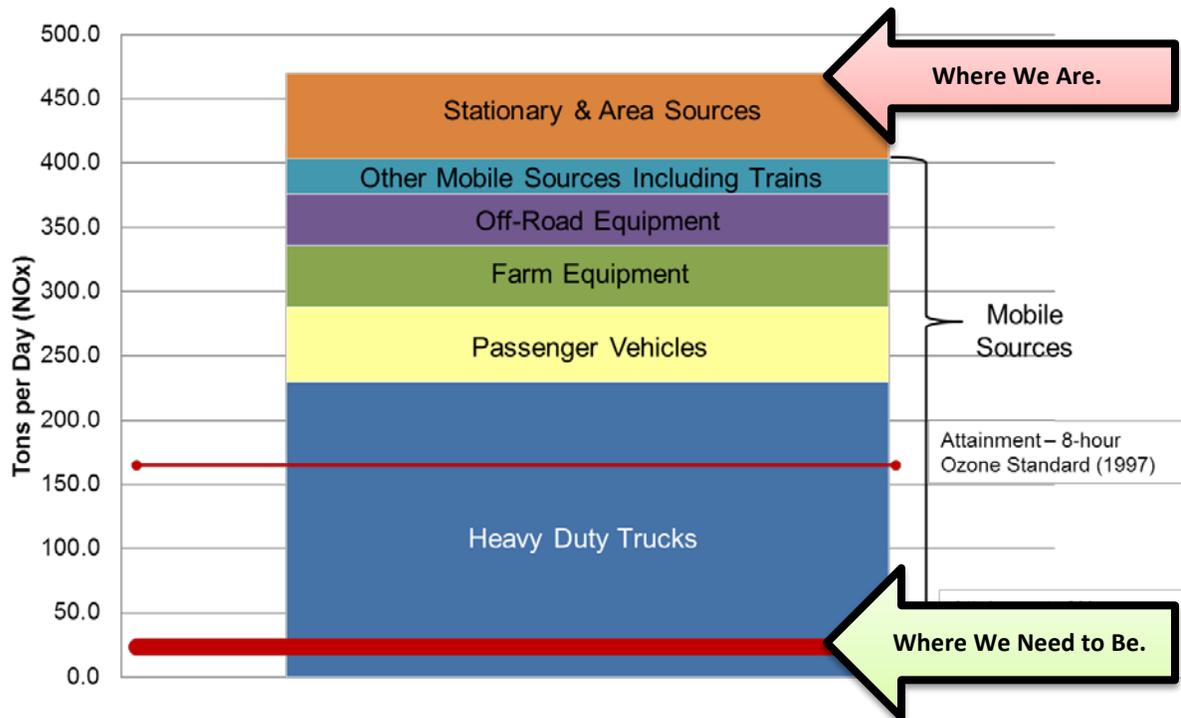
As a Valley, we will deliver over \$40 Billion in transportation projects over the next two decades if we are not tripped up through a labyrinth of air quality tests requiring massive coordination among numerous regional, state and federal agencies. These projects, put people to work, move agricultural goods to market, move freight from Northern to Southern California, and increase the mobility of Californians. And as for right now, we want to put the new resources in the FastACT to work.

Figure 1 highlights the magnitude of the air quality challenge before us. We must reduce our pollution levels by over 90 percent over the next two decades to meet the 2015 Ozone standard.

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Figure 1: San Joaquin Valley NOx Emissions by Source Category and Targets for Attainment of New Federal Ozone and PM2.5 Standards

Meeting Federal Air Quality Standards



I am here today to support a strong Clean Air Act with common sense revisions that actually results in improved air quality. I am also here to speak about the risk regions like the San Joaquin Valley face in implementing the Clean Air Act as we strive to maintain our region's crumbling transportation infrastructure.

Support for the Air District

Since its adoption, the Clean Air Act has led to significant improvements in air quality and public health throughout our region. We support the provisions in the Clean Air Act that call for routine review of the health based standards, clean air objectives that are technology forcing, and clean-air deadlines that ensure expeditious cleanup and timely action.

The Clean Air Act was last amended in 1990. Over the last 25 years, local, state, and federal agencies and affected stakeholders have learned important lessons from implementing the law and it is clear now, that a number of the provisions in the Act are leading to unintended consequences and misdirected resources.

I am here today to support the San Joaquin Valley Air District's pursuit to, in a very small way make the Clean Air Act more workable.

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Setting

In the San Joaquin Valley, we have eight MPOs in one non-attainment area. Sometimes we are 8 MPOs and sometimes we have to function as one. Action on any one MPO's regional transportation plan or transportation improvement program requires the other seven be, not just in compliance with the Clean Air Act, but also with every process test in the endeavor. This means there are years where if one MPO fails, we all stand to lose transportation funding. We are connected at the hip in that way.

We are non-attainment for two Ozone standards, three PM2.5 standards, and PM10. We anticipate being designated non-attainment for the 2015 Ozone standard as well.

Each of these standards requires a separate air quality plan which leads to multiple requirements and deadlines.

Currently, there are 51 different air quality tests each of the 8 transportation planning agencies must pass. Regionally, that's 408 tests before we spend one dollar of federal transportation funding. 80 of those tests are for Ozone alone. Failure of one test, by one MPO can result in a loss of funding for all eight. And we are set to do this on a schedule that averages about once every two to three years.

Needless to say, the process is complex and difficult to explain. Figure 2 illustrates how complex the process is. Each of the green, blue, and grey arrows in the diagram represents a process that must be complete before or after any of the yellow arrows to prevent the loss of transportation funding. To be clear, that represents the harmonization of 11 air quality and transportation planning processes. If any one of the processes is not complete in perfect harmony, and done on schedule, with the others, the result equals project delivery delays or the loss of funding to transportation projects.

Should synchronization of the 11 processes not occur, we face the potential for an air quality conformity lockdown. In layman's terms, that means we face the potential for project delivery delays and the loss of over \$420 million. All of this, the result of a process failure. That's right process. Not that we fail to meet the standards but we fail to meet the process requirements.

It is something of a credit to the agencies involved (the EPA, FHWA, FTA, the California Air Resources Board, Caltrans, the San Joaquin Valley Air Pollution Control District and the eight MPOs), that we have only once fallen into a lockdown.....until now. It is inevitable that we will go into a lockdown in the coming weeks. Target review dates in this case have slipped for the EPA placing us in a lockdown. In the Valley about \$450 million in potential project delays are on the table. Our expectation is that we will exit this situation in three to six months quite likely missing whole construction seasons.

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Examples of projects that will be impacted are a brand new interchange; the widening of a local arterial that is presently a mish mash of two, and three lane segments; and an operational project to provide a continuous left hand turn lane for driveways and residential streets.

This is so complex, only a picture can make it comprehensible. (Figure 2) Maybe.

How we get into a lockdown is complex, but it is not new, and will likely happen again. In fact we are expecting that with the adoption of a new PM 2.5 plan to meet new standards that our lockdowns will become more frequent and even intractable.

Updating the Clean Air Act is needed to simplify and streamline the process, because this is not the reason a region should lose transportation funding!

When EPA updates an air quality standard, like the 2015 Ozone standard, it begins an extensive implementation. In my region, long before anyone begins development of an air quality plan to meet the new standard, we begin with a simple question – how do we minimize our process risks? We ask this question, not because we believe we cannot meet the standard, we don't know the answer to that yet; we ask, because the workings of our transportation modeling, our air quality modeling the numerous plan reviews is complex, challenging, and tough to predict.

Through all of the challenges, the Valley works together. Over the last 2 decades, the Valley has come together to manage the process with great success. These efforts have resulted in enhanced communication and coordination across all agencies involved in implementing the Clean Air Act. I am very proud of this unique effort that happens nowhere else in the country.

A series of coordinated planning efforts are happening throughout the San Joaquin Valley. One effort, known as the San Joaquin Valley Blueprint, takes a big-picture look at how the Valley can grow over time in a way that uses resources efficiently, protects existing communities, conserves farmland and open space, and supports the Valley economy, ultimately reducing pollution and greenhouse gas emissions. Mutual goals from this effort have been incorporated into the Valley's regional transportation plans and are being implemented.

These are not going to be enough though to protect the transportation funding so necessary for the growth of the San Joaquin Valley.

In closing, we support a strong Clean Air Act with common sense revisions that actually result in improved air quality. We need a way to greatly reduce the almost biennial updates, with 51 tests that place our transportation funding at risk constantly. Common sense amendments to the Clean Air Act as you are considering today will benefit our efforts in the San Joaquin Valley.

Thank you. It has been a privilege to address the subcommittee this afternoon.

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Figure 2: 2015-2016 San Joaquin Valley Planning Schedule

