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RESOLUTION No. 07-487-2

RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS ADOPTING APPENDIX IV-C FOR INCLUSION IN THE 2007 SOUTH COAST AIR QUALITY MANAGEMENT PLAN AND URGING THE DECLARATION OF A STATE AND FEDERAL EMERGENCY TO ADDRESS THE AIR QUALITY HEALTH CRISIS

WHEREAS, Section 110(a) of the Federal Clean Air Act (42 U.S.C. §7410(a)) and federal regulations at 40 C.F.R. §52.220 et seq. require each state to adopt a plan known as the State Implementation Plan (SIP) for implementation, maintenance and enforcement of primary and secondary national ambient air quality standards in each air quality control region of the state;

WHEREAS, the South Coast Air Basin is designated as non-attainment for the national ambient air quality standards (NAAQS) for ozone and fine particulate matter (PM2.5), and the SIPs demonstrating attainment with these standards are due to the U.S. Environmental Protection Agency (EPA) by June 2007 and April 2008, respectively;

WHEREAS, the 2007 South Coast Air Quality Management Plan (2007 AQMP) is being prepared to comply with these requirements, by three responsible agencies: the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), and the Southern California Association of Governments (SCAG);

WHEREAS, SCAG is responsible, pursuant to Section 40460(b) of the California Health and Safety Code, for preparing and approving, those portions of the 2007 AQMP for the South Coast Air Basin, which relate to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures and strategies;

WHEREAS, SCAG is also required, pursuant to Section 40460(b) of the California Health and Safety Code, to analyze and provide emissions data related to its planning responsibilities;

WHEREAS, pursuant to this authority, SCAG prepared a "Regional Transportation Strategy and Control Measures" as it relates to air quality, to be included as Appendix IV-C to the 2007 AQMP, and attached herein as Exhibit A (hereinafter referred to as "Appendix IV-C");

WHEREAS, Appendix IV-C was developed in consultation with Federal, State and local transportation and air quality planning agencies and other stakeholders, including the four county transportation commissions in the South Coast Air Basin, namely, Los Angeles County Metropolitan Transportation Authority, the Riverside County Transportation Commission, the Orange County Transportation Authority and the San Bernardino Associated Governments;

WHEREAS, a draft of Appendix IV-C was distributed to SCAQMD and released for public review and comment on September 14, 2006 by SCAG's Energy and Environment Committee (EEC) as part of the release of the Draft 2007 AQMP. Public comments relating to Appendix IV-C have been responded to and incorporated into SCAQMD's response to comment document, and did not result in any substantive changes to the AQMP;

WHEREAS, international trade and goods movement activities through our ports are key contributors to the region's and the United States' economic vitality;

WHEREAS, the national demand for imported goods has resulted in significant, adverse, public health and safety impacts from the movement of these goods through Southern California;

WHEREAS, despite the efforts of the CARB, SCAQMD and SCAG to meet the PM2.5 standard by the 2015 Clean Air Act deadline, the Draft 2007 AQMP for the South Coast Air Basin identifies a shortfall of 74 tons per day of NOx reductions (out of an overall NOx reduction target of 203 tons per day);

WHEREAS, because the Southern California region is the gateway of domestic and foreign goods, there exists an extreme disproportionate exposure to PM2.5 in the South Coast Air Basin relative to other parts of the state and to the rest of the nation, with the population-weighted exposure in the South Coast Air Basin above the PM2.5 national ambient air quality standard at 82% of the state-wide exposure, and 52% of the national exposure;

WHEREAS, a recent CARB assessment of the health effects of PM2.5 exposure made in January 2007 before the SCAQMD, identified that on an annual basis such exposure in the South Coast Air Basin translates to approximately 5,400 premature deaths, 2,400 hospitalizations, 140,000 asthma and lower respiratory symptoms, and 980,000 lost work days;

WHEREAS, the emission sources of PM2.5 and its precursors in the region are primarily goods movement activities from heavy duty diesel trucks and ocean-going vessels, and off-road construction equipment;

WHEREAS, approximately 80 percent of the emissions associated with these pollutants are subject to state and federal control, not under local control;

WHEREAS, on April 5, 2007, SCAG's EEC reviewed Appendix IV-C. Upon its review, the EEC recommended approval of Appendix IV-C, and also determined that the severe conditions stemming from PM2.5 exposure require further actions be taken to address the situation immediately;

WHEREAS, based upon the direction from EEC, staff has refined Appendix IV-C to include preliminary emissions reduction data related to SCAG's goods movement control measure, and outlined specific actions to address the air quality health crisis brought on by PM2.5 exposure;

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(d) for the Southern California counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial;

WHEREAS, SCAG is also a signatory party to the Southern California National Freight Gateway Partnership Agreement, an agreement whose purposes are to promote cooperation, coordination and collaboration between federal, state and local agencies and to advance projects for sustainable and efficient freight transportation while protecting and enhancing the natural and human environment in Southern California;

WHEREAS, the severe conditions of the PM2.5 emissions in Southern California and the associated health impacts give rise to a state of emergency given the extreme peril placed upon the public's health, safety and welfare, requiring immediate action by all levels of governments; and

WHEREAS, emergency actions must be taken to secure significant emission reductions by the 2015 PM2.5 attainment date, including but not limited to, emission reductions from heavy-duty diesel trucks, ocean-going vessels, locomotives, and aircraft to address these serious public health impacts.

NOW, THEREFORE, BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments as follows:

1. The Regional Council hereby adopts and transmits to SCAQMD Appendix IV-C, attached hereto as Exhibit A, including related staff findings and incorporating all of the foregoing recitals.

BE IT FURTHER RESOLVED, by the Regional Council that:

1. The Regional Council recognizes that there is an air quality health emergency brought about by PM2.5 air pollution.

2. SCAG convenes a summit with Congressional and legislative representatives, governmental agencies and community stakeholders to engage political actions to address this emergency.

3. The Regional Council urges the Governor of the State of California and the President of the United States to declare the existing conditions related to PM2.5 exposure in the Southern California region a state and national emergency, and that the state and federal governments take immediate steps to rectify the emergency.

4. It is imperative that alternative clean systems be developed to move cargo from ports of entry through the region.

5. As part of its commitment to this air quality health crisis, the Regional Council directs SCAG staff to do the following:

a. Take all necessary actions to have the air quality health crisis declared a state and national emergency.
b. Prepare and advocate for legislation at the state and federal levels to immediately resolve this crisis, such as legislation which consistent with SCAG's policies: allows stricter enforcement of the Clean Air Act; mitigates health impacts of emissions related to ports and goods movement activities; controls emissions from ocean-going vessels; provides innovative financing to fund high-capacity truck lanes and high speed/clean train technology; and permits regional airports to levy landing fees on aircraft emissions;
c. Work with SCAQMD and CARB to vigorously pursue all available options to achieve the PM2.5 attainment standard;
d. Develop a joint letter with other agencies and stakeholders that seeks federal and state engagement to implement emergency provisions;
e. Develop a public awareness and media campaign regarding this air quality public health crisis;
f. Develop a legal strategy to more effectively address this crisis under federal and state laws; and
g. Pursue all actions for implementation of an alternative clean freight movement system.

6. The Executive Director is directed to prepare suitable copies of this resolution and distribute them to the Congressional and legislatives representatives of the SCAG region, SCAG's advocates in Washington D.C. and Sacramento, as well as to the City Councils and County Board of Supervisors of the cities and counties within the SCAG region along with a recommendation that each consider passage of resolutions that are similar in intent to this resolution.

APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at a regular meeting this 3rd day of May 2007.

Yvonne B. Burke
President
Supervisor, County of Los Angeles

Attested by:

Mark Pisano
Executive Director

Approved as to Form:

Joanna Africa
Interim Director of Legal Services