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CCA EJ, EYCEJ, and Earthjustice Comments on Freight Electrification

Additional submitted attachment is included below.



May 19, 2017

Chair Robert B. Weisenmiller
California Energy Commission
Dockets Office, MS-4
Re: Docket No. 17-IEPR-07
1516 Ninth Street
Sacramento, CA 95814

Dear Chair Weisenmiller,

Thank you for the opportunity to submit comments on publicly owned utility (“POU”) medium- and heavy-duty vehicle electrification planning. These comments are submitted on behalf of the Center for Community Action and Environmental Justice (“CCA EJ”), East Yard Communities for Environmental Justice (“EYCEJ”), and Earthjustice. Transitioning to zero-emission technologies is a critical step toward meeting federal air quality standards, addressing health disparities in near-freight communities, and achieving California’s climate mandates. Electrifying medium- and heavy-duty vehicles is necessary to advance this transition, as Senate Bill (“SB”) 350 recognized.¹ CCA EJ, EYCEJ, and Earthjustice urge the Commission to prioritize attaining federal air quality standards and meeting state climate mandates as it develops integrated resource plan (“IRP”) guidelines for the POU.

¹ See Cal. Public Utilities Code §740.12(a), § 9621(c)(1)(C).

COMMENTS ON DRAFT TRANSPORTATION ELECTRIFICATION GUIDANCE

During the April 27, 2017 workshop on medium- and heavy-duty transportation electrification, Earthjustice presented comments and recommendations on the Commission's draft transportation electrification guidance for POU's on behalf of EYCEJ and CCAEJ. Those comments and recommendations are described in further detail below.

I. SCENARIOS MUST MEET AIR QUALITY AND CLIMATE MANDATES

To successfully plan to meet air quality and climate mandates, POU's must model scenarios that meet air quality and climate mandates. The draft guidance for POU's states that "[s]taff proposes that at least one planning scenario in IRPs that achieves state energy policy goals be required, as well as any other legal requirement."² If only one scenario modeled assumes achievement of energy and air quality requirements, while all other scenarios assume failure, the POU's will have a high likelihood of planning around a scenario that ensures a failure to meet air quality and energy mandates. The Commission must ensure that all modeling scenarios are consistent with air quality and energy mandates and should use the scenario assumptions to explore the implications of doing more than meeting the minimum requirements. For example, POU's should analyze ways to integrate transportation electrification with other clean energy technologies, such as energy storage, to maximize the air quality and climate benefits associated with transportation electrification.

² Vidaver, David, Garry O'Neill-Mariscal. 2017. Proposed Guideline Topics for Publicly Owned Utilities' Integrated Resource Plans, p. 3. California Energy Commission. Publication Number: CEC-200-2017-XXX.

The air quality and energy standards that California must meet are not simply goals; they are enshrined in federal and state law. The federal Clean Air Act requires California to meet air quality standards for criteria air pollutants such as ozone and fine particulate matter. Two air basins in California, the San Joaquin Valley and the South Coast, experience some of the worst air quality in the nation. Both are classified as being in extreme non-attainment of the federal ozone standard.³ SB 350 requires POU's to develop IRPs that meet greenhouse gas reduction targets necessary to reduce California's greenhouse gas emissions to 40 percent below 1990 levels by 2030. It also requires POU's to develop IRPs that address transportation electrification and "minimize localized air pollutants and other greenhouse gas emissions, with early priority on disadvantaged communities."⁴ The POU's must plan to achieve all of these requirements in their integrated resource plans, and to do so, they must prioritize scenarios that achieve all of these requirements. The Commission's guidance to POU's should state that all scenarios must be consistent with meeting federal and state requirements.

II. POU'S SHOULD QUANTITATIVELY AND QUALITATIVELY ANALYZE PROGRESS ON AIR QUALITY IN DISADVANTAGED COMMUNITIES

POU integrated resource plans should include quantifiable benchmarks measuring progress on improving air quality in disadvantaged communities. Commission staff has recommended that POU's demonstrate that they will minimize localized air pollution with "a discussion of current programs and policies in place to address local air pollution, new and

³ California Air Resources Board. March 7, 2017. Revised Proposed 2016 State Strategy for the State Implementation Plan, p. 21.

⁴ Cal. Public Utilities Code § 9621(b)-(c); *see also* Cal. Public Utilities Code § 454.52(a)(1)(H).

existing emissions reductions programs focused on disadvantaged communities, and the identification of disadvantaged communities in the utility service territory.”⁵ A discussion alone will not provide the information necessary to evaluate progress toward minimizing air pollution in disadvantaged communities.

The Commission should direct POU’s to create and report back on quantitative benchmarks, in addition to the qualitative description of efforts to address air pollution. These quantitative benchmarks could include:

- Air monitoring data from disadvantaged communities within each POU’s service territory
- Emissions inventories for fleets of vehicles operating within each service territory
- Childhood asthma rates in disadvantaged communities
- Cancer risks in disadvantaged communities
- Investments in zero emission public transit in disadvantaged communities
- Changes in transit ridership in disadvantaged communities

Community-based organizations representing the interests of communities heavily impacted by transportation emissions can provide the Commission with additional quantitative benchmarks to track. CCAEJ and EYCEJ are ready and willing to work with the Commission and POU’s to develop additional benchmarks. We also recommend that the Commission and/or POU’s reach out to other community-based groups to develop the list of benchmarks, to ensure that community voices across the various POU service territories are included in the process.

III. IRPS SHOULD INDICATE THE AMOUNT OF TRANSPORTATION ELECTRIFICATION INVESTMENTS IN DISADVANTAGED COMMUNITIES

⁵ California Energy Commission. April 14, 2017. POU Guidelines Development: Administration, Review Process, and Reporting, p. 4. Docket Number 17-IEPR-07.

To meet the requirement of minimizing air pollution particularly in disadvantaged communities, POUs should quantify and describe the transportation electrification investments they have made in disadvantaged communities. This information, paired with the quantitative and qualitative data about programs and impacts described above, will make it possible for POUs and the Commission to evaluate whether efforts to minimize air pollution in disadvantaged communities have succeeded.

Given the severity of the health and environmental impacts that disadvantaged communities face as a result of transportation emissions, it is critical that the POUs target their investments in transportation electrification to disadvantaged communities. In the South Coast air basin, diesel particulate matter alone is responsible for 68% of the cancer risk that air toxics pose.⁶ And even within the South Coast air basin, the areas near the Ports of Los Angeles and Long Beach experience a higher cancer risk than the rest of the basin overall.⁷ The Port of Los Angeles is within the service territory of a POU (the Los Angeles Department of Water and Power) and emissions associated with that port have created serious and even deadly health risks for communities near the port.

The Commission must ensure that all POUs invest in transportation electrification projects that address the health disparities created by our current freight system. Communities of color and low-income communities experience higher exposures to fine particulate matter

⁶ South Coast Air Quality Management District. May 2015. Final Report: Multiple Air Toxics Exposure Study in the South Coast Air Basin, p. 2-11.

⁷ 4-16 (The areas near the ports experience a cancer risk of 480 per million, while the air basin excluding the areas near the ports experiences a cancer risk of 359 per million.)

than white communities and wealthier communities.⁸ Communities of color and low-income communities bear the burdens associated with diesel particulate matter pollution from the freight sector while other communities reap the benefits. California prides itself on being a state that promotes equity, and must address this glaring inequity to live up to its ideals. POUs have an important role to play in that effort. POUs can take steps to protect the communities they serve by targeting investments to the most impacted communities. POUs should also consider targeting investments to freight facilities near impacted communities that affect air quality and health outcomes within those communities, such as major ports and railyards. Community monitoring can serve as a resource that allows POUs to work with impacted communities to gauge progress.

IV. THE IRPS SHOULD USE CALENVIROSCREEN TO IDENTIFY DISADVANTAGED COMMUNITIES

Commission staff recommends that POUs use CalEnviroScreen to identify disadvantaged communities, and Earthjustice supports that recommendation. While CalEnviroScreen is not perfect, it has been vetted by community groups and other stakeholders and provides a useful screen for identifying disadvantaged communities. Investor-owned

⁸ Bell, Michelle L. and Keita Ebisu. *Environ Health Perspect* 120:1699–1704 (2012). <http://dx.doi.org/10.1289/ehp.1205201> [Online 10 August 2012]

utilities are also using CalEnviroScreen to identify disadvantaged communities,⁹ so this recommendation ensures consistency amongst California’s utilities.

RECOMMENDED DATA AND ANALYSIS TO INFORM GUIDANCE

The Commission should consider additional data and analysis regarding air quality and public health impacts, particularly in disadvantaged communities, as it develops guidance for the POU’s IRPs. These include the Air Resources Board’s State Implementation Plans for federal clean air standards, as well as air quality plans developed by local air districts, such as the South Coast Air Quality Management District and the San Joaquin Valley Air Pollution Control District. These plans demonstrate the importance of reducing emissions from heavy duty and medium duty vehicles to meet air quality standards.

The Commission should draw upon resources that explain the viability of zero-emission vehicles and equipment to allay concerns from POU’s who may be reluctant to embrace new technologies. The City of Los Angeles has convened a Sustainable Freight Advisory Committee to help Los Angeles move toward its emission reduction goals for the freight sector. The Committee’s March 2017 meeting notes include information about planned deployment of zero-emission vehicles and equipment such as rubber tired gantry cranes and yard tractors in the near term. The notes also state that the Port of Los Angeles has “plenty of capacity” for

⁹ See, e.g. A.17-01-021. January 20, 2017. Testimony of Southern California Edison Company in Support of its Application of Southern California Edison Company (U 338-E) For Approval of its 2017 Transportation Electrification Proposals, p. 4.

additional electrification projects.¹⁰ The California Cleaner Freight Coalition – a coalition of environmental, health, and environmental justice groups that includes EYCEJ, CCAEJ, and Earthjustice – has developed its vision for a sustainable freight system in California, which includes information about technology availability.¹¹ The Commission should use these resources and seek out others to demonstrate that transportation electrification is possible.

Meeting air quality standards will result in significant public health benefits, and the Commission should consider reports and studies that detail the scope of air pollution impacts in California. Some examples include the South Coast Air Quality Management District’s Multiple Air Toxics Exposure Study and the Air Resources Board’s Health Risk Assessments for ports across California, including the Port of Los Angeles.¹² In Northern California, the Alameda County Public Health Department has issued a series of reports on health inequities caused in part by air pollution impacts from freight pollution.¹³ These reports highlight the severity of the dangers posed by diesel particulate matter for public health in communities near freight facilities across the state.

¹⁰ Sustainable Freight Advisory Committee. March 22, 2017. Meeting Summary – Draft. Available at https://www.portoflosangeles.org/environment/progress/wp-content/uploads/2017/05/SFAC-March-2017-Meeting-Summary_051717.pdf.

¹¹ California Cleaner Freight Coalition. 2016. Vision for a Sustainable Freight System in California. Available at <https://cacleanfreight.org/s/CCFC-Vision-for-a-Sustainable-Freight-System-in-California-ba4x.pdf>.

¹² The South Coast Air Quality Management District’s Multiple Air Toxics Exposure Study is available at <http://www.aqmd.gov/home/library/air-quality-data-studies/health-studies/mates-iv>, and the Air Resources Board’s Health Risk Assessments are available at <https://www.arb.ca.gov/railyard/hra/hra.htm>.

¹³ See Alameda County Public Health Department. Data Reports: Social and Health Equity. Available at <http://www.acphd.org/data-reports/reports-by-topic/social-and-health-equity.aspx>.

Finally but most importantly, the Commission should incorporate the expertise of residents and community groups in neighborhoods near freight facilities. Residents and local organizations understand the impact of medium- and heavy-duty vehicles in their communities in ways that no one else does. Residents and local organizations bring their own lived experience to the table, and in many cases, can provide useful quantitative data as well. Organizations such as Comite Civico del Valle in the Imperial Valley are developing community air monitoring programs and have launched online platforms allowing residents to report environmental hazards across the state.¹⁴ A planning process that intends in part to minimize air pollution in disadvantaged communities needs input from the communities to succeed. The Commission should urge POUs to devote significant resources to community outreach and engagement.

CONCLUSION

We urge the Commission to protect our communities by directing POUs to plan to meet air quality and climate mandates and to collaborate with our communities and other disadvantaged communities across the state. Thank you again for the opportunity to present at the April 27, 2017 workshop and for the opportunity to submit additional comments.

Sincerely,

¹⁴ More information about Comite Civico del Valle's community monitoring efforts is available at <https://www.ccvhealth.org/index.php?r=site/crowdsourcing>.



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