



Central California Environmental Justice Network

July 23, 2026

Governing Board Members and Staff
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Re: July Governing Board Meeting, Item 26-5-2, Public Meeting to Consider the 2026 State Implementation Plan Revisions for the California Extreme Ozone Nonattainment Areas

Dear CARB:

Below are our updated comments regarding the subject line topic. Attachment 1 is detailed information on the Clean Air Act Section 182(e)(5) new technologies provisions, commonly referred to as the Black Box. Attachment 2 is a chart of San Joaquin Valley US EPA ozone design values.

Below are our proposed areas CARB could commit to pursuing emissions reductions today. These are just a small list of all the possible sources CARB can pursue or can require the San Joaquin Valley Air District to pursue

1. **Mobile Farm Equipment:** This is the single largest source of NO_x emissions in the emission inventory tables CARB included in the revised Ozone SIP and is not regulated at all. In reviewing Clean Air Act preemption requirements, no US EPA waiver is required for in-use engines and any new engines over 175 horsepower.
2. **The third largest source of NO_x emissions is Mobile Off-Road Equipment.** This category is made up of many different individual sources with no single source producing over 1 ton of NO_x per day, so emission reductions in this area would need to be spread out across many different sources of off-road equipment, with the intention of removing the oldest diesel engines - at least Tier 0-2, but possibly into Tier 3.
3. **Stationary Source categories in the emission inventory tables are usually submitted to the San Joaquin Valley Air District and input by District staff.** The SJV Air District conducts no verification of the facility submitted annual emission inventory statements. South Coast AQMD has been verifying for at least 10 years. Without verification of submitted information, the percentage of emissions associated with stationary sources in the San Joaquin Valley is questionable at best.

4. The SJV Air District exempts many sources of emissions from all regulation and permitting requirements. These sources can be seen in Rule 2020, Section 6.1 through 6.20 and in their applicable 4000 series prohibitory rules. None of these sources have any quantification of exempt emissions and no list of total exempt sources exist. Without recordkeeping and quantification, no one can know how many tons per day are coming from the various exempt emission sources. Some of these categories are listed below:
 - a. Combustion and Heat Transfer devices less than 5,000,000 Btu/hr. These are industrial boilers and process heaters, these are not small, residential units. Other Air Districts regulate down to 75,000 to 2,000,000 Btu/hr. The Bay Area has actually approved rules to require units less than 75,000 Btu/hr to be zero emission by 2027 and 75,000-2,000,000 to be zero emission by 2031.
 - b. Low Emitting Units are anything that produces less than 2 pounds of a pollutant per day. While we are not suggesting to remove this exemption, we do believe the Air District should be required to report the amount of emissions being exempted.
 - c. Agricultural Sources: Any agricultural source can emit up to 9,999 pounds of any pollutant each year and be exempt. We would ask that CARB commit to requiring the SJV Air District to evaluate the amounts of emissions that are exempt here and the feasibility of reducing this blanket exemption to something less than 9,999 pounds per year.
5. Indirect Source Emissions: We would ultimately like to see a statewide Indirect Source rule. However, less than that, we would like CARB to commit to CARB or the SJV Air District evaluating the SJV Air District Indirect Source Review Rule against the South Coast AQMD warehouse ISR rule. Up to this point, the SJV Air District and CARB have only said with words that the SJV Air District's ISR is at least as stringent as South Coast's, but no one has done any sort of quantifiable, numbers based comparison.
6. Flares in the San Joaquin Valley are allowed to operate without meeting emission control limits if they limit their annual throughput based on flaring source (25,000; 90,000; or 100,000 MMBtu/year). But they only fail this if they do not meet it for 2 years in a row. So year 1, the flare can burn as much as the facility wants, and then as long as they are less than the threshold in year 2 then they are fine. This could be a very large source of emission reduction availability.
7. The SJV Air District is still allowing solid fuel boilers to be permitted instead of natural gas-fired boilers. Two recent walnut-shell boilers were permitted with emissions 7 times larger than a similar natural gas boiler. We would like to see a rule prohibiting solid fuel boilers.
8. The Bay Area and New York are regulating under-fired charbroilers - or cooking meat over a grate heated by natural gas. The SJV Air District exempts all these units. Since there is no list of sources exempt, no one knows how many emissions this could be.

Thank you for providing us the opportunity to participate in the public process. We are available for any questions this letter creates, and we look forward to your final decision on this matter.

Sincerely,

Cesar Aguirre

Director, Air and Climate Justice Team
Central California Environmental Justice Network

Attachments 1 and 2

This document provides basic information about the “black box” method being used in the 2026 Ozone SIP revision to ensure you are being briefed on it properly. Most importantly, it makes sure you understand there are two requirements that **MUST** be included in a SIP in order for the black box method to be used.

We would like you to understand CARB staff are asking you to approve using the black box in an instance when they know it does not meet the requirements.

What does the Clean Air Act (CAA) say about the black box?

- It can only be used for areas classified as Extreme nonattainment for ozone. South Coast and the San Joaquin Valley are classified as extreme, but Coachella Valley is not. In a recent meeting with CARB staff they said a request was submitted to US EPA but that US EPA had not made a decision yet.
 - I can find no document on the South Coast website asking to reclassify Coachella Valley from Serious to Extreme, I can find no document on CARB’s website, and there are no documents from US EPA on the federal register website. Prior to approving the use of the black box for Coachella Valley, I would recommend asking to see the reclassification letter or package submitted to US EPA.
- The black box is used for anticipated development of new technologies for future, yet unknown, emission reductions. ([CAA Language Link](#))

(5) NEW TECHNOLOGIES

The Administrator may, in accordance with section 7410 of this title, approve provisions of an implementation plan for an Extreme Area which anticipate development of new control techniques or improvement of existing control technologies, and an attainment demonstration based on such provisions, if the State demonstrates to the satisfaction of the Administrator that—

(A) such provisions are not necessary to achieve the incremental emission reductions required during the first 10 years after November 15, 1990; and

(B) the State has submitted enforceable commitments to develop and adopt contingency measures to be implemented as set forth herein if the anticipated technologies do not achieve planned reductions.

However, the revised SIP only lists the categories in which waivers were denied by the US EPA. CARB already approved all these rules, including the zero emission parts. How can previously approved rules by CARB now have parts that cannot be implemented because the technology to accomplish them is not developed yet?

While the CAA wording appears to focus on the associated contingency measures, the US EPA expands on “anticipated development” and “improving existing control technologies” in decisions involving black box submissions. Below is an example from [a recent decision in 2024 for South](#)

[Coast](#). However, this expanded decision language is consistent with [EPA language since 1992](#) (middle bottom of the page).

C. Clean Air Act Provisions for New Technologies

For ozone nonattainment areas classified as Extreme, the CAA recognizes that an attainment plan may rely to a certain extent on new or evolving technologies, given the long time period between developing the initial plan and attaining the standards, and the amount of emissions reductions needed to attain.

CAA section 182(e)(5) authorizes the EPA to approve provisions in an Extreme area plan that anticipate development of new technology measures, and to approve an attainment demonstration based on such provisions, if the state demonstrates that: (1) such provisions are not necessary to achieve the incremental emission reductions required during the first 10 years after the area's nonattainment designation; ^[18] and (2) the state has submitted enforceable commitments to develop and adopt contingency measures to be implemented if the anticipated technologies do not achieve the planned reductions ("182(e)(5) contingency measures").^[19] New technology measures may include those that anticipate future technological developments as well as those that require complex analyses, decision making, and coordination among a number of government agencies.^[20] An attainment demonstration that relies on planned reductions from new technology measures under section 182(e)(5) must identify the measures for which additional time would be needed for development and adoption. The plan must also show that the new technology measures cannot be fully developed and adopted by the submittal date for the attainment demonstration and must contain a schedule outlining the steps leading to final development and adoption of the measures.^[21]

development of new control technologies, or improvement of existing control technologies if the SIP satisfies the following criteria:

(1) The plan containing the demonstration of attainment must identify all measures, including the long-term measure(s) for which additional time would be needed for development and adoption.

(2) The plan must show that the long-term measure(s) cannot be fully developed and adopted by the submittal date for the attainment demonstration and must contain a schedule outlining the steps leading to final development and adoption of the measure(s).

(3) The plan must contain commitments from those agencies that would be involved in developing and implementing the schedule for the measure.

(4) The plan must contain a commitment to develop and submit contingency measures (in addition to those otherwise required for the area) that could be implemented if the measure is not developed or if it fails to

CARB's revision does not include the two requirements necessary to use the black box method:

1. Showing the new technology measures cannot be fully developed and adopted now, and
2. Must contain a schedule outlining the steps leading to final development and adoption of the measures.

Below are the tables that show the number of future NOx emission reductions that are relying on the black box method (CAA Section 182(e)(5)), which total 56.4 tons of NOx per day.

Table 2 - South Coast NOx Emission Reductions from CARB Programs

CARB Programs in South Coast	2037 NOx Emission Reductions (tpd)
Current Control Program	166.4 <u>155.2</u>
Potential CARB Emission Reductions Commitments	95.7 <u>106.8</u>
2016 State SIP Strategy Measures (Not yet in baseline inventory)	6.4 <u>1.0</u>
2022 State SIP Strategy Measures	89.3 <u>79.6</u> <u>78.8</u>
<u>Newly allocated to Clean Air Act Section 182(e)(5)</u>	26.7 <u>27.0</u>
Total Reductions	262.1

Note: numbers may not add up due to rounding

Table 10 - San Joaquin Valley NOx Emission Reductions from CARB

CARB Programs in San Joaquin Valley	2037 NOx Emission Reductions (tpd)
<u>Current Control Program</u>	134.5 <u>122.9</u>
Proposed CARB Emission Reductions Commitments	25.3 <u>36.9</u>
2016 State SIP Strategy Measures (Not yet in baseline inventory)	1.9 <u><0.1</u>
2022 State SIP Strategy Measures	23.4 <u>13.2</u> <u>12.5</u>
<u>Clean Air Act Section 182(e)(5)</u>	23.6 <u>24.3</u>
Total Reductions	159.8

Note: numbers may not add up due to rounding

Table 19 - Coachella Valley NOx Emission Reductions from CARB Programs

CARB Programs in South Coast		2037 NOx Emission Reductions (tpd)
Current Control Program		9.7 <u>7.8</u>
Potential CARB Emission Reductions Commitments		5.2 <u>7.1</u>
2016 State SIP Strategy Measures (Not yet in baseline inventory)		0.2 <u><0.1</u>
2022 State SIP Strategy Measures		5.0 <u>2.0</u>
<u>Clean Air Act Section 182(e)(5)</u>		<u>5.1</u>
Total Reductions		14.9

Note: numbers may not add up due to rounding

Black Box Emissions

New Black Box

- South Coast - 27.0 tpd NOx, 4.4 tpd ROG
- SJV - 24.3 tpd NOx, 1.8 tpd ROG
- Coachella Valley - 5.1 tpd NOx, 0.3 tpd ROG

Existing Black Box

- South Coast - 51.4 tpd NOx, 0.1 tpd ROG
- SJV - none
- Coachella Valley - none

Total Black Box

- South Coast - 78.2 tpd NOx, 4.5 tpd ROG
- SJV - 23.6 tpd NOx, 1.8 tpd ROG
- Coachella Valley - 5.1 tpd NOx, 0.3 tpd ROG

San Joaquin Valley Ozone Trends

