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November 15, 2006

Clerk of the Board
California Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

RE: Comments on the Proposed Amendments to the Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition (CI) Engines

The Butte County Air Quality Management District (District) provides the following additional comments to the proposed amendments to the ATCM for in-use agricultural engines and that clarifies the existing requirements within the regulation. In preface, the District appreciates the California Air Resources Board's ongoing efforts to reduce diesel particulate matter (PM) from diesel-fueled engines and vehicles in California.

The Governing Board of the Butte County Air Quality Management District provided comments on November 3, 2006. The District also concurs with comments sent by the Sacramento Valley Basinwide Air Pollution Control Council on November 1, 2006. The following only address additional technical and clarifying comments.

1. Overview Comments:

- a. **Issue:** From the Staff Report, this measure "...would benefit public health by reducing diesel PM exposure and cancer risk, particularly where stationary diesel agricultural engines operate..." however, the District notes that diesel PM emission standards of Tier 2 and Tier 3 engines are the same. If Tier 3 engines can pose an acceptable level of risk from diesel particulate matter, then existing Tier 2 engines should be adequate to achieve the same level of risk.

Recommendation: Allow use of Tier 2 engines in lieu of requiring a Tier 3 engine.

- b. **Issue:** The ATCM does not exempt biodiesel fuel, although there is little or no information to determine biodiesel combustion emissions are toxic air contaminants.

Recommendation: Exempt those engines using 99-100% biofuels from the ATCM.

- c. **Issue:** The approach to address the AB 2588 “Hot Spots” program for in-use ag engines and ag facilities is inconsistent with the approach for Hot Spots requirements for other industries and operations. The proposed mechanism in the ATCM would only be applicable for those farming facilities with only one engine. While the District supports risk analysis to determine engine replacement criteria, the District does not support including measures to partially address the Hot Spots program within the ATCM for sources subject to reporting.

Recommendation: Remove Hot Spots requirements from the ATCM and allow for review under the Hot Spots Emission Inventory Criteria and Guidelines Regulation, as appropriate, consistent with the approach for other industries.

- d. **Issue:** CARB staff proposes electrification as the preferred alternative to diesel power; however, practical experience in the summer of 2006 and previous years demonstrated that power supply from the grid may be limited and may well continue to be an issue. Ag engine use is primarily in the summer months to irrigate crops, which coincides with the peak electrical use in urban areas. Some orchardists have reported to our staff that irrigation pumping is needed during the hottest periods of the day to cool walnut groves.

Recommendation: Provide exemption criteria for circumstances where electricity becomes unavailable.

- e. **Issue:** At public meetings in Colusa and Durham, CARB staff discussed applying a remote exemption based on risk review at “a snapshot in time”; however, the provisions of 93115.10(d) are such that if any of the 4 criteria are no longer met, the exemption is null and void. For example, this would occur if a residential area is built after the initial review. This approach serves to create implementation issues in the future.

Recommendation: Limit the risk review to a certain date or event. Future risk reduction measures could be required for sources subject to the Hot Spots program.

- f. **Issue:** In general, this ATCM seeks to control diesel particulate matter from combustion in compression ignition engines as a source category for emitting this toxic; however, the regulation approaches reductions and compliance in at least three different ways depending on industry/use. While this may appear more flexible, it does not require the same level of control (reduce risk to the same level) or allow the flexibility to the agricultural industry that applies to other sources.

Recommendation: Include 85% reduction from baseline for agricultural operations as an option, providing similar standards for all CI engines.

2. Staff Report Methodology:

- a. **Issue:** The District finds the Staff Report potentially misleading in noting the amount of emission reductions. The Staff Report identifies that approximately 5000 of the 8600 engines over 50 HP are located in the San Joaquin Valley (SJV) air district, which has existing regulations to reduce PM and NOx; however, it appears the SJV rule reduction values have been included in the total estimated reductions. Since these reductions are not a result of the ATCM requirements, the District believes the emission reductions presented in the Staff Report may be over-stated.

Recommendation: The District requests that estimated reductions from the ATCM implementation be clarified.

- b. **Issue:** As part of the Fiscal Impact, the Staff Report notes insignificant costs to local agencies; does this include air districts? Costs to air districts are reported, but no values for the overall implementation of the ATCM and a registration program appear to be included. In addition, CARB's estimates on the fees proposed appear low. Fees to implement a registration program are stated to be \$45 to \$90 and a one time cost of \$26 to \$242 to verify compliance at time of final compliance date. The District's current portable equipment registration program has a \$185 application/registration fee and subsequent inspection fees on an hourly basis to verify compliance. It is not a full cost recovery program. Based on the District's experience, the proposed values may be about 50% of the expected costs. Determining a cost estimate for implementation is problematic based on the lack of inventory and no prior regulatory program over the subject engines.

Recommendation: The District recommends that future fiscal impact determinations be verified with several districts prior to public release.

- c. **Issue:** The Health Risk Analysis in the Staff Report assumes 1000 hours/year of operation but the potential risk is calculated based on 50 weeks per year for 70 year exposure. In the Staff Report, CARB notes most engines are used for water pumping. For the northern Sacramento Valley, these assumptions may not be applicable as engines run primarily in the summer months and average 50 hours per week for approximately 20 weeks per year. For evaluating risk under this scenario, additional analysis may be required.

Recommendation: Review risk analysis under the revised operating scenarios.

- d. **Issue:** The ATCM allows the use of a Tier 3 engine with Level 3 Verified Control Technology to satisfy the 0.01 g/bhp-hr emission standard. The staff report suggests that significant digits and rounding can be used to show that the emission rates are essentially equivalent. For Tier 3 engines the use of a Level 3 Verified Control Device results in emission levels of 0.02 g/bhp-hr.

Recommendation: Include the Level 3 Verified Control on an engine certified to 0.15 g/bhp-hr as a standards option instead of a footnote.

3. ATCM Proposed Amendments Section 93115.4 Definitions:

Issue: 93115.4(uu) "Maintenance and Testing": The proposed maintenance definition amendment includes a provision for emergency standby engines that allows for additional hours authorized by the district beyond the regulation standards. The District realizes this allows for increased flexibility on a case by case basis; however, since the proposed amendment appears to lessen the regulatory strategy for this type engine (i.e. limited hours per year), the District believes including this provision as part of the standard in Section 93115.6 would appropriately locate this provision and provide regulatory clarity. The District does not agree with including a change to the regulatory standard as a subpart of the definition of "maintenance".

Recommendation: District recommends including this provision as part of the standard in 93115.6 and not in the definition of "maintenance".

The District appreciates the opportunity to comment on the proposed amendments to the ATCM. Any questions regarding this correspondence may be addressed to Bob McLaughlin of my staff or my office at (530) 891-2882.

Sincerely,



W. James Wagoner,
Air Pollution Control Officer

cc: Sacramento Valley Basinwide Air Pollution Control Council
Catherine Witherspoon, Executive Officer
Daniel Donohue, Chief, Emissions Assessment Branch
Richard Boyd, Manager, Process Evaluation Section