



MONTEREY BAY

Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

January 19, 2010

Monica Vejar, Clerk of the Board
California Air Resource Board
1001 I Street 23rd floor
Sacramento, CA 95814

RE: COMMENTS REGARDING THE PROPOSED AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM PORTABLE ENGINES

Dear Ms. Vejar:

The Monterey Bay Unified Air Pollution Control District appreciates the opportunity to comment on the proposed amendments to the Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines. We support the ongoing efforts of the California Air Resources Board in reducing the emissions of this toxic air contaminant. We believe the following concern needs to be addressed to effectively and fairly impose the regulatory requirements on portable diesel engines.

The Control Measure Should Not Restrict Districts' Ability to Issue Permits

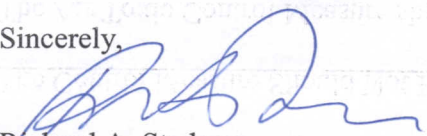
The Air Toxic Control Measure should not restrict Air Pollution Control Districts' ability to issue permits that are otherwise in compliance with the requirements and emission standards contained in the regulation. Specifically, in Section 93116.3(b)(2), the words **permitted or** should be deleted.

This section could prevent Districts from issuing permits for newly discovered Tier 0 engines although Section 93116.3(b)(1)(B) allows the use of Tier 0 engines in emergency or low use applications 80 hours per year until 2020. In addition, this section could prevent Districts from issuing permits for newly discovered Tier 1 or 2 engines that would otherwise have only to meet the fleet standards contained in Section 9116.3(c).

Without the ability to issue permits for engines that do not meet the current tier standards businesses would be subject the economic burden of purchasing new engines or would be forced to continue to operate without permits and remain unregulated.

If you have any questions regarding these comments, please contact Lance Ericksen, Engineering Division Manager, at (831) 647-9411. We look forward to working with your staff on an ongoing basis to effectively implement his regulation.

Sincerely,


Richard A. Stedman
Air Pollution Control Officer

cc: James Goldstene, Executive Officer
Lance Ericksen, Engineering Manager, MBUAPCD