Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: http://www.mdaqmd.ca.gov
Eldon Heaston, Executive Director

December 5, 2006

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

Subject: Comments Regarding the Proposed Emergency Amendments to the Statewide Portable Equipment Registration Program (PERP) Regulation and the Airborne Toxic Control Measure (ATCM) for Diesel-Fueled Portable Engines and the ATCM for Compression-Ignition Engines

Dear Clerk of the Board:

The Mojave Desert Air Quality Management District (MDAQMD) wants to acknowledge your staff for the preparation of the "Draft Concepts for emergency amendments to PERP and the ATCMs for Portable and Stationary Diesel Engines". The MDAQMD wishes to provide the following comments:

1. The 'Draft Concepts' look fair but detailed comments cannot be made without a thorough review the actual language changes that will be made to the PERP and the 2 ATCMs.

2. The MDAQMD has recently received a number of inquires from small business that have a single portable engine subject to this ATCM. These small operators have only recently become aware (within the last week or so) about these Emergency Amendments. The universally expressed concerns that 'late penalties' could bankrupt their business. Therefore the MDAQMD recommends that 'late penalties' be restructured for a small business. The late penalties could be $100 for calendar year 2007 and then raising to $200, and then $400 for year 2008 and 2009. A good definition for a small business is the one used in the Air Toxics "Hot Spots" Fee Program (AB2588), as follows:

   A) The business is independently owned and operated and has met all of the following

      i) The business has 10 or fewer (annual full-time equivalence) employees; and

ii) The business's total annual gross receipts are less than $1,000,000.

The MDAQMD thanks the Board for giving us this opportunity to comment of these proposed emergency amendments. Should you have any questions, please contact Mr. Richard Wales of the my staff at (760) 245-1661 extension 1803.

Sincerely,

Alan J. De Salvio
Supervising Air Quality Engineer
Mojave Desert Air Quality Management District