

June 29, 2018

Mr. David Edwards, Ph.D.  
California Air Resources Board  
Air Quality Planning & Science Division  
1001 I Street, 7<sup>th</sup> Floor  
Sacramento, California 95814

Via email: [Ctr-report@arb.ca.gov](mailto:Ctr-report@arb.ca.gov)

Dear Mr. Edwards:

Subject: Proposed AB 617 Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting Workshop

The Los Angeles Department of Water Power (LADWP) appreciates the opportunity to provide comments on topics discussed at the Proposed Assembly Bill (AB) 617 Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting Workshops.

**1) Emission Reporting Requirements**

Good quality emissions data is needed to support the AB 617 Community Air Protection Program, the AB 2588 Air Toxics "Hot Spots" program, State Implementation Plans, and Air Toxics Control Measures. To achieve an accurate emissions inventory, LADWP recommends designing the emissions reporting requirements to use equipment-specific emission factors when available, rather than default emission factors that tend to be over generalized. For reporting of criteria and air toxics emissions, LADWP recommends establishing a hierarchy of emission factor sources in order of preference, which could include (but not limited to) the following:

- 1) Continuous emissions monitoring system data
- 2) Source test data
- 3) Manufacturer emission data (for specific equipment type)
- 4) Permit based emission factor or Rule based limit
- 5) Default emission factors provided by the air districts or California Air Resources Board (CARB)
- 6) Published sources (e.g. AP-42 US Environmental Protection Agency Compilation of Emissions Factors)

If an equipment specific emission factor is unavailable, LADWP understands that default emission factors will be the alternative choice in the hierarchy of acceptable emission factors. For that reason, LADWP encourages CARB and the air districts to work together to review and update the default criteria pollutant and toxic air contaminant emission factors for each fuel type using source test data that has been submitted to the Districts over the years.

Additionally, LADWP encourages CARB to balance the need for collecting data with the additional reporting burden on reporters and local air districts' staff, given the significant existing reporting workload. At the workshop, CARB staff stated they want to collect emission data for all emission sources (including mobile sources) within selected AB 617 communities. LADWP is concerned about the additional workload of having to report for "all emission sources" within a community and the compounding effect of adding new communities each year. Collecting emission data for all emission sources within a community is complicated, so LADWP encourages CARB to convene technical working group meetings to discuss this and other emission reporting challenges.

To minimize duplicative reporting efforts, CARB could utilize data already reported under other regulations (such as CARB's Portable Equipment Registration Program, In-Use Off-Road Diesel Fueled Fleet Regulation, Large Spark Ignition Engine Fleet Regulation, and Stationary Diesel Engine Control Measure).

LADWP recommends that CARB consider the cost/benefit of requiring minor emission sources to file an annual report, and the additional workload on regulatory staff of having to review and quality assure all of those additional reports. CARB should consider establishing a de minimis threshold to exclude minor emission sources (such as emergency generators and water pumps that operate less than 50 hours per year) from the annual emissions reporting requirements.

## **2) Compliance and Enforcement**

LADWP encourages CARB to work with the local air districts to determine how best to handle compliance with the AB 617 emissions reporting requirements. The compliance policy needs to be flexible enough to allow revisions to improve emission data reports. CARB's daily penalty structure is not well suited for an annual emissions reporting program. LADWP recommends that CARB consider delegating compliance and enforcement responsibilities for the AB 617 emissions reporting program to the local air districts who will be reviewing the emissions data reports for quality assurance.

## **3) Phasing in of AB 617 Emissions Reporting Requirements**

CARB staff has identified a "phased-in" approach to AB 617 annual emissions reporting. Currently differences exist between CARB and the local air districts emission reporting programs that need to be synchronized to ensure reported emissions data is consistent, accurate, and acceptable. Examples of differences that need to be addressed include emission factors and the applicable stationary equipment subject to reporting. Rather than expending effort to implement interim Phase 1 reporting, LADWP recommends that CARB and the local air districts focus their efforts towards Phase 2 and standardizing their emissions reporting programs. In the interim, affected facilities would continue reporting

their annual criteria pollutants and toxic air contaminants with their local air districts following the existing established reporting protocols. Once the AB 617 emission reporting requirements are synchronized with the local air districts, LADWP recommends phasing in the new reporting requirements to avoid undue reporting burden on facility operators. To spread out the reporting burden, LADWP recommends that "supplemental data" (such as stack heights and locations, facility location information, data about the footprint of facility) not be due at the same time as the emissions data.

#### **4) Applicability**

The workshop presentation identifies all permitted sources within "communities" (AB 617 Communities) as applicable sources subject to the reporting requirements, and indicates "highly detailed inventories will be developed for selected communities, including stationary, area, and mobile sources." The workshop discussion also mentioned clustered facilities are also applicable sources subject to the reporting requirements. However, Health and Safety Code Section 39607.1 does not specifically identify all permitted sources within "communities" or clustered facilities in the definition to report its annual emissions of criteria pollutants and toxic air contaminants to CARB. LADWP requests clarification of the rationale for including the above mentioned proposed applicable sources.


#### **5) Reporting Schedule**

Sufficient time is needed by compliance entities to compile information and prepare/submit the annual emissions report. Facilities already subject to emissions reporting to local, state and federal regulatory agencies have a significant existing reporting workload in the first quarter of the year. In addition, the local air districts and CARB will need sufficient time to review and finalize the reported emissions data by August 1 of each year. LADWP believes the suggested reporting deadline of May 1<sup>st</sup> for the AB 617 annual emissions reporting is reasonable.

In closing, LADWP appreciates your consideration of these comments on the Proposed AB 617 Regulation for Criteria Pollutant and Toxic Air Contaminant Emissions Reporting Workshop.

If you have questions or would like additional information, please contact Ms. Jodean Giese at (213) 367-0409 or Mr. Edward Kim of my staff at (213) 367-6702.

Sincerely,



Mark J. Sedlacek  
Director of Environmental Affairs

EK:rc

c: Mr. John Swanson, CARB  
Mr. Patrick Gaffney, CARB