



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

July 23, 2010

James Goldstene
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

ALAMEDA COUNTY
Tom Bates
(Vice-Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

**Re: Comments on the Proposed Regulations for an Enhanced Fleet
Modernization Program (EFMP)**

Dear Mr. Goldstene:

CONTRA COSTA COUNTY
John Gioia
(Secretary)
David Hudson
Mark Ross
Gayle B. Uilkema

I am writing to provide you with the Bay Area Air Quality Management District's (Air District) comments on the third proposed set of changes to your regulations for an EFMP published on July 12, 2010.

MARIN COUNTY
Harold C. Brown, Jr.

The Air District appreciates the effort you and your staff have put into the development of this regulation and strongly supports a highly effective EFMP here in the Bay Area. The following comments are intended to assist the California Air Resources Board (ARB) and the Bureau of Automotive Repair (BAR) in producing the best regulation possible.

NAPA COUNTY
Brad Wagenknecht
(Chairperson)

The EFMP regulatory language should seek to leverage and augment local funding sources, not compete for the same vehicles as existing programs.

SAN FRANCISCO COUNTY
Chris Daly
Eric Mar
Gavin Newsom

The Air District's current Vehicle Buy Back (VBB) program is one of the most successful in the State. It currently offers \$1,000 to retire and scrap registered 1989 and older vehicles that have not failed Smog Check and are fully operational. The program retires approximately 6,000 vehicles and reduces emissions by 700 tons annually based on a combination of air pollutants reduced (particulate matter (PM), reactive organic gases (ROG), etc.). Since its inception in 1996, this program has retired over 50,000 vehicles. This program has excellent name recognition throughout the Bay Area and continues to be one of our most reliable and productive emissions reductions programs.

SAN MATEO COUNTY
Carol Klatt
Carole Groom

SANTA CLARA COUNTY
Susan Garner
Ash Kalra
Liz Kniss
Ken Yeager

SOLANO COUNTY
James Sperring

SONOMA COUNTY
Shirlee Zane
Pamela Torliatt

Throughout the process of the development of this regulation, Air District staff has provided assistance and guidance to the ARB based on our experience and the success of the VBB program. The Air District has also requested on a number of occasions that its pre-existing program be coordinated and leveraged with the BAR/ARB EFMP to retire the maximum number of vehicles possible with the available funds.

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

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The Air District believes that by focusing Assembly Bill (AB) 118 dollars on vehicles that currently cannot be captured by its VBB program (vehicles with engine model years (MY) 1989 and newer) the EFMP can augment rather than replace our current program. However, based on the current drafting of the regulation, this would not be possible and we recommend that a section be added to the regulation that would allow for this augmentation. Should the regulation proceed as it currently stands, no measurable air quality benefit would be gained from the available funding in the Bay Area air basin, as the EFMP would essentially replace the Air District program and report emissions that would have been reduced by the VBB program.

The EFMP regulatory language excludes every air district in the state bar the South Coast Air Quality Management District and San Joaquin Valley Air Pollution Control District from participating in the voucher portion of the program.

In its comments on the previous version of the regulation, the California Office of Administrative Law (OAL) commented that the ARB did not have the authority under the regulation to expand the program to other air districts without going through the public process. ARB's response to this comment has been to remove the ability for the other air districts to participate in the program. This would seem to undermine the public process you have already gone through to reach this point, as this Air District, members of the public and many others have commented that they want this funding to be available in their jurisdictions in the future.

The Air District would therefore suggest that rather than removing the ability for other air districts to participate via regulatory language, the ARB go through the public process to add all of the other air districts now.

Additionally, the authorizing legislation denotes that this program must be focused where the greatest air quality impact can be identified. The Bay Area represents approximately 20% of the population of the State of California. This population is located in highly dense urban areas along Bay Area transportation corridors. The Air District believes that reducing vehicle emissions for that population would seem to meet the definition of the greatest air quality impact. I would therefore urge you either to amend the regulatory language to include the Bay Area Air Quality Management District or all air districts in the state to meet the intent of the authorizing legislation.

I hope that you will reconsider the content of your regulation based on the Air District's comments as I believe this will strengthen the EFMP. If you have any questions regarding my comments please feel free to call me at (415) 749-5052 or contact Damian Breen, Director of Strategic Incentives, at (415) 749-5041.

Sincerely,



Jack P. Broadbent
Executive Officer/APCO

Cc: ARB Clerk of the Boards