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September 22, 2020

Carey Bylin
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

*Filed electronically*

*RE: TID Comments on July 21, 2020 60 Day Draft Language to the Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear*

Dear Ms. Bylin,

Turlock Irrigation District ("TID") submits the following comments on the ARB's August 15, 2019 Discussion Draft for amendments to the SF6 Regulation ("Draft Regulation").

## TID Background

TID was organized as the first Irrigation District in California on June 6, 1887 and is in its 133rd year of operation. TID currently serves a retail electric customer base of just over 100,000 customers and provides irrigation water to over 5,800 growers and nearly 150,000 acres of farmland. Of the eleven communities that TID serves, seven are classified as Disadvantaged Communities, and a majority of our service territory is in the top 20% of Cal Enviroscreen 3.0 impacted communities.

TID's mission is to provide stable, reliable, and affordable water and power to its customer owners; be good stewards of our resources; and provide a high level of customer satisfaction. TID has been a long-time supporter of California greenhouse gas standards, and made early investments in wind energy and other renewable sources before there was any requirement for Publicly Owned Utilities to do so.

TID is distinguished from the large investor owned utilities in that it operates as a Balancing Authority Area and is not part of the California Independent System Operator. TID is one of eight Balancing Authorities ("BA") in California, tasked with balancing retail demand, generation, and wholesale purchases and sales while providing adequate reserve capacity to maintain reliability within its Balancing Authority Area. TID's generation, transmission and distribution facilities are all necessary to support TID's legal requirements and compliance with National Electric Reliability Council ("NERC") Reliability Standards.

TID has been one of California's leading utilities in SF6 reduction efforts. TID had one of the largest fleets of zero-GWP vacuum circuit breakers at the 69-kilovolt threshold and has developed strict monitoring protocols for SF6 reliant switchgear. TID's monthly practices include inspections of all its substations where the substations pressure is recorded at each piece of GIE. Moreover, the District utilizes low-gas pressure alarms that will alert the 24/7 power operations group of changing conditions in GIE, which helps protect against the risk of releases.

While TID is supportive of the ARB's efforts to achieve carbon neutrality and reduce all GHG emissions, including SF6, the ARB must also carefully evaluate this Regulation in light of the Regulation's direct effect on the ability of utilities to manage their critical facilities and maintain grid reliability. TID appreciates the ARB's efforts to work with stakeholders, but remains concerned that the Draft Regulation would not allow sufficient flexibility to ensure that transmission and distribution operators can continue to meet reliability and safety standards, particularly at the higher voltage levels.

## Discussion

### Section 95351 Definitions and Acronyms

The definition of a "Substantive Error," and "Catastrophic Failure," in **Section § 95351**should be revised to clarify how the ARB intends to work with utilities as we collectively wait and rely upon manufacturers to develop GIE necessary for large scale deployment of non-SF6 equipment, particularly at the high voltage classifications. We remain concerned that the technology pathway to alternatives is unclear and in the absence of a clear technology pathway, these terms will lead to unmanageable compliance risks for the utilities. Utilities do not have confidence in the market for high voltage GIE, TID would highlight the following issues.

I. **"Catastrophic Failure"** *means the sudden and unexpected failure of a GIE device that impacts human safety and/or substantially impairs, damages, or shuts down part or all of a system (e.g., the electrical grid, facility operations, and a power producer's availability for dispatch to the electrical grid).*

1. Please see the discussion below in **Section 95357(b)(1)(2)(3)(4)** for how the determination and responsibility of a Catastrophic Failure should be addressed.

II. **"Covered Insulating Gas"** *means an insulating gas with a GWP greater than one. When the amount of covered insulating gas must be calculated for gas blends, it must be calculated pursuant to section 95354(l).*

1. We encourage CARB to consider raising the reporting exemption threshold from GWP ≤ 1 to GWP ≤500 for gas mixtures. The reporting exemption threshold of GWP ≤ 1 presents an additional reporting burden on reporters who may use gas blends, even though gas blends (with a GWP <500 compared to SF6's GWP of 23,000) present a tremendous improvement in GHG emissions. Defining a threshold for gas blends at GWP ≤500 will encourage development and adoption of SF6-free alternative GIE, particularly in the high-voltage category, where no alternatives to SF6 currently exist. A reasonable threshold will also provide further incentive to drive OEMs to develop alternative, low GWP gases help utilities meet CARB's proposed phase-out schedule.

III. "**Emergency Event**" *means a situation arising from a sudden and unforeseen event including, but not limited to, an earthquake, flood, or fire.*

1. Once a utility has undertaken all reasonably prudent maintenance and operating measures to minimize the risk of an SF6 release, there is little a utility can do to ensure they will be in compliance. In the event of an unforeseen release that occurs due to unexpected equipment failure, the utility has only the definition of "Emergency Event" to point to in demonstrating that they should be deemed in compliance in light of their exercise of reasonable diligence and care. However, the Emergency Event exemption only applies if there is an unforeseen event like an earthquake. The ARB should amend this definition to exclude the list of unforeseen events and simply ask whether in light of the exercise of reasonable diligence and care, was the event unforeseen.

IV. **"Substantive Error"** *means an error that affects calculated emissions, data used to calculate emissions, data used to calculate the emissions limit or compliance with the emissions limit, and data needed by CARB staff to verify reported data and compliance with this Regulation.*

1. This definition does not explain how granular CARB staff is going to look when verifying an entity's reported data and compliance with this regulation. *"An error"* implies a zero tolerance and therefore, a violation, no matter how *de minimis* the error.

2. TID requests the ARB explain the difference between an Error and a Substantive Error.

**Discussion Section 95352**

*Table 2. Phase-Out Dates for SF6 GIE with Voltage Capacity > 38 kV* under **Section § 95352 Sulfur Hexafluoride Phase-Out** epitomizes TID's concerns reflected throughout our comments in this letter. While we appreciate the ARB's efforts to respond to comments on the pre-rulemaking drafts, we believe the phase out schedule is still problematic. From TID's perspective this table presents immediate compliance obstacles and will cause an over reliance on the technical infeasibility exemption during early years.

*Table 2. Phase-Out Dates for $SF_6$ GIE with Voltage Capacity > 38 kV*

| Voltage Capacity (kV) | Short-Circuit Current Rating (kA) | Phase-Out Date |
|---|---|---|
| 38 < kV ≤ 145 | < 63 | January 1, 2025 |
| | ≥ 63 | January 1, 2028 |
| 145 < kV ≤ 245 | < 63 | January 1, 2027 |
| | ≥ 63 | January 1, 2031 |
| > 245 | All | January 1, 2033 |

The *Table 2. Phase-Out Dates for SF6 GIE with Voltage Capacity > 38 kV* indicate that the ARB has only considered the assurances of manufacturers and a single California utility as its basis for developing the timeline. These projections, based on feedback from the industry, have been explained as unrealistic by many utilities in previous meetings, workshops, and formal letters submitted to the ARB. We feel this phase-out schedule is too aggressive given the current state-of-the-market combined with the necessary time utilities will require to thoroughly evaluate the new technology and train staff.

Even were non-SF6 technology market-ready today, in order to ensure a competitive bid process, the GIE meeting system requirements must be available from multiple manufacturers. Since there are essentially two types of technologies being developed at voltage levels greater than 69 kV, vacuum and non-SF6 gas alternatives, this requires that multiple vendors have market-ready equipment for each technology.

Subsequent to availability, there is significant time and cost that must be invested in order to ensure the utility is meeting strict standards for operating critical facilities in a reliable and predictable fashion. When grid reliability and public health is on the line, a utility must carefully evaluate and test new technologies prior to qualifying a manufacturer's product for use on a utility's system. TID is not positioned, neither from a budget perspective nor an engineering resource perspective, to conduct multiple pilots simultaneously. Optimistically, TID can conduct a pilot every two years, but three years is preferred. Assuming the market availability of the GIE and a start date in 2021, TID hopes to establish two vendors per technology by the end of 2029.

As it stands, piloting non-SF6 GIE projects places a disproportionate financial burden on smaller- and medium-sized utilities in comparison to the larger utilities in California. This is especially true for utilities like TID whose customer base is primarily comprised of disadvantaged communities who cannot bear significant rate increases in a relatively short time horizon.

In a typical budget year, funds are adequate to replace two (2) failing or end-of-life breakers at voltages 69 kV and above. Conducting pilots at the 115 kV level will require phasing out equipment not slated for replacement, thereby reducing TID's capacity to address its aging 69 kV breaker fleet. Requiring a more aggressive evaluation cycle will further negatively impact the

safe and reliable operation of TID's interconnected system by forcing continued operation of equipment that is in need of replacing.

The second problem with relying on over-optimistic assumptions corresponds to an over-reliance on exemptions. As described above, TID will not have two vendors qualified on its system for each technology by the beginning of 2025. Therefore, only SF6 GIE will allow for a competitive bid process and a phase-out exemption will be required due to the inability to evaluate alternatives over this timeframe. For a nominal voltage of 115 kV, this will be the case, at least until the end of 2027 and may extend past 2029. For the 230 kV voltage level, it is unlikely TID will ever qualify more than one vendor, if it does decide to run a pilot project. There are very few 230 kV breakers on the TID system. The critical nature of breakers at this voltage class cause the feasibility of conducting a pilot impractical. Please see the discussion below in **Section 95357(b)(1)(2)(3)(4)** for further discussion of this concern. To address these concerns and provide small and medium size utilities with more opportunity to test and evaluate alternatives, CARB should amend the Phase-out dates, as set forth in the following table:

*Table 1: Utility Proposed SF6 GIE Phase-Out Dates*

| Voltage (kV) | Short-circuit Current (kA) | Utility Proposed Phase-out Date |
|---|---|---|
| ≤ 72.5 | < 63 | January 1, 2025 |
| ≤ 72.5 | ≥ 63 | January 1, 2028 |
| 72.5 < kV ≤ 145 | All | January 1, 2029 |
| 145 < kV ≤ 245 | All | January 1, 2033 |
| > 245 | All | January 1, 2036 |

**Section 95354 (i)(1)**

*Gas Carts. GIE owners must do the following for all gas carts that contain covered insulating gas:*

*(1) By January 1, 2021, the GIE owner must determine whether they will account for covered insulating gas in each gas cart using the "container method" following the requirements of sections 95354(i)(2)(A) and 95354(i)(3)(A), or the "scale method" following the requirements of sections 95354(i)(2)(B) and 95354(i)(3)(B) and must, for each gas cart, use the method selected for all subsequent measurements of the amount of covered insulating gas in that gas cart pursuant to section 95354(i)(2-3). Whenever a GIE owner elects to use the "container method" for a specific gas cart, the GIE owner shall, by January 1, 2021, select a pressure that they will bring the gas in that cart to prior to each measurement required pursuant to section 95354(i)(2-3). The gas cart must be brought to*

*that pressure prior to making the measurements in section 95354(i)(2-3). GIE owners that elect to use the "container method" for multiple gas carts are not required to select the same pressure for each individual gas cart. Whenever a GIE owner acquires a gas cart after December 31, 2020, they must determine whether they will use the "container method" or the "scale method" at the time the gas cart is acquired.*

**Discussion**

The ARB should allow the use of a thermal mass flow meter to measure the amount of gas transferred to and from a breaker to a cylinder. For effective flow energy management applications such as SF6, thermal mass flow meters provide entities the highest degree of precision 0.5% ± 0.1kg/h reading of actual capacity. TID staff already have experience using a mass flow meter and based on its in-the-field observations, we believe these meters are the most accurate measure of capturing the gas that enters a vessel because there is no erroneous accounting of any gas that is left in hoses and nozzles that would occur by weighing a container. Adding language in this section allowing the use of a mass flow meter in addition to the use of a scale would provide flexibility while still allowing a full accounting of gas transfers. For these reasons, the ARB should allow the use of a mass flow meter.

**Section 95354(j)**

*(j) GIE owners must establish and adhere to written procedures to track all covered gas containers included in the inventory compiled pursuant to section 95354(g). The GIE owner must review the procedures annually and revise them as needed to ensure the information is current and the requirements of section 95354(e)-(h), are met. The procedures must contain a mechanism to record the following information when any gas container is moved from one location to another, at a minimum:*

*(1) The date(s) of the gas container's movement from one location to another;*

*(2) The gas container's identification number;*

*(3) The location to which the gas container has been moved, and the name and address (if applicable) of the location; and*

*(4) The name of the person receiving the gas container at the location*

**Discussion**

TID recommends the ARB delete this entire section from the regulation because it is overly burdensome and would not further the environmental objectives of the Proposed Regulation.

**Section 95357(a)**

*(a) Pursuant to section 95352(a)(1), a GIE owner who wishes to acquire SF6 GIE after the applicable phase-out date indicated in Table 1 or Table 2 must*

*electronically submit an SF6 phase-out exemption request to the Executive Officer that, if approved, would allow the GIE owner to acquire the requested SF6 GIE.*

**Discussion**

For TID the language being "if approved" is a major problem. Utilities need time to ensure the GIE they are installing is tested, proven, affordable, and compatible with their existing infrastructure. Making the determination for acquiring SF6 GIE after the phase-out date should lie with the utilities' engineering staff, not ARB personnel.

A solution to this problem is to change the "*if approved*" to "*when approved*".

**Section 95357(b)(1)(2)(3)(4)**

*(b) Beginning September 1, 2024, a GIE owner may submit an SF6 phase-out exemption request if either:*

*(1) Non-SF6 GIE of the equipment type and GIE characteristics necessary for the particular project(s) or application(s) are unavailable from at least two suppliers; or*

*(2) Available non-SF6 GIE cannot meet the size requirements for the particular project(s) or application(s), taking into consideration the physical size of the GIE, the physical constraints of the project location(s), including required clearance; or*

*(3) Available non-SF6 GIE cannot be used for the specific project(s) or application(s) due to incompatibility with existing equipment, wiring, or connectors; or*

*(4) Available non-SF6 GIE is not suitable based on safety or reliability requirements*

**Discussion**

TID is extremely concerned that these provisions contemplate a scenario where the ARB would supplement its judgment for the expert determinations of professional engineers charged with managing critical facilities consistent with prudent utility practice. The decisions of the utilities' own professional engineers who are experts on the operations of their own transmission and distribution systems should be afforded deference in the following processes:

- SF6 phase-out exemption or
- Expedited SF6 phase-out exemption request.

A utility's engineering staff knows the complex interactions within the system and understands the attributes, restrictions, and risks of potential replacement GIE. Utility personnel, by necessity, act as the primary source of information tasked with identifying and resolving any issues associated with the GIE on their systems. If a utility's engineering personnel are responsible for resolving any incident, procuring GIE, testing and evaluating equipment, then it would follow that the utility personnel should be afforded deference in questions of whether an exemption is necessary.

To address this concern, TID recommends that the regulations provide that SF6 phase-out exemption and expedited SF6 phase-out exemption requests be subject to the following:

- the request would be submitted to the ARB with an attestation from the utility's [head engineer or responsible person] that the exemption is necessary and complies with all of the provisions set forth in the regulation, and
- The ARB's approval of the request will not be denied if such a valid attestation is provided.

A second and related problem is when GIE owners need to seek a phase-out exemption if equivalent non-SF6 GIE is not available from at least "two suppliers";

The proposed regulation essentially provide that a phase-out exemption request can be denied if the ARB determines that equipment is available from "at least two suppliers", however, the regulation does not include a definition or description of a "supplier";

The GIE owners are best suited to determine whether a "supplier" is a responsible provider of reliable equipment, able to meet the owner's requirements for things such as warranties and service;

To address this concern, TID recommends that the regulations provide that a SF6 phase-out exemption and expedited SF6 phase-out exemption request based on section 95357(b)(1) (Non-SF6 GIE of the equipment type and GIE characteristics necessary for the particular project(s) or application(s) are unavailable from at least two suppliers) be subject to the following:

- The request for exemption would be submitted to the ARB with an attestation, from the utility's Lead Engineer or other responsible party, that there are not at least two qualified suppliers of the necessary equipment that would be able to fulfill the GIE owner's minimum requirements, and
- The ARB's approval of the request will not be denied if such a valid attestation is provided.

Finally, this section does not make it clear whose definition for "safety or reliability" will be used when determining whether non-SF6 GIE is suitable. Again, TID believes utilities and their professional engineering staff should be afforded deference in determining which GIE is safe and reliable through a comprehensive qualification process. At a minimum, TID would ask the ARB to rewrite this section either granting utilities the authority to determine what is safe, reliable, and compatible with their existing infrastructure or include a detailed process for working with utility personnel to qualify manufacturers of high voltage GIE.

**Section 95357(d)(5)**

*(5) The names of manufacturers contacted about the availability of non-SF6 GIE that might be appropriate for use in the project(s) described in section 95357(d)(3), and the dates contact was initiated;*

**Discussion**

This is another aspect of the Regulation that the ARB should afford deference to professional engineers of the utility in determining whether the equipment is available by at least two suppliers. For its own system, only suppliers that have been qualified by TID should be allowed to provide equipment for use on its system. For determinations related to TID's own system, TID should be able to rely on the use of its qualified vendor list to identify suppliers of the various technology equipment with distinct system characteristics. As vendor qualifications are completed utilities shall update their qualified vendor list. As such, this section should be revised to require submission of the utility's qualified vendor list so as to make ARB aware of the number of available suppliers available for a particular utility's system.

**Section 95357(d)(8)(C)**

*(C) For exemptions submitted under section 95357(b)(3), this includes a list of available non-SF6 GIE that meet the GIE characteristics (per Tables 1 and 2) identified by the equipment manufacturers and a justification that clearly explains why each of the available non-SF6 GIE identified are incompatible and how the SF6 GIE described in section 95357(d)(4) are compatible.*

**Discussion**

The concern with this section is whether it is appropriate for a utility to provide any GIE manufacturer's equipment detail to ARB that may, or may not, be proprietary. Depending on the application, there are many performance requirements that a breaker must meet or exceed that are not identified in the phase-out tables. In general, the utility will develop a specification that describes the minimum capabilities of the GIE for the application. If a non-SF6 GIE that has been qualified for use by the utility cannot meet these requirements, this is likely borne out by a thorough review of the breaker design and comparison of the GIE ratings and utility specifications. TID submits that attestation by a utility's engineering staff that minimum specifications are not met by a non-SF6 GIE, should meet this submission requirement and that further supporting documentation justifying the determination shall not be required. TID would ask the ARB to approve all utility requests for exemptions under section 95357(b)(3) as the utility personnel are the individuals with the most expertise in determining which GIE is compatible with the existing infrastructure.

**Section 95357 (d)(8)(D)**

*(D) For exemptions submitted under section 95357(b)(4), this includes a list of available non-SF6 GIE that meet the GIE characteristics (per Tables 1 and 2) identified by the equipment manufacturers and a justification that clearly explains why each of the available non-SF6 GIE identified fail the safety or reliability requirements and how the SF6 GIE described in section 95357(d)(4) do meet the requirements. If failure rates or other indicators of reliability are used, specific details must be provided. If the GIE owner's justification cites a company-specific policy or procedure that available non-SF6 GIE do not currently meet and that is within the*

*control of the GIE owner (for example, the company requires three years of testing for new equipment), the justification must also provide an explanation as to how the GIE owner will address the situation to enable the transition to non-SF6 alternatives in a timely manner.*

**Discussion**

A utility cannot be expected to assess whether GIE is safe or reliable without first-hand experience. TID intends to pilot non-SF6 technology to ensure safety and reliability of a proposed GIE. If after the evaluation period a specific manufacturer has demonstrated failures, further business with the manufacturer will be subject to penalties applied in the procurement process. If mitigation measures do not result in improved performance, the vendor may be removed from a vendor list. Aside from its internal processes, a utility is not necessarily staffed to keep exhaustive tabs on the safe and reliable performance of every breaker available in the market. Unless a supplier has willingly disclosed design flaws, it is doubtful there is access to this type of information.

The last phrase of this section is one that should be considered and guide the phase-out exemption process: "*…the justification must also provide an explanation as to how the GIE owner will address the situation to enable the transition to non-SF6 alternatives in a timely manner…"* As stated in the opening of this letter, TID supports the transition away from SF6 as equally capable technology is developed, but the process should be measured and appropriate based on current levels of available resources and the need to operate the grid safely and reliably. Implementing the phase-out as it is presently described, requires a utility to be exposed to risk by not considering its preferred level of conservatism; requires the utility to commit to an overly aggressive evaluation ramp-up; or requires it to take on the additional engineering burden of attempting to ward off inferior equipment and suppliers by undertaking the goal of studying and researching each piece of GIE that becomes available by every possible supplier.

When a utility, as a good steward of the environment, prioritizes this transition, it is only appropriate to do so by relying on the expertise of knowledgeable staff and hired consultants. No two utilities are exactly alike, and some may be accepting of greater risk than others. If a utility is unable to keep pace with other utilities in this transition based on available resources, it should not be penalized for making informed decisions about the safe and reliable operation of its own system. Each utility will transition away from SF6 in a way that is unique to its own determinations of safety, reliability, and system management.

**Section (d)(8)(E)**

*(E) Within the timeframe specified in section 95357(f), if the Executive Officer determines that the information provided as part of the exemption request is insufficient to serve as the basis for an exemption under this section, s/he may request additional information and/or clarification related to sections 95357(c) and 95357(d) prior to the application being deemed complete pursuant to section 95357(f).*

**Discussion**

It is not clear who would be liable in the event of a system reliability failure if during the time the Executive Officer takes to make the determination that the information provided by the utility as part of the exemption request is insufficient. Customer safety should be assured throughout the determination period.

**Section 95357(H)**

*(H) Whenever a catastrophic failure occurs that, in the estimation of the GIE owner may only be resolved through the acquisition of SF6 GIE on a faster timescale than possible under the schedule described in section 95357(e)-(g), the GIE owner may submit an expedited SF6 phase-out exemption request. This request must be submitted within 14 days of the beginning of the catastrophic event. The GIE owner shall follow the process described in section 95357(a)-(g), with the following exceptions:*

**Discussion**

TID has several concerns with this section. In the event of any failure it is crucial utilities' follow the fastest path possible to restore their failed system equipment, ensuring reliability. In some instances when a utility experiences a failure and the utility does not have a spare, they can call upon a neighboring utility, asking for "mutual aid", to provide an SF6 breaker, decreasing the duration of an outage. This system of "mutual aid" between utilities where in an emergency an affected utility can call upon a sister utility to obtain a replacement device. Due to a combination of this section and section 95345(b) an offer of assistance will end up penalizing the aiding party, in that the replacement gas will count against a supplying utility's baseline inventory. This is antithetical to the safety and reliability that these "mutual aid" networks have been set-up to promote.

After a failure, it will typically require between 3 to 10 weeks, and beyond, to restore the element to service. Because a failure is likely unanticipated, these timelines must be kept as short as possible so as not to encroach upon scheduled maintenance availabilities of generation and transmission facilities or peak load seasons. During these situations, it is imperative the transmission system be intact to the fullest extent possible to maintain reliable operation. Requiring an additional 14-days prior to initiating a repair can result in a utility incurring undue costs by delaying maintenance or, in the case of high loads, scrambling to ensure power is sufficient for the load.

Having a 14 day timeframe for the ARB to approve a utility's request for an expedited SF6 breaker is again, a huge issue. This is clearly a situation where the ARB should minimize that timeframe by affording the utility deference in making these determinations.

To address this concern and the concern related to adding time to an outage, TID recommends the following language:

*In the event of a GIE failure as specified in § 95351, the GIE owner must notify the Executive Officer within 15 days of the failure event.*

**Section 95359(a)(b)**

*(a) Penalties. Penalties may be assessed for any violation of this subarticle pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.*

*(b) Each day or portion thereof that any report required by this sub article remains uncommitted, or is submitted late, shall constitute a single, separate violation of this sub article. Additionally, each incomplete data field that exists after the reporting deadline (either in a submitted report or an unsubmitted report) shall constitute a single, separate violation of this sub article. Finally, each data field that contains or inaccurate information after the reporting deadline, shall constitute a single, separate violation of this subarticle. The Executive Officer shall take into consideration the materiality of any incomplete or inaccurate information when penalties are assessed.*

**Discussion**

Notwithstanding the Substantive Error language, discussed earlier, the changes to the Enforcement Section are unnecessary and overly punitive. While TID appreciates the need to ensure that Regulations are enforceable, the multiple ways that penalties can be assessed may lead to draconian penalties.

The existing regulatory provisions provide clear authority for CARB to enforce any violation of the rule—emissions or reporting/recordkeeping.

There is already a per day clause and the ability to adequately enforce financially under the agency's Enforcement Policy.

This new proposal separates out similar errors into multiple violation categories that serve to become multipliers for maximum penalty amounts.

These changes are counterproductive, and will not serve the regulated community, or CARB, in implementation.

TID's recommended modifications follow:

**§95359. Enforcement.**

(a) *Penalties.* Penalties may be assessed for any violation of this sub article pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense. In seeking any penalty amount, CARB shall consider all relevant

circumstances, including any pattern of violation, the size and complexity of the reporting entity's operations, and the other criteria in Health and Safety Code section 42403(b).

(b) Each day or portion thereof that any report required by this subarticle remains unsubmitted~~,~~ or is submitted late**, or** ~~shall constitute a single, separate violation of this subarticle. or contains Additionally,~~ each incomplete data field that exists after the reporting deadline (either in a submitted report or an unsubmitted report)**, or** ~~shall constitute a single, separate violation of this subarticle. Finally,~~ each data field that contains~~or~~ inaccurate information after the reporting deadline~~,~~ shall constitute a single, separate violation of this subarticle. The Executive Officer shall take into consideration the materiality**, with respect to emission compliance,** of any incomplete or inaccurate information when penalties are assessed.

(c) ~~Any Each MTCO2e~~ **An** exceedance of the ~~maximum allowable SF6~~ emission rate limit for a ~~calendar year~~ data year prior to 2020 or to the emissions limit for data year 2020 and beyond shall constitute a single, separate violation of this subarticle for each day of the calendar year**, except where a defined event triggered such an exceedance**.

(d) Any acquisition**, for use in California,** of a SF6 GIE device after the dates provided in Table 1 and Table 2 shall constitute a single, separate violation of this subarticle for each day ~~the GIE owner is in possession of the~~ device ~~and for each MTCO2e of covered insulating gas at~~ **is active** ~~activation, in that device, or that the device is designed to contain,~~ unless it was acquired pursuant to one of the exceptions noted in section 95352(a)(1-4).

~~(d)~~(e) *Injunctions.* Any violation of this sub article may be enjoined pursuant to Health and Safety Code section 41513.

## Conclusion

TID appreciates the opportunity to provide feedback on this regulation and looks forward to engaging with ARB staff to ensure utilities are capable of phasing out SF6 GIE in manner that does not negatively impact utility operations and community health.

Sincerely,

/s/

Ken Nold
Turlock Irrigation District