
From: Michael Downs <mike.downs@downsenergy.com>
Sent: Tuesday, June 4, 2019 4:19 AM
To: ARB Criteria & Toxics Regulation Reporting
Subject: AB 617 Changes to Criteria and Toxics Reporting

Dear Assistant Division Chief Edwards,

I am a member of the fuels and convenience industry in California. The proposed changes to the AB 617 and Criteria and Toxics Reporting regulations are troubling for a variety of reasons. I am opposed to these changes and I urge you to not pursue these amendments.

These changes would increase the burden on small businesses by adding multiple layers of reporting that are not currently performed. My business does not currently have the capacity to conduct this level of monitoring, and the rapid expansion of this program does not account for the lack of qualified consultants in California. If CARB moves forward with these amendments, facilities outside of the 10 already designated AB 617 communities should be afforded a fair opportunity to learn the impacts of this enormous regulation, just as the 10 communities had a year in the selection process. CARB should also seriously consider that businesses located in attainment zones shouldn't fall into this burdensome regulation, as their air monitoring proves that they meet or exceed CARB standards.

At a time when many air districts, as well as CARB, are increasing permitting fees and operating costs, this new requirement will further impact my ability to deliver fuel to the more than 95% of California drivers that rely on gasoline and diesel to go about their daily lives. Given that the fuel supply chain is comprised of numerous layers of businesses, cost increases on those companies could result in adverse increases to the price of fuel, adding to the already high cost of living in California that are overburdening families and communities.

I operate my business within the regulations set by CARB and other agencies, and I take my commitment to safely serving the public very seriously. Most, if not all, of the data to be reported under these regulations is already provided to the local air districts. Duplicative reporting only increases the burden on regulated businesses and the air districts with no clear air quality benefit. I urge you to use the data already captured in the reporting process for bulk fuel storage facilities, cardlock facilities, and retail gas stations. If CARB proceeds with this burdensome regulation, I ask that all of the previously listed facilities be eligible for abbreviated reporting under 94301(a)(4).

I believe the impacts on the Air Districts will be more drastic than originally stated in the ISOR from last year. They will require increased staff to handle the amount of data being reported and the questions stemming from these changes, leading to yet another increase to permit fees. CARB staff should revisit their predictions in order to ensure the most accurate representation of the unintended consequences and high costs of this regulation.

At this time, CARB has still not provided direct notice to the 50,000+ facilities that will be subject to this regulation. It is imprudent to rely on air districts and trade associations when CARB already knows what facilities will fall under the proposed changes. If the agency does not know which facilities will be regulated, the regulation should be paused while that work is done.

Sincerely,

Michael Downs
1127 E Grand Blvd
Corona, CA 92879
mike.downs@downsenergy.com