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Submitted Electronically to Board Item Comments "HotSpot2020"

November 16, 2020

Mr. Gabe Ruiz
Manager, Toxic Inventory and Special Projects Section
California Air Resources Board
1001 "I" Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Ruiz:

Subject: Comments on Revised Draft Amendments to the AB 2588 Emission Inventory Criteria and Guidelines Regulation

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the proposed amendments to the AB 2588 Emission Inventory Criteria and Guidelines Regulation (EICGR) dated September 29, 2020. LADWP believes that the steps CARB is taking for the clarity and completeness of facility emission reporting is critical but would like to emphasize the importance of accuracy in these reports and the need for effectively communicating true health risks due to emissions.

1. Diesel Engine Reporting Requirement

LADWP believes that the requirement to report emissions from portable diesel engines greater than 50 horsepower at large facilities should be captured under CARB's Portable Engine Registration Program (PERP) regulation where it belongs, rather than in the EICGR. LADWP recommends that the reporting of portable diesel engines be kept out of the EICGR, and that CARB expand the PERP rules to incorporate additional reporting requirements, as necessary. This will focus the EICGR on stationary emission sources and correctly place the reporting burden for portable equipment on the equipment owner/operator rather than the facility where the portable equipment happens to be operated.

2. Appendix A – List of Reportable Substances

The large increase in the number of reportable chemical substances presents challenges to ensuring accuracy of emissions reporting. Categorizing chemicals in “similar chemical functional groups” does not seem to justify requiring facilities to report data on all substances in said functional groups, even on substances not typically emitted by the facilities. This becomes onerous and potentially misleading especially when the approximately 900 substances have not been evaluated by the Office of Environmental Health Hazard Assessment (OEHHA) or any other organization. These “similar chemical functional groups” contain a large array of chemical and physical properties that must be appropriately and scientifically evaluated. Adding chemicals that have not been proven to exist at a facility could result in an over-exaggerated report of emissions. The substances that would be added in emission inventories should be “continuous, intermittent, and predictable air releases” consistent with Health and Safety Code 44340(c)(2).

Another cause of concern is that these additional chemicals do not have valid emission factors. This can be a challenge for facilities trying to report accurate numbers. In addition, many chemicals that are proposed to be added do not have dedicated source testing procedures. This would prevent LADWP and other facilities from performing source tests on new substances to obtain realistic emission factors. For example, in an effort to properly quantify emissions, LADWP conducted source tests on large combustion turbines for formaldehyde, benzene, and polycyclic aromatic hydrocarbons (PAH). Doing so resulted in emission factors that are about 80% to 90% less than SCAQMD’s Annual Emission Reporting (AER) default factors. The lack of accurate emission factors is a detriment to facilities that aim to maintain accuracy in their operations and reporting. LADWP recommends that CARB re-examine the scientific basis of similar chemical functional groups, and that CARB only require reporting of chemicals that are reasonably known to be emitted at that facility. In addition, before a chemical is added for reporting, LADWP requests that CARB develop a source testing procedure.

3. Phased Implementation

LADWP supports the phased implementation approach for the new reportable substances. However, there are still concerns with the schedule. Nearly 200 substances will be added during Phase 1, which starts in January 2023. This does not allow sufficient time to develop health reference values (HRVs), source testing procedures, and valid emission factors. LADWP recommends that CARB revise the implementation schedule to allow sufficient time for the scientific development of accurate HRVs and emission factors. Recognizing the potential complexity of revising or reversing HRVs or emission factors once established, LADWP further suggests that CARB complete all necessary scientific reviews and procedures up front in order to ensure the accuracy of all default values.

4. Section IV (4)(c) Alternative Evaluation

The regulation states: *(vii) The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.*

Allowing the district to include multipathway exposures as a health risk assessment is a cause of concern. Some chemicals, such as per- and polyfluoroalkyl substances (PFAS), are not exposed through inhalation. AB 2588, which addresses air toxics, is not the proper place to include chemicals where the route of exposure is through other mechanisms such as absorption or ingestion. LADWP recommends that this assessment be reserved for other more suitable regulations such as California hazardous waste laws or groundwater laws.

5. Workload Concerns

Though the proposed phase-in schedule is a step in the right direction, the collective efforts of CARB staff, air districts, and facilities in ensuring these new substances are accurately reported will be an enormous undertaking. To ensure accurate results, facilities will be compelled to perform source tests, which will take time, and in some cases source test methods will need to be developed. LADWP must schedule source tests around outage schedules, maintenance plans, and personnel availability. To ease the workload, LADWP encourages CARB to allow facilities to use a pooled testing program for sources to develop an accurate and robust set of emission factors. In addition, LADWP recommends that CARB review and update the existing default emission factors, some of which are based on data dating back 20 to 30 years. Specifically, LADWP recommends that CARB create new emission factors based on more recent equipment manufacturer and source test data, in order to reflect the actual emissions performance of equipment and sources in use within California today.

6. Public Perception of Facility Risk

The expanded list of reportable substances will create public relations challenges for all AB 2588 facilities. The proposed changes to the EICGR could potentially result in higher risk estimates for facilities even though facilities have not changed their operations. This may cause public concern about air quality with little context about the true scientific evaluation of health risks. When facility information from the EICGR program is made publicly available, LADWP recommends that the public be informed that:

- Many of the chemicals have not been proven to be emitted at the facility;
- The emission factors for reported chemicals are conservative estimates; and

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- The newly reported emissions do not necessarily mean facilities are emitting more than usual.

LADWP appreciates CARB's consideration of these comments and looks forward to working with CARB on the rule amendments. If you have any questions or if you would like to discuss LADWP's comments, please contact Ms. Andrea Villarin at Andrea.Villarin@ladwp.com or (213) 367-0409, or at Ms. Teja Ganapa at Tejasree.Ganapa@ladwp.com or (213) 367-6332.

Sincerely,



Katherine Rubin
Manager of Air and Wastewater Quality and Compliance

TG:

cc: Mr. Richard Corey, ARB
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