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Submitted electronically to the “ctr2020” docket.

November 16, 2020

Mr. David Edwards, Ph.D.
California Air Resources Board
Air Quality Planning & Science Division
1001 “I” Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Edwards:

Subject: Comments on the Proposed Amendments to the Regulation for Reporting of Criteria Air Pollutants and Toxic Air Contaminants (45-Day)

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the proposed amendments to the California Air Resources Board (CARB) Regulation for Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) that were posted on September 29, 2020 for a 45-Day public review and comment period. LADWP also appreciates the joint webinar on CTR and the Assembly Bill 2588 (AB 2588) Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Regulation (EICG) that was held on September 30, 2020.

Assembly Bill 617 (AB 617) requires CARB to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for stationary sources. During the public workshops, CARB explained the purpose of the CTR is to harmonize emissions reporting requirements throughout the state and to support several mandatory state and federal programs.

Below is a brief description of some of these programs.

- Assembly Bill 197, which requires CARB to make publicly available the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for each facility that reports to the state board and air districts
- National Emissions Inventory that the U.S. Environmental Protection Agency prepares each year and which establishes a comprehensive and detailed

estimate of air pollutants, criteria precursors, and hazardous air pollutants from air emissions sources;

- CalEnviroScreen, which is a scientific mapping tool used to identify the California communities that are most affected by air pollution through “cumulative impact” assessments; and
- AB 2588 Air Toxics “Hot Spots” Program, which requires stationary sources to report the types and quantity of certain substances routinely released into the air, in order to identify facilities potentially having localized health and environmental impacts on local communities.

In light of the importance of collecting accurate data to support all the intended uses, LADWP offers the following comments to improve the statewide emissions reporting system.

1. Focus on Implementing the Uniform Statewide Emission Reporting Program First Before Expanding to Small Facilities and Adding New Chemicals

The proposed amendments would significantly expand a major new statewide emission reporting program that is not yet implemented. The objective is to create a uniform statewide emission reporting program for stationary sources. CARB still needs to develop the electronic data reporting tool and Article 2 (emission calculation methods and emission factors) before extending the requirements to thousands of small facilities by adding the fourth applicability criteria. In addition, CARB is proposing to add hundreds of new chemicals to the list of substances for which emissions must be reported, even though emission and health risk factors have not been developed for the new chemicals. The expansion will impose a significant amount of new work on facilities and local air districts and may result in incorrect emissions data in the absence of accurate emission calculation methods and emission factors. LADWP encourages CARB to finish the original undertaking to implement the standardized statewide emission reporting program first, before expanding the reporting requirements to small facilities and adding new chemicals.

2. Treatment of Emergency Diesel Engines [§ 93401(a)(4)(C) and Appendix A, Table A-3, Sector Number 8]

In a previous comment letter (dated April 23, 2019), LADWP stated that the activity level threshold for the combustion of diesel oil is too low¹, and will trigger annual emission reporting by minor emission sources such as facilities that have an emergency back-up generator or water pump. For reliability purposes, the National Fire Protection

¹ For Tier 4 or higher diesel engines: 100 gallons of fuel combusted per year, or 5 hours per year of operation. For non-Tier 4 engines: 30 gallons of fuel combusted per year or 5 hours per year of operation. Combustion devices other than compression ignition engines: 100 gallons of fuel combusted per year.

Association (NFPA) recommends that emergency generators be tested at least thirty minutes per month. A year's worth of testing would equate to a minimum of six hours per year. In addition, South Coast Air Quality Management District's (SCAQMD) permit-to-operate for stationary emergency generators allows for at least 20 hours of operation per year for maintenance and testing purposes, depending on the engine emission rate. By setting the applicability threshold at five hours per year, this will significantly increase the number of facilities that will need to report under CTR. LADWP has approximately 85 facilities with permitted emergency generators and water pumps that previously have not been required to file annual emission reports, that would become subject to the CTR under the fourth applicability criteria.

In addition, the CTR does not limit the emissions report to only permitted equipment, but also requires reporting of emissions from unpermitted processes and devices at the facility, including fugitive emissions. Therefore, each facility brought into the CTR emission reporting program by having a permitted emergency generator or water pump, will also need to survey and report emissions from any unpermitted equipment and processes (including incidental usage of paints and cleaning solvents), which will significantly increase the recordkeeping and reporting burden to capture insignificant emission sources.

LADWP recommends adding a separate sector for facilities that only have emergency diesel generators or water pumps belonging to utilities, and setting the activity threshold for emergency engines at 30 hours per year. In addition, LADWP suggests limiting the emission reporting requirements for such facilities to only the permitted engines. LADWP does not see value in the additional work it will take to keep records and report emissions from any unpermitted processes (e.g. incidental paint or solvent usage) at these facilities, which will be insignificant, or *de minimis*, relative to permitted emission sources. Limiting the reporting requirement to permitted equipment only will reduce the reporting burden and allow utilities to devote limited staff resources to critical work.

In addition, LADWP recommends that abbreviated reporting should apply to all direct-drive emergency water pump engines (e.g. fire suppression, potable water distribution, wastewater collection, flood control, etc). Below is the suggested rule language.

§ 93421. Abbreviated Reporting

(3) Diesel-powered emergency standby generators and direct-drive emergency water pump engines including standby fire pumps engines, potable water, wastewater, and flood control pumps.

(A) Total annual hours of operation.

3. The addition and reporting of toxic air contaminants that have no estimation methods could inflate prioritization scores and provide a false sense of alarm within the community [§93404(c)(1)(B)]

With the adoption of the proposed amendments to AB 2588, the list of chemicals subject to emission reporting will be significantly expanded. There will be at least 200 new chemicals for which emissions are required to be reported starting in the 2023 reporting year, and at least 700 or more in the 2026 reporting year. Being required to report emissions of these new chemicals, in the absence of source testing procedures, accurate emission factors and health risk values, is very concerning. The proposal to assign default emission factors to these new chemicals based on chemical family could potentially result in over-reporting of emissions, and reporting of emissions that do not actually exist.

Based on the July 10, 2020 webinar with the Scientific Review Panel, the new chemicals will be assigned an interim health value until a more accurate number is developed, and CARB plans to make the interim health values publicly available on their website. LADWP is concerned that these interim proposed health values along with estimated emissions of the new chemicals will inflate facility prioritization scores and result in facilities being categorized as “high risk” and subject to public notification requirements. This could create a false sense of alarm within the community and result in public relations issues.

LADWP suggests that CARB limit the emission reporting requirements for the new chemicals to those that have a scientific-based emission quantification method available. Emissions should not have to be reported for chemicals that do not have an established quantification method.

4. Reporting of emissions from portable engines or devices should be removed from the CTR amendments, and implemented through the Portable Equipment Registration Program [Section 93404(c)(2)(C)]

CARB is proposing to add the following paragraph to Section 93404 of the CTR regulation that would require facility owners/operators to report data for portable engines or devices operated on their facility any time during the data year, regardless of ownership.

§ 93404. Emissions Report Contents

(c)(2)(C) Portable Diesel-Fueled Engines and Devices at GHG and Criteria Facilities. Except as provided in section 93404(c)(2)(D), emissions of PM, ROG (or VOC) and NOx from portable diesel-powered engines or devices rated at 50 maximum rated horsepower (brake horsepower (bhp)) or above and operated at a GHG and/or Criteria Facility (sections 93401(a)(1-2)), regardless of equipment ownership or permit status, if the

engine or device is operated on site at any time during the data year. The data of 93404(b)(1) does not need to be provided for portable engines or devices, unless required by the local air district. The use of best available data and methods, including the use of engineering estimates, may be used to quantify emissions from portable engines, and the emissions data from multiple engines may be aggregated if approved by the local air district. Alternatively, the activity data necessary to estimate the emissions from such portable diesel-powered engines shall be reported to the district, and the district may quantify the emissions on behalf of the facility. Reporting of emissions from such engines begins with 2022 emissions reported in 2023.

LADWP recommends deleting this entire paragraph from the CTR amendments, and instead collect emission data for portable engines or devices under CARB's Portable Equipment Registration Program (PERP) regulation. This approach is strongly preferred for the following reasons:

1. The PERP regulation applies to the owner/operator of the portable engine or equipment unit. The owner/operator of the portable engine or equipment unit is much better suited to report usage data than the owner/operator of the location where the portable engine is operated.
2. Collecting emission data for portable engines or devices under the PERP regulation will provide a more complete picture of portable engine or equipment emissions statewide, rather than the piecemeal approach of requiring GHG and Criteria facilities to report portable engine usage that occurs on their facility.
3. GHG and Criteria facilities may not have the information necessary (e.g. fuel usage rate and emission factors) to calculate and report PM, ROG, and NOx emissions from the portable engines.

Second, AB 617 explicitly gives CARB authority to collect or gather emissions data from stationary sources, but not mobile or portable sources, under the uniform statewide system of emission reporting. This limitation is expressly stated in the new addition to the Health and Safety Code adopted by Section 1 AB 617, as provided below:

*(b) (1) The state board, in consultation with districts, shall establish a uniform statewide system of annual reporting of emissions of criteria pollutants and toxic air contaminants for **a stationary source** [emphasis added].*

*(2) The state board shall require **a stationary source** [emphasis added] to report to the state board its annual emissions of criteria pollutants and toxic air contaminants using the uniform statewide system of annual reporting developed pursuant to paragraph (1).*

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Finally, it should be noted that previous versions of the PERP regulation required annual reporting of portable engine usage, including annual hours of operation and a list of the counties in which the engine operated during the year. In 2010, the annual reporting requirement was removed for registered engines, except for registered engines with a daily and/or annual operational limitation such as low-use engines. The annual reporting requirement under the PERP regulation was an effective mechanism for gathering emissions data from portable engines statewide, and could easily be reinstated by CARB.

Conclusion

AB 617 aims to harmonize stationary source emissions reporting requirements from all air districts and to develop a uniform statewide annual emissions reporting system. As a result, it also creates a universal emissions inventory for the public to request data from. It is important that CARB establishes a confident and accurate data inventory. With the addition of a considerable amount of data points from new facilities, as well as, toxic chemicals, it is crucial that we are not filling the database with overestimated or inaccurate emissions information.

LADWP appreciates CARB's consideration of these comments and looks forward to working with CARB staff on improvements and solutions to the reporting process. If you have any questions or would like to discuss LADWP's comments, please contact Ms. Andrea Villarin at Andrea.Villarin@ladwp.com or (213) 367-0409, or Mr. James Talavera at James.Talavera@ladwp.com or (213) 367-2987.

Sincerely,



Katherine Rubin
Manager of Air and Wastewater Quality and Compliance

JT/CP:

c/:

- Mr. John Swanson (CARB)
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