



Peacock Piper Tong +Voss LLP

July 2, 2021

**Submitted Electronically**

California Air Resources Board  
Clerks' Office  
1001 I. Street  
Sacramento, CA 95814

Re: **sPower, LLC comments to CARB's proposed amendments to the Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear**

To Carey Bylin, Manager, Energy Section:

I am submitting these comments on behalf of sPower, LLC ("**sPower**"). sPower operates several solar power facilities in California and is subject to the above referenced regulation or the "**SF6 Regulation**." sPower submits the following, comments to CARB in response to the June 17, 2021 Second Notice of Public Availability of Modified, 15-Day Text to the SF6 Regulations (the "**Second Notice**").

While sPower is concerned with the phaseout of SF6 and the development of feasible alternative insulators in electricity transmission and distribution equipment, we generally support the proposed amendments, as specified in the Second Notice. There are two specific provisions we would like to address, the ability to aggregate emission limits and reporting obligations among related entities, and the SF6 Regulations' enforcement provision which treats the failure to submit an annual report as a continuing violation on a daily basis.

sPower appreciates and supports CARB's amendments to the SF6 Regulations which would allow the aggregation of Gas-Insulated Equipment ("**GIE**") into a single GIE owner for the purpose of calculating total nameplate capacity, and thus annual emissions limits.<sup>1</sup>

These amendments result in more equitable treatment of those enterprises which operate several smaller facilities that are subject to the SF6 Regulations through separate and distinct legal entities, each of which is considered a stand-alone GIE (or GIS) owner. These enterprises' current inability to aggregate their subsidiaries' facilities' smaller nameplate capacity and total annual emissions limit has resulted in those enterprises being treated disparately under the current SF6 Regulations when compared to those businesses which operate larger

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<sup>1</sup> The relevant, proposed amendments can be found at page 5 (*amended definition of "Gas-Insulated Equipment Owner" or "GIE Owner"*) and page 17 (*amended Section 95353(i), "Combining GIE Owners."*) of the Second Notice, respectively.

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facilities. Without these amendments, a small leak at a facility with a relatively small nameplate capacity would be treated as a violation, yet a much larger leak at a facility with a larger nameplate capacity would not be a violation.

sPower offers its further support for this amendment as it streamlines and facilitates the reporting obligation for companies which have complex agreement in place among multiple entities for shared GIE. This in turn, will result in the reduction of potential reporting errors.

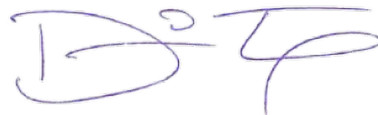
sPower commends CARB for including these commonsense amendments to the SF6 Regulations and respectfully requests that the board include them in the final version of the amended regulations without any further amendments.

sPower has concerns with respect to the proposed amendments to Section 95358, "Enforcement."<sup>2</sup> After the May 5, 2021 First Notice of Public Availability of Modified Text, CARB now proposes amending Section 95358(c) so that MTCO<sub>2</sub>e emission rate limits will not be considered continuing violations "...for each day of the calendar year." While sPower supports this proposed amendment, we urge CARB to consider incorporating similar changes to Section 95358(b), the SF6 Regulations' enforcement provision relating to reporting violations.

As currently drafted, "[e]ach day or portion thereof that any report required by this subarticle remains unsubmitted, [or] is submitted late ..., shall constitute a single, separate violation of this subarticle." [Second Notice, p. 53 (emphasis added).] sPower contends the emphasized language is inconsistent with reporting violations, especially in relation to the *annual* reporting obligations of GIE/GIS owners under the SF6 Regulations. Given that the rule only contains one reporting deadline and that a GIE/GIS owner can only miss an annual reporting deadline once, sPower urges CARB to not treat these as continuing violations past June 1<sup>st</sup> of the applicable year for the report.

On behalf of sPower, thank you for the opportunity to submit the foregoing comments and to participate in the process of improving upon the SF6 Regulations. Please feel free to contact me at (562) 320-8889 or [dtong@peacockpiper.com](mailto:dtong@peacockpiper.com) should you have any questions or would like to discuss our comments further.

Very Truly Yours,



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<sup>2</sup> If amended as proposed in the Second Notice, Section 95358 will be renumbered Section 95359. [Second Notice, p. 53.]