

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
UC LEGAL - OFFICE OF THE GENERAL COUNSEL



1111 Franklin Street, 8th Floor • Oakland, California 94607-5200 • (510) 987-9800 • FAX (510) 987-9757

Charles F. Robinson
GENERAL COUNSEL AND VICE PRESIDENT - LEGAL AFFAIRS

Writer's direct line: (510) 987-0976
E-mail: barton.lounsbury@ucop.edu

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[Submitted electronically]

RE: Amendments to the Regulation for the Reporting of Criteria Air Pollutants and TACs

Dear Members of the California Air Resources Board:

The University of California ("University") reiterates the comments submitted in its comment letter of March 6, 2020. As many other regulated entities have also noted, the proposed requirements of subsection 93404(c)(2)(C) would impose exceptional and unreasonable burdens on institutions such as the University and would provide data of questionable quality, given the University's lack of control over and insight into the use of the majority of these engines and devices, most of which are onsite at University premises for construction projects. The University respectfully suggests that the responsibility for such data collection, if required at all, should be placed on the owners of these engines and devices, and the data required could include the date and location of usage in order to serve the regulation's objective of determining the health risk posed to specific communities and sensitive receptors.

Exemplifying the challenges that the regulation as drafted would pose to the University, one University of California campus estimates that 15 large construction projects and over 20 small construction projects take place every year at that campus, and each contractor for these projects may use up to five or more engines per day that exceed the proposed regulatory threshold of 50bhp. These engines are typically owned and operated by subcontractors, and as the general contractor assumes responsibility for coordinating these subcontractors, the University has virtually no visibility into these operations and would need to hire additional staff for the sole purpose of tracking portable engine and device usage. The University's campuses and medical centers estimate that they may need to hire one full-time staff member per location to handle this additional data collection and reporting burden. Given that the University of California has ten campuses and five medical centers, the University may be forced to hire up to 15 additional full-time staff if the regulation is adopted as currently drafted. This would impose millions of dollars of compliance costs per year on the University,

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highlighting the drastic underestimate of costs imposed on state government by the proposed amendments (according to the Staff Report: Initial Statement of Reasons, these costs would be merely \$23,000 to \$149,000 per year for all of state government).

For these reasons, the University strongly urges the California Air Resources Board to eliminate or revise proposed subsection 93404(c)(2)(C) to alleviate the unreasonable burden that it would generate for large public institutions and others in the regulated community.

Sincerely,
Barton Lounsbury



Senior Counsel