



June 6, 2019

David Edwards, PhD
Branch Chief
Greenhouse Gas and Toxics Emission Inventory Branch
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814

RE: Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting – Proposed 15-Day Changes

Dear Dr. Edwards:

The signatories to this letter are writing to request changes to the proposed regulations that require additional reporting of criteria pollutants and air toxics. Our organizations represent farmers, dairy farmers and ranchers, as well as agricultural businesses who process California farm products. Our members grow and process the more than \$50 billion worth of agricultural products raised in California. The proposed regulation for criteria pollutant and toxic air contaminant emissions reporting will affect our members and we are submitting these comments to request changes to the draft regulations.

We appreciate the changes that have been made since the 15-day changes draft was originally released in March, however we continue to have concerns with the regulations and request additional changes to address these concerns. We appreciate the exclusion of internal combustion engines used for irrigation, the simplified reporting system for farms subject to the regulation, and the extended implementation timeline, but we remain concerned with the application of this regulation to farms emitting more than 4 tons per year (TPY) of fugitive and non-fugitive criteria pollutants.

Despite its original intent, we believe this proposed regulation will directly impact farms in several instances. First, we remain concerned with the low threshold for reporting under the proposed regulations. A threshold of only 4 TPY includes a significant number of farms that would not otherwise be subject to reporting. For example, a dairy with as few as 245 cows would be subject to reporting requirements under the proposed regulations. We urge an increase in the reporting threshold to capture emissions data from activities of a size for which AB 617 was designed to gather – those of larger, non-agricultural sources. AB 617 specifically calls for a threshold of 250 TPY of criteria pollutants and as such the proposed regulation goes far beyond the legislature's intent as to the scope and impact of the bill.

In addition to the emissions reporting threshold we are also concerned about some of the categories that require reporting at all activity levels. Of particular concern are farms with permitted diesel and gasoline tanks that will be required to report. There are more than 60 farms that would not be subject to these regulations but for their fuel storage tanks. The emissions from these tanks are well below the 4 TPY threshold and we request that they be excluded, in the

same manner that internal combustion (IC) engines used to power irrigation pumps are excluded from the regulation. These tanks are used to fuel farm machinery and stationary IC engines used on farms. These tanks are unlikely to be located in areas where the limited emissions they produce would impact communities.

These regulations will add costs to farms and agricultural businesses throughout California as permitting fees are expected to increase to cover the costs for local air districts to implement the program. We urge every effort be made to simplify the reporting system to reduce costs of operating the new program to reduce the level of fees being charged to farmers, livestock producers and agricultural businesses. It is important that there be close coordination between the California Air Resources Board (CARB) and local air districts to limit complications between permitted entities, local air districts, and CARB. This is particularly important when it comes to determining which IC engines are subject to reporting requirements. Air districts may classify IC engines used for irrigation in different fashions and it is important that all the different classifications of engines be treated equally under the regulations. For example, one air district permits IC engines used for irrigation as irrigation pumps, irrigation booster pumps, booster pumps, and ag well pumps. We do not want to see a situation in which some of these engines require reporting and others do not, simply because of the term used when they were originally permitted. Consistency within and across air districts is key.

Close coordination is also important regarding the abbreviated reporting allowed for agricultural operations. The regulations (Section 93403(c)(2)(A)(3)) only allow for abbreviated reporting if CARB or the local air district has notified the owner that they will prepare and submit the emissions report for the facility. It is important that the commitment to allow for abbreviated reporting becomes a reality for eligible facilities through a willingness to submit the emissions reports by local air districts. An unwillingness by an air district to submit abbreviated reports will de facto require facilities to individually report to CARB, which is problematic and costly. We appreciate the allowance for local air districts or CARB to submit the emissions reports for facilities eligible for abbreviated reporting and urge a smooth process for this to occur to reduce reporting burdens on our members. Further the emission factors used in the emissions reports from the abbreviated reporting are subject to approval by CARB's executive officer. We have no reason to believe that these quantification methods wouldn't be approved, but it would be unfortunate to have a situation in which facilities are not able to submit abbreviated reports due to disagreements between CARB and a local air district.

The enforcement provisions included in the regulation allow for penalties to be levied by both local air districts and CARB. We urge limitations be added to the regulations to ensure that if penalties are charged by a local air district, they are not then also levied by CARB. This protects individuals from a situation of "double jeopardy" where they can be fined for the same violation twice.

Finally, AB 617 does not provide authority to CARB to require facility-level reporting from entities emitting less than 250 TPY of criteria pollutants (except for facilities subject to greenhouse gas reporting or with elevated prioritization scores). Given the limit in authority provided by AB 617, we request that data be reported to the public following the specific authority granted to CARB by AB 197. Reporting on an aggregate, county-by-county level as

detailed in the legislation will ensure home addresses of farmers are not shared with the public, as many farmers live on the farms that will be subject to the new reporting requirements. Families and small business that have minimal emissions should not be disclosed on the same map as larger, industrial sources. The legislation requires that information be disclosed at the county level, and we urge CARB to adhere to this provision.

We appreciate the opportunity to comment and the changes that have been made to the proposed regulations to date. We respectfully request that amendments be made to the regulations to address the concerns raised in this letter.

Sincerely,



Will Scott, Jr.
African American Farmers of California



Emily Rooney
Agricultural Council of California



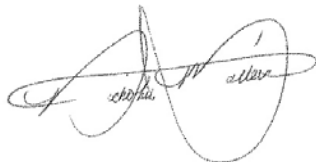
Elaine Trevino
Almond Alliance of California



Richard Matoian
American Pistachio Growers



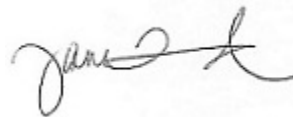
Debbie Murdock
Association of California Egg Farmers



Nick Matteis
California Association of Wheat Growers



Michael Miiller
California Association of Winegrape
Growers



Jane Townsend
California Bean Shippers Association



Justin Oldfield
California Cattlemen's Association



Casey Creamer
California Citrus Mutual



Noelle Cremers
California Farm Bureau Federation



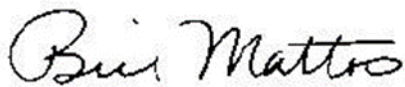
Ian LeMay
California Fresh Fruit Association



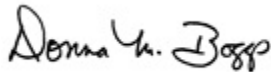
Chris Zanobini
California Grain and Feed Association



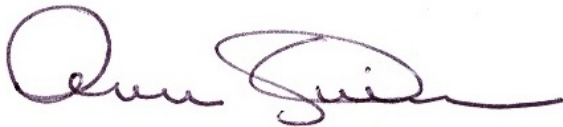
Debbie Murdock
California Pear Growers Association



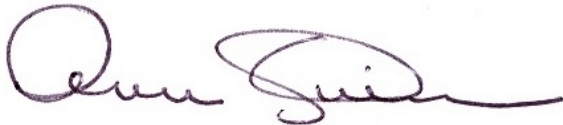
Bill Mattos
California Poultry Federation



Donna Boggs
California Seed Association



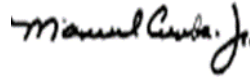
Ann Quinn
California State Floral Association



Ann Quinn
California Warehouse Association



Catalino Martinez
Kern County Farm Bureau



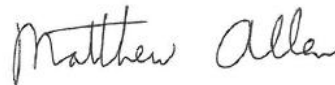
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Matthew Allen
Western Growers



Renee Pinel
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