

Submitted electronically to the CTR2018 docket

August 1, 2019

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 15-Day Changes to the Criteria Air Pollutant and Toxic Air Contaminants Emissions Reporting Regulation

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments to the California Air Resources Board (CARB) regarding the proposed modifications to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR regulation) posted July 17, 2019, for a second 15-day public review and comment period.

LADWP expresses its support for the following changes to the CTR regulation:

1. Removal of the Additional Applicability criteria; and
2. Clarification of Section 93410(a)(1) regarding enforcement.

LADWP supports CARB's decision to remove the fourth applicability criteria (Additional Applicability) from the regulation. The Additional Applicability would have significantly expanded the scope of the CTR regulation to include many small facilities with *de minimis* emissions that currently are not required to file annual emission reports. Prior to requiring these small facilities to report, LADWP recommends that CARB and the air districts update the default emission factors to more accurately reflect equipment in use within California today. Updating the default emission factors is important to ensure good data quality and avoid overstating emissions and the potential environmental risks posed to the surrounding communities.

LADWP also supports the clarification of Section 93410(a)(1) regarding enforcement authority by CARB and the local air districts. The new language states:

The requirements of this article are provisions of state law and ~~are enforceable~~ may be enforced by ~~either~~ either ~~both~~ CARB and the local air districts where facilities covered by this article are located.

The addition of the word "either" and "or" and the removal of "both" clarifies that CARB and the local air districts each have the ability to enforce the rule, but not concurrently.

Mr. David Edwards
Page 2
August 1, 2019

As noted in our prior comments, LADWP has concerns about data quality if the existing default emission factors are used to report emissions under the CTR reporting program. These default emission factors have not been updated in many years, and are consequently not representative of equipment in use within California today. Some of these default factors are based on the United States Environmental Protection Agency's Compilation of Air Pollutant Emission Factors (AP-42) with very conservative emissions rates that significantly overstate a source's actual emissions levels. The inaccuracy of the default emissions factors became clearly evident last year when LADWP conducted source tests to determine Toxic Air Contaminant (TAC) emission factors for turbines burning natural gas. The results of those source tests confirmed that the actual TAC emissions from LADWP's natural gas-fired turbines were 78 percent to 98 percent lower than the default emission factors. For these reasons, LADWP strongly urges CARB to establish a process whereby CARB and the air districts review and update the default emission factors based on the many source tests that have been conducted and submitted to the air districts over the past few decades.

Furthermore, LADWP urges CARB to establish a process for updating previously reported data in order to improve the accuracy of a submitted emission report without running the risk of incurring a violation or otherwise triggering any other noncompliance determination. There are many situations where it may be appropriate to update previously reported data. For example, a facility may want to update emissions factors used in the submitted emission report with more accurate emission factors once those new emission factors become available. In the interest of improving the accuracy of reported emissions data, LADWP urges CARB to include a provision in the CTR regulation allowing a facility owner/operator to provide updates to its reported data after the submittal deadline without triggering any type of noncompliance assessment.

In closing, LADWP wishes to commend CARB staff for their open door approach to this rule development process, including many meetings with stakeholders, listening to feedback, and making the appropriate changes to the regulation. We look forward to working collaboratively to build an effective program that ensures the efficient and accurate reporting of criteria pollutant and toxic air contaminant emissions under the CTR Regulation.

If you have any questions regarding these comments, please contact Ms. Jodean Giese at (213) 367-0409, or Mr. James Talavera at (213) 367-2987.

Sincerely,



Jodean M. Giese
Manager of Air Quality

JT/CP:

c: Mr. John Swanson, CARB
Mr. Patrick Gaffney, CARB
Ms. Jodean M. Giese
Mr. James Talavera