



CORPORATE HEADQUARTERS

December 15, 2010

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Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California 95814

**Re: Comments for Notice of Public Hearing to Consider Amendments to
the Regulation for Mandatory Reporting of Greenhouse Gas Emissions**

The J.R. Simplot Company (Simplot) submits these comments in response to the California Air Resources Board Notice of Public Hearing to Consider Amendments to the Regulation for Mandatory Reporting of Greenhouse Gas Emissions. Simplot is a privately held agribusiness corporation based in Boise, Idaho. The corporation is engaged in a number of businesses including food processing, farming, fertilizer manufacturing, mining, ranching and other enterprises related to agriculture. Simplot has several operations throughout California. Specifically its nitric acid facility in Helm California will be affected by this rule.

General

Simplot supports modifying the ARB mandatory reporting rule to mirror the US EPA mandatory reporting rule; this proposal generally does that with some exceptions. Simplot recommends changing the ARB mandatory reporting rule to reflect the U.S. EPA mandatory reporting rule verbatim. Having two different reporting rules is going to develop two different data sets. Having two different data sets will complicate the issue for both regulated community and the public.

Third Party Verification

Simplot recommends following U.S. EPA's verification process. Again the rules for reporting need to be consistent.

Reporting tool

Simplot recommends that ARB collect the reporting information from the US EPA reporting tool instead of requiring facilities to report on both a State level and a Federal level. Having duplicate reporting tools lead to multiple data sets for the same facilities, increases the chances of errors, and unnecessarily increases the cost of reporting.

Nitric Acid

Several types of reporting facilities including nitric acid have no reporting threshold and are required to report regardless of emissions. The reason given for having no threshold is "These types of facilities and suppliers are likely to have emissions that exceed the thresholds." This assumption is incorrect. These facilities should not be held to a higher requirement than other source categories and should have the same threshold level of 25,000 MT of CO₂e. The J.R. Simplot Company operates a nitric acid plant and we have done sampling to determine a facility specific emission factor for N₂O. We have determined that it is possible that our facility would not exceed the 25,000 MT of CO₂e threshold.

There is an error in 95118(b)

95118 (b) Monitoring, Data and Records. For each emissions calculation method chosen under section 95118(a), the operator must meet the applicable requirements for monitoring, missing data procedures, data reporting, and records retention that are specified 40 CFR 98.34 to 98.37, except as modified in sections 95115, 95118(d), and 95129 of this article.

The 95118(d) should be 95118(c).

95.118(c)(2)(B) If the analytical data capture rate is less than 80 percent for the data year, the operator must substitute each missing value with the maximum capacity of the system and the number of days per month.

This requirement is going to result in excess reporting of emissions. The requirement should be to have the most accurate information used. Recommend using the same missing data substitution procedures used in the federal rule.

Simplot appreciates the opportunity to comment on this very important issue.

Sincerely,



Burl Ackerman
Environmental Engineering Manager