



**DEPARTMENT OF DEFENSE**  
REGIONAL ENVIRONMENTAL COORDINATOR, REGION 9  
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5090  
Ser N40JRR.cs/0016  
August 9, 2011

Mr. James Goldstene  
Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**SUBJECT: DOD COMMENTS REGARDING PROPOSED AMENDMENTS TO THE  
REGULATION FOR THE MANDATORY REPORTING OF GREENHOUSE  
GAS EMISSIONS**

On behalf of the Military Component Services and acting as the Department of Defense (DoD) Regional Environmental Coordinator (REC) in California, the military appreciates the opportunity to offer comments regarding the proposed amendments to the Mandatory Reporting of Greenhouse Gas (GHG) Emission regulation. We appreciate the additional verbiage to provide consistency with the United States Environmental Protection Agency (EPA) GHG requirements, which were promulgated after the original ARB proposal was released.

Following our review of the proposed regulation, we have two specific areas of comment:

**1). Section (§) 95103, GHG Reporting Requirements.** ARB incorporated several changes regarding timing and schedules in response to public comments received. Based on Board direction in Resolution 10-43 and to assist with the transition to new reporting requirements for smaller facilities (between 10,000 and 25,000 metric tons carbon dioxide equivalent [MTCO<sub>2</sub>e]), ARB extended the initial reporting deadline for these smaller facilities by one year, until June 1, 2013. Because of the complexities of military installations in obtaining information to compile the required information, there may be instances where a request for a time extension is warranted. Time extensions occur routinely with local air districts in regards to a variety of report submittals (e.g., source test reports, annual emission reports, etc.) and typically do not require a variance petition for the requested extension to be granted. We request the ARB consider allowing for these types of report extensions for facilities subject to the abbreviated report. The abbreviated report timeline is not driven by the Cap and Trade regulation, the MRR Verification timeline or other regulatory compliance dates.

**2). Section (§) 95107, Enforcement.** ARB indicated that the modified enforcement language in section 95107 clarifies the scope of the enforcement provisions and incorporated stakeholder and internal ARB staff comments. These modifications specified that violations are based on:

- a. Reports that are not submitted, submitted late, or contain information that is incomplete or inaccurate are considered a separate violation each day.
- b. Each metric ton of CO<sub>2</sub>e emitted but not reported as required by this article is a separate violation.
- c. Each failure to measure, collect, record or preserve information required by this article for the calculation of emissions or that this article otherwise requires be measured, collected, recorded or preserved constitutes a separate violation of this article.
- d. The Executive Officer may revoke or modify any Executive Order issued pursuant to this article as a sanction for a violation of this article.
- e. The violation of any condition of an Executive Order that is issued pursuant to this article is a separate violation.
- f. Penalties may be assessed for any violation of this article pursuant to Health and Safety Code section 38580. In determining any penalty amount, ARB shall consider all relevant circumstances, including the criteria in Health and Safety Code section 42403(b).
- g. Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.

The inclusion of the section indicating that each metric ton of CO<sub>2</sub>e emitted is a separate violation appears excessive.

We request the ARB modify the enforcement section verbiage to state:

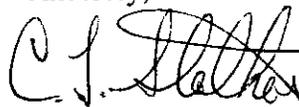
**§ 95107, Penalties.**

- a. Penalties may be assessed for any violation of this subarticle pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.
- b. Any violation of this subarticle may be enjoined pursuant to Health and Safety Code section 41513.
- c. Each day or portion thereof that any report, plan, or document required by this subarticle remains unsubmitted, is submitted late, or contains incomplete or inaccurate information, shall constitute a single, separate violation of this subarticle.

Inclusion of this verbiage is similar with other GHG regulations finalized by the ARB and provides a level field of enforcement for GHG current regulations as well as those under development (*e.g., Landfill Methane Control Measure, Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear, and the Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources*).

Thank you for your continued consideration. My point of contact for this matter is Mr. Randal Friedman who can be contacted at (619) 572-5037.

Sincerely,



C.L. STATHOS  
By Direction