



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

November 14, 2006

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

Attention: Ms Catherine Witherspoon
Executive Officer

Comments on Proposed Amendments to AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation

Dear Ms Witherspoon:

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment on the California Air Resources Board (CARB) November 16, 2006, Proposed Amendments to AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulations. Metropolitan is a consortium of 26 cities and water districts that provides drinking water to nearly 18 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties. Metropolitan delivers an average of 1.7 billion gallons of water per day to a 5,200 square mile service area. Our facilities include the Colorado River Aqueduct, pumping plants, treatment plants, reservoirs, tunnels, pipelines, and hydroelectric plants.

Our comments support the approach of harmonizing the "Hot Spots" Program with the stationary engine Air Toxics Control Measure (ATCM), and ensuring that the proposed amendments for diesel engines provide consistent guidelines throughout the State for preparing toxic substance inventories and Health Risk Assessments (HRAs). Because of Metropolitan's extensive use of portable and stationary diesel engines in our operations, maintenance, construction, and emergency response activities to support our public water delivery system, the proposed amendments will have a significant impact on us. We have reviewed the proposed amendments to AB 2588, and summarized our concerns in this letter. Additionally, we have worked with and reviewed the comments submitted by SCAP and TriTac, and we support the points made in their separate comment letters. We also participated in a conference call last Thursday with Chris Halm and Peggy Taricco to discuss our common concerns on the proposed regulation.

Generally, Metropolitan is concerned that the proposed changes allow for too much discretion in the interpretation and analysis performed by local air districts. This latitude in implementation could potentially lead to State wide inconsistencies in the development of toxic substance inventories and HRAs. The criteria utilized to develop toxics inventories and HRAs should be standardized to ensure that estimated risk between facilities is comparable across the state. Also, with standardized criteria, there is added assurance that the environmental justice test is met across geographic regions within the State.

Specific Comments

1. Portable vs. Stationary Engines - Our first set of comments pertains to aligning the definitions of portable and stationary in the amendments with those in the diesel engine ATCM. Per the ATCM, a stationary engine is designed to stay in one location, or remain in one location, and meets any of three listed criteria. A portable engine, on the other hand, is designed and capable of being moved from one location to another. However, according to the proposed amendments, an engine is stationary, if “the engine or its replacement is attached to a foundation, or if not so attached, has been determined by the District to be stationary for purposes of Hot Spots reporting.” This new definition will allow the local air districts to deem an engine that is currently permitted as portable to now be a stationary engine and therefore included in the toxics inventory and HRA, if requested by the air district. This definition is unnecessary, since Section (C)(2)(c) already provides guidance on the inclusion of portable engines “...if the district determines there is good cause to expect that the engines at the facility have the potential to pose a significant risk.”

Therefore, we recommend that the definition of stationary diesel engine remain consistent with the ATCM definition to “...mean a CI engine that is designed to stay in one location, or remains in one location. A CI engine is stationary if the engine or its replacement is attached to a foundation.”

2. Routine and Predictable - The proposed definition of routine and predictable in the amendments allows local air districts to determine what is routine and predictable, with the guideline that it means all of the regular operations at the facility. This is a key element of the Hot Spots program in determining which diesel engines will be included in the facility’s toxic inventory, and can capture portable equipment that historically has not been included in the Hot Spots program. We recommend the definition be changed as follows:

“Routine and Predictable” means all regular *stationary, and core* operations at the facility, *except as specified in Section XI (C)(2)(c)*. Emergency or catastrophic releases, *as well as construction projects*, are not “routine and predictable” and are not included in a facility’s emission inventory.

Because of the significance of the possible inclusion of the portable engines, CARB needs to provide more substantive guidance as to what should be considered routine and predictable. This will help ensure that local air districts use similar criteria when establishing what facility operations should be included in the Hot Spots program.

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3. Construction Activities -- CARB cites an example in the Staff Report where construction activities or capital improvements should be included if they last longer than a few months. We believe that construction and/or shutdown jobs were never meant to be included as part of a facility's stationary source, as these activities are non-routine and short term with a finite life, even if they last a few months or even a couple of years. These activities are already adequately addressed in the existing California Environmental Quality Act (CEQA) process. The process is designed to evaluate the air quality and other environmental impacts of construction projects, including community notification.

We recommend that construction activities not be part of Hot Spots reporting. Also, with the abbreviated and modified implementation process for diesel engines in the proposed Hot Spots program, construction activities would most likely be completed before the HRA and public notification could even occur.

4. Facility Discretion to Perform Risk Assessments – The proposed amendments do not explicitly state that facilities may conduct detailed HRAs prior to receiving a request from the local district. In fact, one of the success stories of the Hot Spots program was the effort that facilities made to proactively reduce risk, so that public notifications were not warranted. A similar proactive approach may be taken by a facility to assess the potential facility risk from applicable diesel engines that may in turn result in an early risk reduction.

To facilitate possible early risk reduction by affected facilities, we recommend that the proposed amendments explicitly allow them the option to prepare detailed HRAs, prior to any requests from local districts.

Again, we appreciate the opportunity to comment on the proposed amendments to AB 2588, and look forward to working with you. Please contact Carol Kaufman at (213) 217-6207 or Janet Bell at (213) 217-5516 with any questions or comments. Thank you for your consideration.

Sincerely,



Bobbi A. Becker

Manager, Environmental, Health and Safety

cc: Peggy Taricco, CARB
Chris Halm, CARB
Daniel McGivney, SCAP
Stephanie Cheng, TRI-TAC