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**W. James Wagoner**  
Air Pollution Control Officer

(530) 891-2882  
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November 15, 2006

Clerk of the Board  
California Air Resource Board  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, CA 95814

Re: Comments on Proposed Amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics "Hot Spots" Program

The Butte County Air Quality Management District (District) is contacting the California Air Resources Board (CARB) to provide comments on the proposed amendments to the Emissions Inventory Criteria and Guidelines Report (EICGR) for the Air Toxics "Hot Spots" Program. In preface, the District appreciates CARB staffs effort to work with the various stakeholders to develop amendments to the EICGR that seek to streamline implementation of the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Act).

The provisions of the Act are covered in California Health and Safety Code (HSC) section 44300 et. seq. California Health and Safety Code section 44324 states "...*This part does not apply to any facility where economic poisons are employed in their pesticidal use, unless that facility was subject to district permit requirements on or before August 1, 1987...*" Prior to 2003, HSC 42310(e) exempted "...*Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals...*" from district permit requirements. Our legal counsel advises that agricultural facilities that apply economic poisons are not subject to reporting under the Act because these facilities were not subject to district permit requirements on or before August 1, 1987. In order to clarify the applicability of the EICGR, the District recommends providing a reference to the statutory exemption in proposed section XI, paragraph A:

*A facility is not subject to this regulation if a facility prioritization score, a screening health risk assessment, or a health risk assessment is equal to or less than one, as described in section XI.D.(1)(b). Facilities described in Health and Safety Code section 44324 are also not subject to this regulation.*

We appreciate the opportunity to provide comments on the proposed amendments to the EICGR.

Please feel free to contact me at (530) 891-2882 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "WJ Wagoner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. James Wagoner  
Air Pollution Control Officer