

**Subject:**

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**To:** chalm@arb.ca.gov

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Chris – Propose this for your consideration:

1. staff recommendation for Districts "should" not require any risk reduction from use of TSE be changed to "shall." Justification is clear statutory/regulatory prohibition that districts cannot impose any "emission control or limitation" on TSE registered in the PERP program. Risk reduction can only occur via (1) physical change to the engine or (2) restrictions on the use of the engine. Both are in clear conflict with statutory provisions. While a requirement for public notice is not within this language, risk reduction is and therefore it is appropriate to use "shall."

2. ARB staff recommendation should include ARB preparing prescriptive guidance to Districts on what they can seek regarding information. Specifically, the guidance should provide that Districts use the most general aggregations of TSE based on reasonable assumptions, e.g. TSE located far from a fence/receptor, after consideration of distance/risk tables, does not need to be included. Further, specific location/movements of TSE are not subject to reporting. Justification is the portable/tactical nature of the equipment and the difficulty of reporting and disclosure of information of tactical uses.

Thanks. Randy

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