



March 29, 2007

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

Re: Comments on Proposed Amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics "Hot Spots" Program, as amended on March 20, 2007

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 released for public comment on March 20, 2007. 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. HSC § 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 correspondence dated November 15, 2006 (copy attached) the District requested that CARB clarify the applicability of the EICGR as exempting facilities as described in HSC § 44324 from the EICGR for the reasons discussed above. In reviewing the proposed amendments to Section XI.B(3) of the EICGR we note that language changes suggested in the District's November 15th correspondence have not been added.

The District therefore continues to be of the view that the proposed amendments to the EICGR ignore and are inconsistent with the plain and unambiguous language of the controlling statute: HSC § 44324.

We further note the 15-day notice contains proposed amendments in section XI.B(3) that postpone the reporting requirements for agricultural diesel engines until January 1, 2012. In this context, we find it necessary to reiterate our view that HSC § 44324 provides a blanket exemption for agricultural facilities that employ the use of economic poisons from reporting under the Act. In this vein we again request that ARB consider adding the following language to Section XI.D(1)(b).

"... Facilities described in Health and Safety Code section 44324 are also not subject to this regulation..."

Clerk of the Board
California Air Resource Board
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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,



W. James Wagoner
Air Pollution Control Officer

Attachment



BILL CONNELLY, Chair
Supervisor, District #1

STEVEN JERNIGAN, Vice Chair
Vice Mayor, Oroville

JANE DOLAN
Supervisor, District #2

MARY ANNE HOUX
Supervisor, District #3

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Supervisor, District #4

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Supervisor, District #5

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Mayor, Biggs

SCOTT GRUENDL
Mayor, Chico

FRANK COOK
Mayor, Gridley

ROBIN HUFFMAN
Councilmember, Paradise

W. James Wagoner
Air Pollution Control Officer

(530) 891-2882
(530) 891-2878 Fax

November 15, 2006

Clerk of the Board
California Air Resource Board
1001 I Street, 23rd 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", written in a cursive style.

W. James Wagoner
Air Pollution Control Officer