



CALIFORNIA CHAMBER of COMMERCE



November 13, 2006



Peggy Taricco  
Chief, Emission Inventory Branch  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814



California  
Business  
Properties  
Association

**Subject: Proposed inclusion of portable diesel engine emissions in the draft AB 2588 Emission Inventory Criteria and Guidelines Regulation.**

Dear Ms. Taricco:



The above listed organizations are pleased to submit the following comments on the above referenced rulemaking. Many of our members require portable diesel engines for power generation, cleaning, maintenance and a variety of other applications at business, commercial and industrial facilities. These operations will be directly impacted by the inclusion of portable diesel engine emissions in the AB 2588 program, even though in many cases they do not own or control the equipment.



The inclusion of portable diesel engines in the proposed regulation is not necessary because the public health concerns driving these provisions have already been addressed in CARB's air toxic control measure (ATCM) for portable engines, adopted in 2004, and in amendments to the Portable Equipment Registration (PERP) regulations, adopted last fall by CARB. Entities subject to these regulations are already taking steps to achieve compliance with the new portable engine emission limits. Including portable engines in the proposed AB 2588 regulations would circumvent these efforts, causing unnecessary financial hardship for portable engine owners and unnecessary public alarm and calls for action to reduce facility emissions when the problem is already being addressed. This outcome would be at odds with CARB's stated goal of focusing the proposed AB 2588 requirements on facilities that may have significant residual risks *after* existing regulatory requirements are implemented (Initial Statement Of Reasons, page 2).





The ATCM and PERP regulations already require replacement of outdated, high emitting engines, but allow owners some time to undertake this transition. The new emission standards take effect starting in 2010, with additional fleet average standards being phased in between 2013 and 2020. The regulations appropriately recognize both the limited availability of replacement engines in the near term and the high costs associated with replacing existing portable engine fleets. Including portable engines in the AB 2588 program at this juncture, especially in the absence of clear guidance from CARB concerning how and under what circumstances emissions from these sources should be quantified, would result in elevated estimates of facility cancer risk that do not reflect the emission reductions expected under existing regulations. Any public notification requirements triggered by such premature risk estimates would needlessly stigmatize affected facilities and neighborhoods, leading to demands to reduce or eliminate portable diesel engine emissions without regard to the critical transition period provided in the existing regulations.

In addition, the broad grant of discretion to local air districts and lack of direction regarding what constitutes "routine and predictable" operations of portable engines violates the intent of the PERP program to avoid a patchwork of regulations across the state. Portable engine owners and users could face emission inventory, risk assessment, notification and mitigation requirements for a particular application in one district, but be completely exempt from AB 2588 requirements for the same or similar application in another district. Such a patchwork approach was rightly rejected by CARB when it adopted the PERP amendments last fall and that decision should not be overturned in the proposed AB 2588 regulation.

In the interest of preserving the carefully crafted balance between further emission reductions and regulatory certainty reflected in CARB's portable engine ATCM and PERP regulations, and to avoid unnecessary public alarm, CARB should direct the districts to exclude portable engines from AB 2588 emission inventories, at least until after the first phase of portable engine retrofit requirements take effect in 2010. At that time, CARB can revisit the AB 2588 Emission Inventory Criteria and Guidelines Regulation and develop standardized criteria for including such emissions in facility inventories and risk assessments. This approach will ensure that results are comparable on a statewide basis and meaningful for purposes of AB 2588 compliance.

Thank you for considering this proposed change to the draft AB 2588 Guidelines regulation.

Sincerely,





Jay McKeeman, California Independent Oil Marketers Association



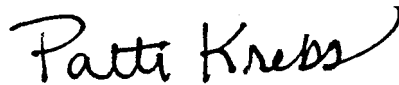
John Ulrich, Chemical Industry Council of California



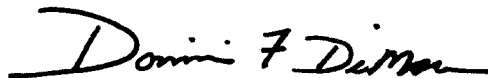
Bill Grigg, California League of Food Processors



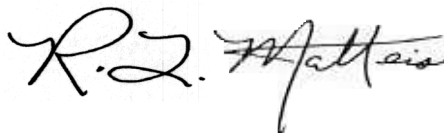
Clifford Moriyama, California Business Properties Association



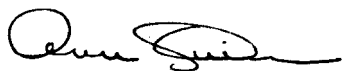
Patti Krebs, Industrial Environmental Association



Dominic Dimare, California Chamber of Commerce



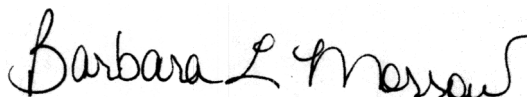
Richard Matteis, California Grain & Feed Association



Ann Quinn, CWA



Betsy Peterson, California Seed Association



Barbara Morrow, California Healthcare Institute



Cathy Reheis-Boyd, Western States Petroleum Association



Tim Shestek, American Chemistry Council



Renee Pinel, Western Plant Health Association



Dave Bischel, California Forestry Association



Mike Rogge, California Manufacturers & Technology Association



Kristen Power, California Grocers Association

cc: Robert Fletcher – CARB  
Linda Murchison - CARB  
Chris Halm – CARB  
Dale Shimp – CARB  
Linda Adams – Cal-EPA  
Fred Aguiar – Governor's Office  
Brian Prusnek – Governor's Office