



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

March 6, 2020

Via email: ctr-report@arb.ca.gov

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Branch Chief
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, California 95814

Comments on the Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants dated February 5, 2020

Dear Dr. Edwards,

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment on the California Air Resources Board's (ARB's) *Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants* (draft CTR) dated February 5, 2020. Metropolitan is supportive of ARB's efforts to improve data collection and transparency to better evaluate the cumulative health risks associated with criteria air pollutants and air toxic emissions. As a potentially affected entity, this letter provides Metropolitan's comments on the draft CTR.

Background

Metropolitan is a regional water wholesaler that delivers water to 26 member public agencies, who in turn provide water to nearly 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties. Metropolitan's mission is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmental and economically responsible way. As the largest distributor of treated drinking water in the United States, Metropolitan operates and maintains an extensive range of facilities in order to deliver reliable and safe water. These facilities include the Colorado River Aqueduct, 16 hydroelectric plants, nine reservoirs, 830 miles of large-scale pipes, and five water treatments plants.

Dr. Edwards
Page 2
March 6, 2020

Criteria and toxics emissions at Metropolitan facilities have traditionally been low. In fact, the emissions at our water treatment plants located within the South Coast Air Quality Management District (SCAQMD) jurisdiction have historically not triggered routine annual emissions reporting. However, as proposed in the draft CTR, specifically in the table entitled, Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities (Appendix A: Table A-3), Metropolitan would be significantly impacted by the requirement to report annual emissions for multiple sector processes and activities (i.e., combustion of diesel oil, use of specific solvents and coatings, etc.).

Comments

Metropolitan is supportive of the broader and overarching recommendations expressed by affected industries on the draft CTR, particularly the recommendation to delay the additional applicability provisions until the original AB 617 categories have been successfully implemented. However, the focus of this comment letter is two provisions within the draft CTR of particular concern to Metropolitan. We offer the following comments to help improve the practical implementation of the draft CTR's provisions.

1. Reporting of Emissions from Any Diesel-Powered Portable Engines or Devices Operated at a Facility

Metropolitan's critical infrastructure requires year-round work with the use of in-house staff and multiple contractors to conduct preventative and corrective maintenance activities, and construction activities related to capital projects. Such work requires the use of diesel-powered equipment, such as portable engines, to complete these activities.

Section 93404 (c)(2)(C) of the draft CTR establishes a new precedent whereby a facility owner is held responsible for reporting the emissions from any diesel-powered portable engine or device that is operated on site at any time during three different months of the data year (see excerpt below). Metropolitan has internal procedures for its own equipment to ensure that it complies with state and local air district rules and regulations. However, with regards to portable diesel-powered equipment owned and operated by contractors performing work at Metropolitan, regulatory compliance for the equipment has been the responsibility of the contractor. This assignment of contractor responsibility should be maintained for the purposes of emissions reporting. This approach is practical and most effective, given that the contractor may have subcontractors constantly coming in and out of a project, bringing their own equipment with them. As the project operator, the contractor may work with multiple subcontractors to select the needed equipment, track its operation, and to comply with applicable regulatory reporting and recordkeeping.

Dr. Edwards

Page 3

March 6, 2020

Metropolitan requests that ARB amend section 93404 (c)(2)(C) such that outside contractors are responsible for reporting the emissions from their equipment, regardless of its operational location. Equipment used by contractors brought onto Metropolitan facilities, such as portable diesel-powered generators, is outside of the control of Metropolitan. Direct reporting from the contractor will eliminate the added step of going through the project owner, and will facilitate the timeliness and quality of emissions data related to the project. As currently written, section 93404 (c)(2)(C) places an undue compliance obligation onto the public agency for equipment not owned or operated by the agency.

§93404 Emissions Report Contents

“(c)(2)(C) Except as provided in sections 93401 (b)(2) and (4), emissions of PM, ROG, (or VOC) and NOx from any diesel-powered portable engines or devices operated at a facility, regardless of equipment ownership or permit status, if the engine or device is operated on site at any time during three different calendar months of the data year. The data of 93404(b) (1) does not need to be provided for portable engines or devices. The use of best available data and methods, including the use of engineering estimates, may be used to quantify emissions from portable engines, and the emissions data from multiple engines may be aggregated by engine tier. Alternatively, the activity data necessary to estimate the emissions from such portable diesel-powered engines shall be reported to the district, and the district may quantify the emissions on behalf of the facility.”

Underlining added for emphasis.

2. Basis for Establishing Reporting Thresholds in Appendix A: Table A-3 (Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities)

The draft CTR proposes the reporting of emissions from identified permitted processes that meet specific activity level reporting thresholds. For example, the draft CTR proposes the reporting of the emissions from diesel engines based on gallons of fuel combusted per year or hours per year of operation. This would significantly affect Metropolitan’s stationary emergency standby diesel generators at our water treatment plants and hydroelectric facilities, and our fleet of portable diesel-powered equipment (e.g., generators, pumps, blowers, compressors). In order to better understand and offer informed comments, Metropolitan requests that ARB provide the rationale for setting the specific thresholds. Additional thresholds should also be considered to better reflect measurements needed to identify actual public health exposures or toxic risks (e.g., operating location of equipment).

Dr. Edwards
Page 4
March 6, 2020

Conclusion

Thank you again for the opportunity to comment on the draft CTR. Metropolitan looks forward to working with ARB on these issues and asks that ARB consider our comment letter prior to finalizing the official rulemaking draft of the CTR regulation. If you have questions or need additional information, please contact Carol Kaufman [cykaufman@mwdh2o.com, (213) 217-6207], or Roxana Ramirez [rramirez@mwdh2o.com, (213) 217-6407].

Very truly yours,

A handwritten signature in black ink, appearing to read 'Daniel J. Guillory', with a long, sweeping underline that extends to the right.

Daniel J. Guillory, P.E.
Section Manager, Operational Safety, and Regulatory Services