

**From:** [Barton Lounsbury](#)  
**To:** [ARB Criteria & Toxics Regulation Reporting](#)  
**Subject:** University of California Comments on CTR Regulation  
**Date:** Friday, March 6, 2020 10:02:18 PM

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Dear California Air Resources Board Staff:

The University of California (“UC”) submits the following comments on the California Air Resources Board’s (“CARB”) draft amendments to the regulation for the reporting of criteria air pollutants and toxic air contaminants. These comments derive from the concerns of UC’s technical experts who administer air quality compliance programs at UC’s campuses across the State of California. UC’s concerns relate to section 93404(c)(2)(C)’s proposed reporting requirement for “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.”

First, collecting these data would represent an onerous burden for the staff of regulated entities with large operations at a single facility, such as the UC campuses, and the data generated would likely be scarcely better than rough estimates in the majority of situations, rendering the value of these data questionable from an air quality standpoint.

Second, if CARB moves forward with this proposal at all, and assuming that CARB intends for the regulated facility (not the equipment owner) to collect these data, the regulation should include a reasonable horsepower threshold for the size of engines or devices that require tracking and reporting.

Third, the timing component of this new reporting mandate (“if the engine or device is operated on site at any time during three different calendar months of the data year”) would necessitate the creation of challenging new tracking and logging requirements for facility staff to determine whether a particular engine or device meets the criteria for reporting in any given data year.

Fourth, this proposed new reporting requirement fails to acknowledge the existence of construction sites within a “facility” where facility owners have no control over, nor any ability to track, onsite engines and devices. General contractors control these worksites until the completion of construction, and, if CARB desires to collect such data, it should create an exemption for facility owners in situations where facility owners do not operate or otherwise control the equipment, and CARB should instead require that the actual equipment owners/operators submit their own reports of emissions. This proposed new reporting requirement would prove especially problematic for regulated entities such as the UC campuses whose contiguous boundaries (and thus single “facility”) may encompass multiple active construction sites every year.

Thank you for your consideration of our comments, and please feel free to contact me with any follow-up questions.

Sincerely,

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