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Clerk of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Regarding: Opposition to the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (Supplemental 25-Day Comments)

Dear Mr. Gaffney,

Granite Construction Company appreciates the opportunity to comment on your proposed regulation. Granite produces construction materials through our mining and asphalt plants and builds transportation and water infrastructure throughout California. Granite is a California based company headquartered in Watsonville with thousands of employees across the state.

Granite is grateful that the Air Board has abbreviated reporting for construction aggregate facilities and adopted an implementation schedule that is less of a burden than in the previous version of this regulation. However, we are still concerned about the extraordinary reach of the proposed reporting requirements.

After reviewing the proposed regulation, we have the following comments:

- The proposed regulation exceeds the authority delegated to the Air Resources Board through AB 617. AB 617 provided an explicit definition of stationary source in Health and Safety Code 39607.1. The proposed regulation has expanded statewide reporting requirements from the "major sources" specifically identified in AB 617 to nearly all stationary sources within California.
- There is currently no anti-trust, trade secret and other proprietary information protection from the required reporting being required. This information could be used to calculate production information by a business competitor. Rock, sand, gravel, concrete, and asphalt are local commodities where an unfair market advantage can greatly affect a business and the community that uses their products. We are requesting that the regional air boards create a process that would limit the availability of data and therefore allow reverse engineering of production data. Protections like these are in place for mineral production in the Public Resources Code 2207(g), preventing anti-trust concerns.
- We believe that the reporting costs of this regulation far exceed the intent of AB 617. Early iterations of this regulation included less than 20,000 facilities in accordance with the concept of "major sources.". The current version may

include up to 60,000 facilities, a far cry from what was intended by the legislature. The California Asphalt Pavement Association and California Construction and Industrial Materials Association estimate that consultation costs for the required reporting obligations may run between \$2,500 to \$5,000 per year at each facility. Local air boards have expressed concern about the added burden on their staff and the lack of budget to manage the new reporting requirements. This could cause delays in permit modifications, variances, health risk assessments, and other necessary activities that keep our operations running.

- We believe the inconsistency of the information provided to the public with this regulation could create confusion. Local air boards have each developed individual permitting systems in order to meet the needs of their individual air districts. The sources that are permitted and the factors used to determine emissions from those sources vary as is needed by each air district. Emissions cannot be fairly compared from facility to facility statewide when different air districts have different regulatory requirements depending on the air basin in which they are located. The proposed reporting requirements do not take into account the differences in regulatory requirements and thresholds.

We appreciate your taking the time to consider our comments. If you have any questions or remarks, please contact

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Sincerely,  
GRANITE CONSTRUCTION COMPANY



Kyle Larkin  
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