



August 1, 2019

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

**Subject: Comments on ARB's second notice of post hearing changes to the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants.**

To whom it may concern:

The undersigned statewide and regional business groups appreciate this opportunity to comment on the California Air Resources Board's (ARB) *Second Notice of Second Public Availability of Modified Text and Availability of Additional Documents and/or Information; Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants*, dated July 17, 2019. Our organizations support AB 617's goals to reduce exposure in communities most impacted by air pollution. We remain committed to effective program implementation, consistent with statutory requirements.

We support ARB's decision to remove the "Additional Applicability" requirements from the proposed regulation (§ 93401(a)(4)). As many of the undersigned groups noted in separate comments on ARB's discussion draft language and first notice of proposed changes (May 13, 2019), ARB's previously proposed expansion of applicability would have subjected tens of thousands of sources outside of designated AB 617 communities to more extensive and

stringent emissions reporting requirements. The reach of ARB's "Additional Applicability" provisions was not disclosed to the Board, nor reflected in any of the rulemaking documents made available to the public in advance of the December 13, 2018 Board adoption hearing.

We recognize that more comprehensive emissions data may be necessary to guide effective implementation of AB 617 in some communities. As we indicated in our September 24, 2018 comments on ARB's final draft AB 617 Blueprint, the statute is unambiguous in directing ARB and the air districts to focus emissions reduction measures on sources making material contributions to the cumulative emissions burden in designated AB 617 communities. This mandate will likely require data that may not yet exist for some sources. However, the due process issues inherent in the prior proposal, coupled with information brought to light during ARB's post hearing public workshops concerning the resource implications for both facilities and local air districts, necessitates a more deliberative process that can only be accommodated in a separate rulemaking.

In this same vein, we support ARB's proposal to remove language requiring reporting of emissions from portable equipment (§ 93404(b)(2)(C)). We appreciate ARB's recognition of the challenges, complexity, and cost of quantifying emissions from these sources and agree that further consideration of these issues should occur in the context of a separate rulemaking.

Moving forward, the success of this regulation will depend on a high level of transparency and communication among ARB, the local air districts, covered facilities, and facilities that are likely to be covered in a future rulemaking update to the CTR Regulation. As with implementation of other AB 617 program elements, ARB should embrace an adaptive management approach for this regulation, gathering information from sources subject to the statutory reporting criteria to inform potential future expansion of applicability, and to address as yet unforeseen challenges for facilities and air districts as they transition from current practices to a new reporting paradigm.

We appreciate your consideration of our comments and look forward to working with ARB on future rulemakings to address these issues.

Sincerely,



Lance Hastings, President  
California Manufacturers and Technology Association

cc: Mary Nichols, Chair – ARB  
ARB members  
Richard Corey - ARB  
David Edwards – ARB  
Karen Magliano – ARB