

Appendix L

Comments and Responses

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Appendix L: Comments and Responses

This Appendix contains comments received during the District's public workshops and during the public comment periods following those workshops. This appendix also contains the District's responses to those comments. Comments and responses for the District's series of Town Hall meetings held from July 26-28, 2006 are in Appendix G. Comments received from EPA are in section L.3.

The District's first workshop on the Draft *2007 Ozone Plan* was held on October 17, 2006, and the public comment period for this first draft closed on November 7, 2006. Verbal comments are reported in the order in which they were received in section L.6, and written comments are summarized in section L.7 and organized by topic.

The District's final workshop on the Draft *2007 Ozone Plan* was held on February 8, 2007, and the public comment period for the final draft closed on February 26, 2007. The Draft for this workshop was released on January 29, 2007. Verbal comments are reported in the order in which they were received during the workshop in section L.4, and written comments are summarized in section L.5 and organized by topic.

Section L.2 provides written comments received during the final 30-day public comment period, which was held from March 8, 2007 through April 6, 2007. Section L.1 provides comments and responses between the District and ISSRC regarding the District's *2007 Ozone Plan* and ISSRC's "Alt SIP." Please see Appendices N, O, and P for more information on the Alt SIP.

L.1 COMMENTS RECEIVED FROM ISSRC

Questions for SJV Group from March 21 meeting

- Comment:** Could we have the information to access the version 1.06 CCOS data or else could you provide me with the correct contact at ARB to access this information?
Response: District provided emissions inventory information to ISSRC on 3/22/07.
- Comment:** Could we have a readable version of the 2012 isopleths for the cities that you have modeled for version 1.04. (I am assuming from our conversation yesterday the isopleths are very similar for 1.06 and ARB has not modeled 1.06 for 2012).
Response: A District response was sent 4/3//07 to clarify that emissions inventory version 1.04 was used to generate carrying capacity diagrams for 2012, 2018, and 2023. Carrying capacity diagrams for 2020 incorporated emissions inventory version 1.06.

3. **Comment:** Could we have the population by tier class and emissions from agricultural pumps that are expected to be in place starting in 2012 with existing NSR and incentive funding (not new proposed funding).
Response: The agricultural pump engine population by tier and year is shown in the table on page 7-29 of the ozone plan. This table already takes NSR and existing incentive funding into account.
4. **Comment:** Could we have the inventory of reciprocating internal combustion engines, including population by tier class or control efficiency and fuel type, and size of the reciprocating internal combustion engines that is expected to be in place starting in 2012 on with existing NSR and incentive funding.
Response: Information from District Rule 4702 was provided directly to ISSRC.
5. **Comment:** Could we have the breakdown of CAF emissions by size of facility, including uncontrolled emissions for facility and other (silage, leachate, etc) separately and percent control assumed by 2013 in current rules.
Response: The District response was sent to ISSRC 4/3/07. The District provided ARB's Large Confined Animal Facility Definition Report (May 6, 2005).
6. **Comment:** Please provide up to date emissions from oil processing and storage.
Response: The information was provided in the emissions inventory sent to ISSRC on 3/22/07.
7. **Comment:** Please clarify the aging emissions: the 1.9 tpd reduction from aging that will be occurring due to current NSR rules in 2013, are those included in the Appendix B of the January 29th inventory and in Appendix I (I-64)? Also, are they included in the CCOS modeling inventory? Can we have the uncontrolled emissions estimate?
Response: Since these emission reductions are attributed to NSR (not a prohibitory rule), the brandy aging emission inventory will change when the controls are installed. The uncontrolled emission estimate is in the ARB on-line emission inventory: Stationary Sources – Industrial Processes – Food and Agriculture – Wine Aging.
8. **Comment:** We would like the baseline uncontrolled inventory in 2012/2013 for Composting and Biosolids. Also, it would be useful to have the fraction of emissions that are being or will be controlled through the existing mechanisms by 2013, the percent control efficiency used, and if any the remaining emissions from uncontrolled operations, and briefly the reason why (facility too small).
Response: See attached Appendix B of the recent rule adoption. One of the existing large compost facilities (>100,000 wet tons per year throughput) will be converted to a waste-to-energy operation by late 2012 and the composting emissions from this facility will go to zero. Also, this inventory does not include two new composting facilities that will begin operations before 2009. These facilities are subject BACT through the District NSR Rule.

9. **Comment:** Please provide the uncontrolled emissions by size category of composting green waste facilities.

Response: The District provided a spreadsheet to ISSRC on 4/5/07.

Follow-up 9(a). Comment: According to a recalculation, there would be 51 tpd on an annual basis and 67 tpd on a summer season basis for 2005. However, Appendix I and Appendix B reflect around 51 tpd for the summer season. Could you clarify this discrepancy?

Response: We understand ISSRC's analysis. We note that the emission estimates for green waste composting shown in the Plan are not yet included in the official ARB emission inventory. When we compile the estimates for inclusion in the ARB Emission Inventory, we will account for ISSRC's analysis as well as expected new information on emission factors.

Follow-up 9(b). Comment: There is an estimated growth of around 10 t/d from 2005 to 2014 for this category (baseline inventory). Does the same percentage controls as in the spreadsheet (i.e. 1/2 have 20% controls) apply to the growth? Is this growth in the largest size range?

Response: For the emission forecasts for green waste composting, the same overall rate of control applies to the entire source category for any given year. Similarly, the growth rate is applied to the entire category, not just the largest facilities.

10. **Comment:** Please confirm our understanding of prescribed burning: The emissions inventory in App B has emissions from this category because they are summer day average, but the CCOS modeling inventory does not.

Response: Prescribed burning emissions are not in future year modeling runs.

11. **Comment:** We're interested in the uncontrolled emissions in 2012 from glass furnaces. Please confirm the emissions in Appendix B and Appendix I (I-22) for glass furnaces in the January plan includes NSR reduction of 1.2 tpd. Please confirm that in the January plan, no new reductions were taken from recommended measures (see table 6-1) and in the March plan, 1.6 tpd were taken in 2012 (again, table 6-1).

Response: There are no "uncontrolled emissions" for the Glass Melting Furnaces source category: all furnaces are well controlled. The emission inventory reflects the current level of control under R4354 limits. The District NSR rule is responsible for 1.2 tpd in emission reductions that have not yet been realized. A total of 1.6 tpd is expected for the control measure proposed in the 8-hour ozone plan in addition to the previously-mentioned 1.2 tpd from NSR.

12. **Comment:** We have gone back and looked at the carrying capacity isopleths again using what we understand as the appropriate inventory data. Our understanding is that the 1.06 version of the inventory minus the recent adjustments (the adjusted baseline inventory) was used for the modeling, except maybe a minor exclusion from prescribed burning. This is the new plan data for 2020 that we used (page F-16 of the new plan). We also have the understanding that the 2020 modeling and the 2012 using the same inventory should have practically the same results. Therefore, we

used this data regardless of the calendar year we are looking at. However, we wanted to see the higher inventory values so we used the 2012 isopleths using 1.04 inventory. We weren't sure of the corrections to the baseline adjusted inventory so they were not included to make things a conservative estimate. If there are no errors in this graph (we would appreciate you letting us know if the inventory numbers are indeed correct, and also the yellow numbers inside the graph since they are hard to read from the plan), we do not seem to come to the same conclusion as you have indicated the carrying capacity of NO_x should be 160 tpd. We still see about 172 tpd as the carrying capacity with no VOC control, and around 190 tpd with significant VOC control.

Response: The spreadsheet provided by ISSRC had a few errors that needed to be addressed, but in general is very similar to the analysis we have conducted at the District. Modeling for 2020 and 2012 should have similar curves when the inventories used are the same version. Figure 3-8 in the District SIP also merges data from the two carrying capacity runs similar to that done in ISSRC's spreadsheet. Unfortunately, the 2020 and 2012 carrying capacity modeling runs did use different inventories. The differences in these inventories, however, are believed to be minor enough to only create relatively small changes in the curves.

The largest problem with the ISSRC spreadsheet is due to using the wrong baseline totals for calculations. For this type of analysis, the modeling baseline emission inventory should be used and not simply the baseline emission inventory. In the case of the 2020 modeling, the baseline modeling emission inventory included a few inventory omissions and adjustments as well as an ARB control measure. Because of these adjustments the 2020 baseline modeling emission inventory was actually 302 tpd of NO_x and 308 tpd of VOC. Figures 3-7 and 3-8 of the District SIP use these values as reference points for the reductions.

When the proper baseline modeling inventory is used, the spreadsheet shows attainment with less than 161 tpd NO_x for 308 tpd of VOC and less than 181 tpd of NO_x for 123 tpd of VOC. These numbers are very close to our estimates and reflect the fact that for Valley-wide attainment, an additional 180 tpd of VOC reduction only increases the NO_x carrying capacity target by 20 tpd. The District provided ISSRC with a spreadsheet with the corrections mentioned above.

L.2 COMMENTS RECEIVED DURING THE FINAL 30-DAY PUBLIC COMMENT PERIOD

Comment period held from March 8, 2007 through April 6, 2007

Comments were received from the following people and organizations:

Cari Anderson Consulting/SJV COGs (COG)

Earthjustice (EJ)¹, on behalf of:

Sierra Club, Latino Issues Forum, Medical Advoates for Healthy Air,
Environmental Defense, the Steven and Michele Kirsch Foundation, Fresno
Metro Ministry

Pilkington North America (PNA)

Saint-Gobain Containers, Inc (SGC)

Southern California Gas Company (SoCalGas)

Classification

1. **Comment:** With the federal ozone implementation rule currently vacated by the D.C. Circuit Court of Appeals, the need to seek an “extreme” nonattainment classification for ozone is unclear. (PNA)

Response: The court decision vacated the *Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard – Phase 1* (69 FR 23951-24000). Nonattainment designations were not part of Phase 1, but a separate rule: *Air Quality Designations and Classifications for the 8-hour Ozone National Ambient Air Quality Standards* (69 FR 23858-23951), effective June 15, 2004. Section 172(b) of the Clean Air Act requires plans to be submitted within three years of the date of the nonattainment designation. EPA has requested rehearing on the Phase 1 decision and has urged air districts to move forward on attainment plans and observe the June 15, 2007 deadline.

2. **Comment:** We have concerns with the District seeking an extreme classification. We oppose a strategy that seeks future emission reductions regardless of the availability of proven emission control technologies and/or cost-effectiveness. (PNA)

Response: Extreme is the only legal option for the District. Please refer to the Executive Summary, starting on page ES-12, as well as Chapter 11, Section 11.2.

Control Measures

3. **Comment:** Appendix I (S-COM-7): The candidate control measure for container glass furnaces has been amended since the January 29, 2007 draft of the plan. Several comments were received that expressed concerns about the feasibility, cost, and implementation timing of the listed control options. (SGC) (PNA)

Response: The listed control options include those received during previous comment periods and do not necessarily reflect the future rule requirements. During the rule development process, staff will consider feasibility, cost, and implementation schedules.

¹ Earthjustice comments were based on the January 29, 2007 draft of the plan.

4. **Comment:** Appendix I (S-COM-7): The District should consider adopting a standard that allows for averaging of emissions on a facility-wide basis. Since the number of affected facilities is so small, the District should consider negotiating individual emission reduction goals with each manufacturer to obtain greater emission reductions. (SGC)

Response: Staff does consider individual facility conditions, but pursuant to the Governing Boards' Rule Development Procedure, any rule must be developed in a public setting, not through private negotiations, and must apply equally to similar operators to avoid any unfair competitive advantage.

5. **Comment:** Appendix I (S-COM-7): It is not clear whether the District has already calculated the reductions from implementation of the existing rule requirements for container glass furnaces (Rule 4354), which will become effective in 2008. (SGC)

Response: All rules that were adopted before May 2005, including Rule 4354, have been incorporated into the emissions inventory in Tables B-3 and B-4.

6. **Comment:** Appendix I (S-COM-7): Since glass melting furnaces' existing reductions meet the goal previously set for our industry in the initial proposal, the District should not seek further reductions from the existing glass furnaces through rule amendment. The District's implementation authority is or should be restricted to requiring RACT/RACM at local sources, not BACT. (PNA)

Response: State law requires the District to implement all feasible control measures. Federal RACT/RACM levels are the minimum controls required by federal law for nonattainment areas. Nonattainment areas must often develop more stringent regulations to demonstrate compliance with the ambient air quality standards.

7. **Comment:** Appendix I (S-SOL-6): The requirement to use certain adhesives and/or primers in a production process is sometimes mandated to comply with government safety requirements, in addition to customer specifications. The process for substituting materials with lower VOC contents may not be possible. The District should allow flexibility to use materials linked to other regulatory requirements even if the VOC concentration is above the targeted limit. (PNA)

Response: Issues with product safety can be addressed during rule development.

8. **Comment:** Appendix I (S-SOL-6): Increasing the control efficiency of VOC control devices for solvents by 10% would require retrofitting and, in some cases, might prove unworkable. Retrofitting is expensive in relation to the modest overall reductions in VOC emissions. (PNA)

Response: The listed control options include those received during previous comment periods and do not necessarily reflect the future rule requirements. During the rule development process, staff will consider feasibility and cost.

- 9. Comment:** Appendix I (S-COM-1): In addition to the financial investments already being required to meeting existing Rule 4306, the District is proposing to require operators to make yet another substantial investment in SCR or SNCR, which is projected to achieve minimal emissions reductions. The District should only consider control measures that demonstrate reasonable cost effectiveness. (SoCalGas)

Response: The listed control options include those received during previous comment periods and do not necessarily reflect the future rule requirements. During the rule development process, staff will consider cost effectiveness.

- 10. Comment:** Appendix I (S-COM-2): The District should form a working group made up of industrial and commercial operators, utilities, and equipment manufactures to assess technologies and to identify reasonable timelines and emission limits that could be successfully applied to this equipment segment. Many smaller business and schools use boilers in this size range and could be significantly impacted by product/technology costs. (SoCalGas)

Response: We invite participation and input from all stakeholders during rule development, but working groups can sometimes be exclusionary. The indicated control measure is listed as an incentives measure that will probably focus on assisting the schools in replacing their older boilers with newer gas or electric boilers.

- 11. Comment:** Appendix I (S-COM-10): Application of low NOx burners to central residential furnaces may increase costs substantially. The District should meet with furnace manufactures, furnace distributors, installing contractors, local utility companies, consumer groups, and other key stakeholders to develop realistic objectives and timelines for this control measure. (SoCalGas)

Response: We invite participation and input from all stakeholders during rule development, but working groups can sometimes be exclusionary. The listed control options include those received during previous comment periods and do not necessarily reflect the future rule requirements. During the rule development process, staff will consider feasibility, cost, and implementation schedules.

Other Comments on the March 15, 2007 Draft

- 12. Comment:** In Tables 11-1 and 11-2, the baseline adjustments should be divided into District and ARB adjustments as they are in Table 10-1. (COG)

Response: The District made this revision as suggested.

13. Comment: Please clarify the source of the 2005 and 2012 baseline adjustments. They do not appear to match Tables B-1 and B-2. (COG)

Response: The ARB values for 2005 were based on linear extrapolation of 2002 and 2008 data, and the ARB values for 2012 were based on linear extrapolation of 2011 and 2014 data. A clarifying footnote has been added to Tables 11-1 and 11-2.

14. Comment: Please indicate the source of the incentive reductions in Tables 11-1 and 11-2. (COG)

Response: A new Table 7-2 showing the incentives reductions has been added with text explaining how incentive reductions are calculated.

15. Comment: Please clarify how the source category percentages in section 11.5.3 were calculated. (COG)

Response: These percentages were based on Tables B-3 and B-4 values without baseline adjustments or reductions from the proposed strategy.

16. Comment: The COG's previous comment regarding Blueprint (#68 from the February 8 workshop and draft) was incorrectly summarized. Please correct. (COG)

Response: The comment has been corrected to indicate that Blueprint may be complete in time for inclusion in future District plans.

Comments on the January 29, 2007 Draft

Reclassification and attainment date

17. Comment: The District should not delay attainment, which would subject Valley residents to dangerous air pollution and economic losses of \$3 billion each year. The toll that ground level ozone pollution is taking on the Valley's public health and its economy demands resolute and immediate action. The District takes excessive advantage of flexibilities in the CAA and avoids opportunities to adopt necessary and innovative rules and strategies. An extreme nonattainment designation, while making it easier for the District and ARB to get an approvable plan, essentially serves as a deferral of agency responsibility, during which time the people of the Valley will continue to breathe dangerous levels of ozone pollution. (EJ)

Response: The District is projecting that attainment will be achieved as expeditiously as possible. As this plan is implemented, over 50% of the SJ

Valley will be in attainment by 2015, with over 90% reaching attainment in 2020. All of the District's control measures to reduce emissions under its authority will be adopted before 2013, so no deferral or delay of District authority exists. While the study by Hall et al. does estimate economic benefits of over \$3 billion/year for attaining the federal 8-hr ozone and PM2.5 standards, over 99% of this total is due to the benefits from attaining the PM2.5 standards. According to Hall et al., attaining the federal ozone standards in the SJ Valley would produce economic benefits of about \$33 million/year.

Public Involvement

18. Comment: Given the expansiveness of the draft plan and the many missing or vague elements, the District should offer more time for public review and comment. (EJ)

Response: The District held an additional 30-day public comment period after this comment was received. Including Town Hall meetings, workshops, and this noticed 30-day public comment period, the District has held over 15 weeks of public comment over the course of the development of this plan. While there have been different versions of the document to review, new drafts have built upon previous drafts. There will be further opportunities for public comment as the control measures are developed into regulations. Also, District staff has been and will continue to be available to answer questions from the public regarding the plan and its elements.

19. Comment: The draft plan is long and complicated with very little useful explanation or interpretation to help the public truly understand the document. It would be helpful if the District included cites of legal authority for the many legal standards and interpretations it puts forth in this draft plan. (EJ)

Response: The District has worked to make the plan as user-friendly as possible. The District has included legal citations when available and appropriate. If the commenter has questions regarding certain portions of the plan that lack sufficient legal citation, and if more specific comments can be made, the District will provide further documentation.

20. Comment: The responses to the public comments received on the drafts were inadequate. For many of Earthjustice's control measure comments, the District simply added each suggestion to a list of possible options to be considered at some future rule development stage as opposed to strengthening the commitments. There are a number of further reductions that can be found by further tightening the District's stationary source rules and by implementing operational use restrictions. (EJ)

Response: Control measure suggestions were added to the options list to ensure they are recorded. Suggestions will receive a more detailed, public review during the rule development process. The District cannot claim reductions credit for all suggestions since some may prove infeasible or contradictory to those received from other commenters. The final emission

reductions are recalculated when a rule is adopted, and those emission reductions will be included in future plan updates.

Clean Air Act Requirements

21. Comment: As Earthjustice previously commented, the District's RACT analysis is inadequate. The District must prepare a complete analysis of sources down to ten tons per year showing how the required controls compare to approved RACT controls in other areas and should evaluate how RACT for each source has changed since the 2003 All Feasible Measures Report. (EJ)

Response: Should the Governing Board authorize the APCO to request a reclassification, the District will be directed to revise the RACT SIP analysis by a specific date. Because the Valley was previously classified as Extreme under the one-hour ozone standard, the District has already revised our rules to reflect a 10-ton-per-year RACT level. Revising the analysis will be primarily an administrative action to satisfy Federal requirements and would not result in additional reductions.

22. Comment: FMVCP has not been subtracted from RFP in the draft plan as required. (EJ)

Response: The District listed the FMVCP as zero under the direction of ARB. The District has forwarded this comment to ARB for clarification in their plan.

23. Comment: RFP appears to depend on state measures on to which ARB has not yet committed. (EJ)

Response: RFP has been revised, and state measures are no longer included.

24. Comment: Especially since the Valley has two major transportation routes (Highway 99 and Interstate 5), the District should work with the state to develop a concerted traffic control plan to address periods of high traffic congestion. (EJ)

Response: The presence of major transportation routes does not by itself justify the need to develop a traffic control plan. Section 182(e)(4) of the federal Clean Air Act says that state implementation plans for extreme areas may contain provisions that establish traffic control measures during heavy traffic hours to reduce the use of high polluting vehicles or heavy-duty vehicles, notwithstanding any other provision of law. While such measures are of interest in large urban areas that experience widespread and prolonged traffic congestion during morning and afternoon commute hours, they would be of limited value in the Valley due to the much shorter duration and spotty locations of traffic congestion during commute hours.

25. Comment: RACM for transportation sources must also be included in the draft plan for public review. (EJ)

Response: RACM for transportation sources was included in Appendix C of the version of the plan dated March 15, 2007 (posted March 8, 2007). The comment period for this version of the plan concluded on April 6, 2007. In May, another 30 day public comment period will occur with ARB's adoption of the District's Plan

into the State Implementation Plan providing, once again, another opportunity for public comments on RACM included in Appendix C.

26. Comment: The District's assessment of contingency measure requirements (page 11-10 of the 1/29/07 draft) is misleading. If an area ultimately fails to attain the standard, the "excess reductions" (excess of RFP) being used for contingency are meaningless, since the control strategy achieving those reductions has evidently failed. The reductions projected to be in excess of RFP requirements should give the District confidence that the contingency measures will not be needed but must not act as an excuse for failing to adopt contingency measures. (EJ)

Response: As noted in the Plan, the District's emission control strategy leaves no stone unturned in terms of finding and implementing emissions reductions for sources under its authority to control. As a result of this aggressive strategy, emission reductions that improve air quality are put into place as expeditiously as practicable to protect public health. The District believes that in the time leading up to the 2024 attainment date for extreme areas, public health would not be protected by identifying emissions reductions but delaying their implementation until after 2024. The result of this strategy is that the District has identified emissions reductions above and beyond those needed to meet the six RFP milestones for extreme areas. As noted in Chapter 11, new technologies not yet available are being monitored for their role in providing the necessary reductions to demonstrate attainment in the future; many of these same types of technologies may also be available for future contingency measures should they be needed for the attainment year.

Permitting and NSR

27. Comment: The District says that it adopted a revision to the NSR rule under the 1-hour extreme ozone plan setting the major source threshold at 10 tons per year, as required by the CAA. The District usually argues that rules adopted by the Board are implemented at the local level immediately and do not depend on EPA approval except for SIP credit. However, the District also says that because EPA never acted on the District's 1-hour ozone plan, the NSR rule revisions never went into effect. Because of the December 22 ruling on *South Coast AQMD v. EPA*, the District must maintain the extreme 1-hour major source thresholds. Section 182(e)(1) requires an extreme nonattainment area to establish offset ratios of at least 1.5 to 1 unless the plan requires all existing major sources in the area to use BACT. The District has not even successfully demonstrated RACT. (EJ)

Response: Because of the uncertainty in the future of the one-hour ozone standard at the time the District Board adopted the "extreme" version of our NSR rule, the rule included language that made the rule effective at the time of EPA approval. Subsequent to the District Board's adoption of our rule, but prior to EPA approving the rule, the one-hour ozone standard was revoked by EPA and replaced by the eight-hour standard, rendering the submittal mute. Therefore, the rule never took effect and was never implemented.

On the subject of the December 22 District of Columbia Circuit Court of Appeals ruling, we believe that taking any action on the basis of the original ruling would be premature. On March 22, 2007, EPA filed a petition for a rehearing by the full court, requesting clarification on a number of fronts. The District is following the issue carefully and will implement any requirements that are mandated by the eventual outcome of the case.

Black box

28. Comment: In the General Preamble for the Clean Air Act Amendments of 1990, EPA requires areas relying on long-term measures for attainment to draft a plan containing “backstop” measures that go into effect automatically and are sufficient to achieve all the reductions identified with each long-term measure for each year through the attainment year. However, the District does not have such backstops in place. (EJ)

Response: See response to Comment No. 10. The District has identified emission reductions above and beyond those needed to meet all federal requirements through 2023, and thus does have rule-based “backstop” reductions for all RFP requirements for an extreme area. Section 182(e)(5) of the federal Clean Air Act requires states to submit enforceable commitments to develop and adopt contingency measures that cover the magnitude of reductions expected from long-term measures. The federal Clean Air Act also requires states to submit these contingency measures to EPA no later than three years before proposed implementation of the long-term measures, so they are not required to be submitted at the time of this SIP transmittal.

29. Comment: The District must do everything it can to ensure that if the Valley is reclassified as extreme, reliance on “black box” emissions reductions are minimized and Section 182(e)(5) of the CAA is not exploited. The plan must contain schedules outlining the steps leading to final development and adoption of black box measures (according to EPA’s partial disapproval of South Coast’s 1997 ozone plan). Black box measures must be defined as specifically as possible; the long-term measures identified in Chapter 11 provide no specific commitment. (EJ)

Response: See response to Number 10. The District’s strategy is to attain the standards as expeditiously as practicable. The District plans to develop and adopt all control measures under its authority by 2013, the attainment date for the Valley’s initial classification of serious nonattainment. The District has identified and discussed Black Box measures in as much detail as is possible with currently available information. As more information becomes available on a given technology associated with long-term measures, the District will evaluate the information and consider it for implementation.

30. Comment: Future study measures, which the plan does not well define, should commit to more than a completion date for the feasibility studies. While the draft plan includes brief descriptions of various advanced technologies that the District

wishes to explore in the future, the plan fails to mention (1) whether there are readily-available resources to fund research and development of new technologies; (2) a projection of how much funding can be allocated to advanced technologies; (3) the source of such funding; or (4) that the District is definitively committed to the funding and implementation of measures. (EJ)

Response: The feasibility studies listed in the plan will be undertaken by District staff, according to the schedule in Chapter 6, and may serve as the basis for a future rule development projects, if warranted and approved by the Governing Board. At this time, sufficient information about these categories is unavailable, so the District cannot realistically claim emission reductions. The studies will fill in the information gaps and point to future opportunities. The District does not have the resources to embark on a meaningful, independent research program to generate new technologic breakthroughs and must rely on the private sector and market forces to advance control technology.

31. Comment: The draft plan must still contain a commitment to develop and submit contingency measures that could be implemented if black box measures are not developed or fail to achieve the promised reductions. (EJ)

Response: See response to Number 12. Chapter 11 notes that the District will identify contingency reductions for the long-term measures on a schedule consistent with federal Clean Air Act requirements.

Incentives

32. Comment: The District's proposal for incentive spending does not meet requirements for making the incentive plan SIP creditable. The incentive plan is not currently backed by real funding, and its contents do not assure that it will generate and guarantee reductions that are surplus, quantifiable, real, enforceable, and permanent. Chapter 7 is more of a rough draft. Given the concerns, it would be prudent for the District to commission a consultant with appropriate expertise to develop a spending plan. (EJ)

Response: Since the plan is an extreme plan, the District is not legally required to show existing funding for all measures. Furthermore, the District is not currently claiming SIP reductions for the incentive options where existing funding is not available. Measures not backed by existing funding are included to illustrate that the District is looking at all feasible measures and seeking funding to implement these measures. The incentive section of the plan will be used in the District's fund-raising process. When the funding is obtained, the District will develop a proposal to ensure that SIP creditable reductions are achieved, as appropriate. In developing this, the staff will base the program on existing incentive programs (e.g. Heavy-Duty Emission Reduction Program), which generates real, surplus, quantifiable, and enforceable reductions for the life of the projects. As noted in Chapter 7 of the Ozone Plan, "to ensure SIP creditability, disbursement of the funds would be based on protocols agreed to between ARB, EPA, and the District."

33. Comment: The incentive plan is not transparent. The District should produce cost-effectiveness tables for each of the scenarios considered so that comparisons can be easily made. In one case, the District does not recommend the most “cost-effective” approach. (EJ)

Response: In several of the control measures, the cost-effectiveness was shown. In all of the measures, the total costs and total reductions were shown, thus readers can calculate the cost-effectiveness. In determining the recommended scenario, staff considered cost-effectiveness, likely program participation, and feasibility. After this analysis, staff chose the most cost-effective feasible scenario. In the Combustion Ignited Agricultural Engine control measure, it may appear that the most cost-effective measure was not used. However, after considering the cost of line extensions (which were not included in the total cost estimates due to the variability of these costs), the most cost-effective scenario was chosen.

34. Comment: The District’s incentive plan should consider cost-effective retrofits as a viable option. There are good retrofit options for some engines, and more retrofit options should be commercially available in the next year or two. In the case of construction equipment, the District’s suggestion to entirely replace large, expensive equipment rather than retrofit illuminates the District’s lack of up-to-date information about retrofit potential and cost-effectiveness. (EJ)

Response: Currently, there are only two retrofit options for off-road vehicles that reduce NOx. These are only available for 1991 to 1995 Cummins 5.9 L off-road engines and specific 1996 to 2002 engines. There is testing being conducted to certify additional engines; however, this is a long and involved process that is conducted on an engine by engine basis. Staff does not believe it is appropriate to assume that these will be available in the next two years for a significant number of engine models. Furthermore, even if they are available and applicable to the vehicle’s engine, in many cases, retrofits are not feasible due to limited space in the engine compartment. Additionally, based on District experience, there is minimal interest in retrofits because they tend to increase the vehicle owner’s fuel and maintenance costs. Lastly, in some cases due to the engine placement and remaining life of the vehicles, it is more cost-effective to replace the vehicle than to install a retrofit, particularly when the cost of labor to install the devices is considered.

35. Comment: The District’s incentive plan should distinguish between those who can afford to invest (and who will be investing) their own funds in pollution reductions and those who cannot to help ensure that emissions gained through incentives will be surplus. The plan does not reveal the basis for the cost-share the District assigns to projects described in the proposed plan. (EJ)

Response: The cost-share estimates were based on best available data and the District’s experience in their rule development and grant programs. The District welcomes additional documentation demonstrating that specific sources can afford more or less of a cost-share.

AERO

36. Comment: AERO should be eliminated from the plan. The District must not allow sources to buy their way out of enforceable emissions reductions. (EJ)

Response: The Advanced Emission Reduction Options concept will produce enforceable emission reductions, and is critical to obtaining additional emission reductions from already tightly controlled sources. The concept will be applied judiciously with safeguards to ensure equivalent emission reductions are achieved while also protecting public health and ensuring environmental justice. The public will have opportunities to comment on the specific application of AERO as individual rules are developed.

General

37. Comment: Section 110(a)(2)(E) of the CAA requires plans to provide assurances that the District “will have adequate personnel, funding, and authority... to carry out such implementation plan.” The District has made no “adequate resources” demonstration in the draft plan. (EJ)

Response: The District has an annual operating budget in excess of \$30 million, with over 290 staff positions located in three locations throughout the Valley. Current District resources are adequate for carrying out the rulemaking provisions of this plan, and are also adequate for carrying out some of the incentive measures. As noted in Chapter 7 and the resolution accompanying the plan, should major increases in incentive funding occur, the District would allocate additional resources for program implementation (see also the Fiscal Impact section of the Governing Board item accompanying this plan). Historically, the District has sought and received increased resources for major new program assignments (e.g., California’s removal of the exemption of agricultural sources from some air pollution laws). The District’s authority stems from Part 3 of the California Health and Safety Code (CH&SC 4000--40162).

38. Comment: The District should remove all references to attainment of the old PM2.5 standard. The Valley never attained the PM2.5 standard, and just days after issuing a public statement declaring PM2.5 attainment, the Valley experienced a terrible PM2.5 episode and violated the standard multiple times. (EJ)

Response: The federal 24-hour PM2.5 standard is based not on the number of days with PM2.5 levels above the level of the standard ($65 \mu\text{g}/\text{m}^3$, based on the 1997 version of the standard), but instead is based on the 3-year average, 98th percentile of 24-hour PM2.5 levels. The 1997-version of the PM2.5 standards are those to be addressed by the *2008 PM2.5 Plan*, although EPA revised the standard in 2006. The Valley attained the 1997-version of the 24-hour PM2.5 standard (but not the annual PM2.5 standard) in 2004 and 2005. Preliminary data for 2006 indicates that the Valley is no longer within the level of the 24-hr PM2.5 standard, so references to PM2.5 attainment have been removed from the plan.

L.3 COMMENTS RECEIVED FROM EPA ON JANUARY 29, 2007 DRAFT

- 1. Comment:** Modeling documentation, conformity budgets, RACM, and Weight-of-Evidence analysis should be included. Otherwise, the District is not meeting federal requirements.

Response: Please see Appendix F for modeling documentation and weight-of-evidence, and see Chapter 9 and Appendix C for conformity budgets and RACM. The District meets federal requirements with the information in these Appendices.
- 2. Comment:** Please show that the following CAA requirements have been met: RACT at 10 TPY, NSR, clean fuel for boilers, transportation, and VMT/trip offset.

Response: Chapter 2 has been revised accordingly.
- 3. Comment:** The final draft should include modeling documentation, protocols, weight of evidence, background concentration, and Volume 1 (cited in Appendix F)

Response: Please see Appendix F of the District's plan for the information requested. The next version of the *Air Resources Board's State Strategy for California's 2007 State Implementation Plan* may include further information on this topic; ARB released a draft version of the *State Strategy* on January 31, 2007. The release of the next version is expected to occur in the coming months. ARB will adopt this *State Strategy* in conjunction with their approval of the District-adopted *2007 Ozone Plan*.
- 4. Comment:** EPA has several comments pertaining to District incentives: discussion of future incentive programs, backstop measures, periodic reviews, on-road/off-road aggregation, and federal enforceability.

Response: Chapter 7 has been revised and Appendix Q has been added to reflect these changes. At this point, the District is not taking SIP credit for these programs. Chapter 7 is an action plan in progress, and it includes the best estimates of possible emissions reductions that can be achieved from potential, future funding.
- 5. Comment:** Please submit documentation describing the methodology for setting FMVCP to zero.

Response: The District has requested that ARB work with EPA to resolve this issue.
- 6. Comment:** Please include a summary of VOC emission reductions in Chapter 11, and please correct Table 11-1 for consistency with Appendix B.

Response: Table 11-1 has been corrected, and Table 11-2 has been added to show VOC reductions.
- 7. Comment:** Conformity budgets and motor vehicle emission budgets must be included in the final plan.

Response: Please see Appendix C and Chapter 9 for this information.

- 8. Comment:** Please show how emissions reductions that contribute to RFP were derived.

Response: Chapter 10 has been revised to show that RFP is achieved with emissions reductions from rules and programs that have already been adopted.

- 9. Comment:** We suggest providing more specific information for long-term measures.

Response: Table 6-2 shows the District commitments for feasibility studies. The District expects that these studies will generate rule adoption schedules and possible emissions reductions. Study reports will be released by the dates listed in Table 6-2, and these reports may recommend a future amendment to the regulatory implementation schedule to include those additional measures identified as fruitful.

- 10. Comment:** Attainment designations are made by geographic area, not by monitoring site.

Response: The text in Chapter 3 has been revised to indicate that although some sites will be within the standard before others, all sites in the Valley must be within the standard for the Valley to be redesignated into attainment.

- 11. Comment:** Please describe the process for reviewing controls and selecting stringent controls with aggressive implementation schedules. How does the rule development schedule meet the “expeditious as practicable” requirement? Why do some rules in the rule schedule have no corresponding emission reductions?

Response: The process for evaluating control measures is complex, and it depends on several variables. A cost effectiveness ranking has been added to Appendix E. Other information on control measure evaluation can be found in Section 6.2.1 and Appendices H and I. The District is working to ensure that rules are adopted as expeditiously as practicable by adopting all new measures currently identified by 2012. Rules that do not result in reductions in the emissions inventory are being pursued to create a backstop to ensure that the emissions inventory doesn't increase. In some cases, the emissions inventory for particular sources are not well understood or do not exist yet. IND-14 is a commitment from the 1-hr ozone plan that the District is required to develop as a requirement from the 1-hour ozone anti-back sliding requirements.

- 12. Comment:** How are emissions reductions from incentives being credited towards RFP or attainment?

Response: Emissions reductions from incentives are not included in RFP or the attainment demonstration. Please see the updated Tables 10-1, 10-2, and 11-1.

- 13. Comment:** Please elaborate on the following incentive program issues: emissions reductions calculation methodology, the conclusion that funding from certain sources are secured, incentive program protocols, ensuring scrapped

vehicles don't return to service in the District, ensuring that mobile reductions occur within the District, and how future incentive programs are identified, evaluated, and selected.

Response: Chapter 7 has been revised accordingly.

14. Comment: Please confirm that no emission reduction credit will be taken for the measures in Chapter 8 (Innovative Strategies and Programs), other than employer trip reduction. Please refrain from using the term "alternative compliance."

Response: There are no references to "alternative compliance" in the current version of the plan. No emissions reductions beyond employer trip reduction are being quantified for credit in Chapter 8. Chapter 8 is clear on this issue.

15. Comment: Page 9-2 should be revised since there are no conformity budgets in this plan. The RACM analysis is also missing.

Response: The conformity budgets and RACM have been included in Chapter 9 and Appendix C.

16. Comment: Please recalculate RFP without reflash, and reconcile reductions from known incentives.

Response: Reflash was incorporated as directed by ARB (please see table B-2). Incentive reductions were removed from the RFP demonstration.

17. Comment: Please include a ROG summary table in Chapter 11. Chapter 11 refers to the RFP chapter as Chapter 9, although it should be Chapter 10. Be as specific as possible in describing 182(e)(5) measures. Please note that contingency measures must be adopted no later than 3 years before the year preceding the attainment year.

Response: A ROG/VOC summary table has been added as Table 11-2. The RFP chapter reference has been corrected. Measures being considered for 182(e)(5) are as specific as possible at this time (please see response to EPA comment number 9). Since they are not used in the RFP calculation, all the measures in Table 6-1 can serve as contingency, and all of these will be adopted well before 2019.

L.4 VERBAL COMMENTS, FEBRUARY 8, 2007 PUBLIC WORKSHOP ON THE DRAFT 2007 OZONE PLAN

Approximately 96 people in attendance (32 Fresno, 53 Bakersfield, and 11 Modesto)

39. Comment: The District needs better communication with ARB for regulations to ensure that VOC reductions do not result in an increase in NOx reductions. United Pallet Services, for example, will likely increase their NOx emissions as they comply with VOC rules.

Response: The District continues to make every effort to collaborate with other regulatory agencies, such as ARB, regarding overall control strategies to prevent and resolve any potentially conflicting situations. The District is working with the stakeholder to resolve this issue.

40. Comment: An audited Smog Check program would present a good opportunity to improve automobile performance.

Response: Comment noted.

41. Comment: Was the modeling work completed for this plan the first 8-hour ozone effort? Are the isopleths emphasizing NOx control new?

Response: The modeling completed for this plan, the result of several years of work, is the first effort to model 8-hour ozone in the San Joaquin Valley. The isopleths emphasizing NOx control are a recent product of this effort.

42. Comment: Stricter standards on chemicals are important to public health, but authority is shared with the counties. It would be good for the District to increase communication with the counties' Environmental Health Directors and Ag Commissioners.

Response: The District works closely with key stakeholders throughout the Valley. We inform County Health Officers of key air quality issues through email and work to educate stakeholders through presentations before City Councils, Boards of Supervisors and other community groups and organizations.

43. Comment: Short sea shipping (with ships built in San Diego) is being successfully implemented in Alaska. The District should get involved so that it can be done here.

Response: It is a further study measure.

44. Comment: The City of Arvin is investigating ways to improve land use, and they would like to work with the District and ARB. There should be incentives available to cities looking at smart growth. Consider community pollution credits so money can be used where resources are limited.

Response: The District will work with the City of Arvin to assist in developing methods for improving land use strategies.

45. Comment: Nobody wants to do to Extreme. However, it is understandable that Extreme is the only administrative option.

Response: Comment noted.

46. Comment: It is important that studies such as CRPAQS and CCOS are supported.

Response: The District concurs and has been an active partner in these studies.

47. Comment: The District should meet with Developers to encourage the use of solar panels.

Response: The District's ISR rule credits all types of construction and building techniques that reduce the impact of new developments in terms of pollutant emissions. For example, providing outdoor electrical outlets that are used in conjunction with electric lawn and garden equipment are considered as mitigation techniques. Solar panels reduce the demand on the electric grid, which results in fewer emissions from power plants. This is well known to developers and has been increasingly integrated in new housing construction. The use of solar panels is also being promoted by a state program to install 1 million of these units in California (Million Solar Roof Project).

48. Comment: The health impacts to young children are too great to allow for the District to step-up to Extreme. Clean air is a moral issue. We can't move slowly. The health impacts during lung development are permanent. More than ½ million Valley residents have asthma, and even people without asthma are affected.

Response: Public health is a primary consideration for the District. As this plan is implemented, the ambient ozone concentrations will decrease dramatically over time in all areas of the Valley. All Valley residents will experience cleaner air quickly and continually. The District is only considering a step-up to extreme because it is the only legal option under the clean air act. The technologies for achieving reductions necessary for any other attainment status do not exist at this time.

49. Comment: Why do dairies continue to be approved?

Response: Land use decisions, including the approval of new dairies, are under the authority of cities and counties. Any dairy in the San Joaquin Valley will be subject to District regulations.

50. Comment: If residents have to do Smog Checks for their vehicles, regulations on businesses should have to be enforced too.

Response: The District's Compliance Department is dedicated to the enforcement of District regulations.

51. Comment: The District should consider the Alternative Plan. Some commenters noted that the Alternative SIP has a lot of problems.

Response: District staff has conducted a thorough analysis of the Alternative SIP and its proposed control measures for potential emissions reductions and potential inclusion in the District's *2007 Ozone Plan*. Please see Appendix P for the complete analysis.

52. Comment: The District should have done more to show where and how incentive funds would be spent. Retrofits have been rejected, but the District has not shown why. The District should consider seeking outside help to refine its incentive strategy.

Response: The District already funds on-road heavy duty vehicle retrofits and has funded almost \$3,000,000 in the last year alone. The District is considering contracting with a consultant to assist in a retrofit incentive strategy.

53. Comment: The District should consider outside air purifiers.

Response: Comment noted.

54. Comment: The AQI needs to be adjusted to better protect and inform people.

Response: EPA generally defines 100 AQI at the level of the NAAQS. Anytime EPA changes a NAAQS, the AQI is modified to reflect the new NAAQS. Congress required EPA to establish a uniform, nation wide program that reports air quality. EPA does not allow states or agencies to modify the numerical value (See CCA 319, 40 CFR Part 58.50, and 40 CFR Part 58, Appendix G). The general purpose of the AQI is that an individual can go to anywhere in the country and know what the AQI means.

55. Comment: The District should still reduce VOCs.

Response: The District is still pursuing VOC reductions to help bring some portions of the San Joaquin Valley earlier than would otherwise be possible.

56. Comment: We need more regulations on cars.

Response: Comment noted. ARB has regulatory authority over mobile sources and propose additional measures for on-road and off-road mobile sources. Please see Chapter 9, Table 9-1 for the additional measures proposed by ARB. The District is also proposing a control measure in this Plan that will indirectly impact mobile sources by addressing the vehicle miles traveled through an Employer Trip Reduction measure. For additional information on that measure please see Chapter 8, Section 8.2.3 of the Plan.

57. Comment We need more inspectors.

Response: The District has steadily increased inspector staffing levels since the inception of the District in 1992. At the start of the District, there was 11 field staff. Today, there are 66 Senior Inspectors, Inspectors I, Inspectors II, and Air Quality Field Assistants who conduct field investigations for the District. As there has been a need for additional inspectors, the District has been responsive to requests. Continued improvements in technology and work efficiencies will allow us to meet the demand of expected work increases for the upcoming fiscal year with existing staff.

58. Comment Builders should have to inform people on the dangers of living here with proper product labeling.

Response: Comment noted.

59. Comment ISR and the school bus rule can be strengthened.

Response: Chapter 8, Section 8.2.7 discusses the District's ISR commitment to explore all possibilities of gaining additional emission reductions pending any

limitations from current litigation. The school bus rule was recently adopted, September 2006, and is an aggressive regulation addressing both NOx and toxic PM from diesel school buses. The effects of Rule 9310 will be seen in the next few years. In 2006 alone, the District has replaced 101 pre-1977 diesel school buses and has retrofitted and additional 123 diesel school buses with diesel particulate matter controls. The rule requires the replacement of the oldest buses first and requires school bus operators to purchase the cleanest engine standard at the time of purchase. The rule requires that all school buses be cleaner by 2016.

60. Comment: Regulatory costs and economic feasibility are of paramount concern. Farmers and growers want to make good choices with economics in mind.

Response: Comment noted. Any proposed rulemaking undergoes cost effectiveness and socioeconomic analyses so that policy makers can make informed decisions regarding potential economic impacts to the valley's economy.

61. Comment: There are numerous funding obstacles that need to be overcome.

The District collects ISR money, but it can't be spent because of lawsuits. ARB says certain equipment can't be retrofitted. The federal government is not doing enough – the DERA (Diesel Emissions Reductions Act) not funded. All these funds could be used to achieve reductions now. Ag has shown successful use of incentives.

Response: Comment noted.

62. Comment: Is Table 6-1 prioritized?

Response: It is a rulemaking schedule, ordered by adoption date. The amount of reductions, technological availability, and the date of the most recent rulemaking effort were all considered as this list was prioritized.

63. Comment: Why have rules with zero reductions been included?

Response: Some of these are commitments from the 1-hour ozone plan, some may have small emissions reductions, and others may prevent increasing emissions later.

64. Comment: The District needs better outreach. Meetings should be in the evenings. The Executive Summary should be translated into Spanish.

Response: The District produces outreach materials and advertising campaigns in multiple languages and encourages public participation by all Valley residents. The District provides easy to understand summaries of documents of interest and will provide translation of those documents when possible upon request. The District is providing a Spanish version of the Executive Director's Letter to the Community that accompanies this plan and summarizes the key elements.

65. Comment: Why are businesses and agriculture offered incentives but incentives are not offered for citizens to buy newer less polluting automobiles?

Response: The District is proposing to provide extensive funding to allow citizens to purchase newer less polluting automobiles; please see Chapter 7 of this Plan.

66. Comment: ARB need to be encouraged to allow Moyer funds to cover full replacement of equipment.

Response: Comment noted.

67. Comment: We provided lots of comments during the development of this plan, but have not received acceptable responses.

Response: The District includes a summary of all comments received in Appendix L, which also includes the District's responses to those comments.

68. Comment: The District needs to be more aggressive in their plan, specifically by removing exemptions, regulating idling on locomotives, and improving land use in cities and counties.

Response: The District completed a through analysis of existing District rules to assess additional opportunities for emission reductions, which also included an assessment of exemptions; this analysis can be found in Appendix H and I. Chapters 7 and 8 of the District's Plan discuss several innovative strategies and programs to achieve reductions from sources that are not traditionally under the District's direct authority such as mobile sources and land use or local agency planning. Please see those chapters for the programs and strategies proposed and suggested.

69. Comment: The school bus rule is not being implemented quickly enough, there are still many old school buses on the road

Response: The school bus rule was just recently adopted, September 2006, and is an aggressive regulation addressing both NOx and toxic PM from school buses requiring the replacement of the oldest buses first and requiring the cleanest engine at the time of purchase. Buses are being replaced as quickly as possible. Please see the response to Comment #21 for additional information on progress made during 2006 in replacing and retrofitting school buses.

70. Comment: More operational restriction need to be implemented on sources like lawn equipment and recreational vehicles.

Response: Comment noted. ARB has regulatory authority over mobile sources and can propose additional measures for on-road and off-road mobile sources. Please see Chapter 9, Table 9-1 for the additional measures proposed by ARB. Operational restrictions may be a consideration for the Expanded Spare-The-Air Efforts discussed in Chapter 8, Section 8.2.2 of the plan.

71. Comment: The health care cost of extreme designation exceeds the business costs. Extreme is morally and fiscally irresponsible.

Response: In considering public comments received thus far, reviewing plans and control measures from other air districts, and completing an exhaustive

analysis of all sources of smog-forming emissions in the San Joaquin Valley, the District has left no stone unturned in developing this plan. As a result, the *2007 Ozone Plan* presents a far-reaching strategy that will significantly reduce smog-forming emissions and ensure that all Valley residents can experience air that meets the federal standards for 8-hour ozone as soon as possible.

Under this plan, over 50 percent of the Valley's population will see attainment of the 8-hour ozone standard in 2015, with over 90 percent reaching attainment in 2020. The remaining 10 percent is expected to come into attainment after 2020 and before 2023. All Valley residents, however, will benefit from measurable improvements in air quality quickly with steady progress towards cleaner air over time.

The Hall Study reports that the economic benefits of meeting the federal standards for both PM2.5 and ozone in the valley could save the Valley more than \$3 billion in health care and related costs annually (2005 dollars). In Table V-1 of the Hall's study, the total cost of health impacts from ozone is estimated at \$32.64 million annually, and Table V-2 shows the total cost of health impacts from PM2.5 to be approximately \$3.2 billion annually (Hall 2006). The deadline to attain the PM2.5 standard is 2015, so the total health cost of air pollution will decrease dramatically by 2015 to no more than \$32.62 million annually.

72. Comment: The public needs to see CEQA documentation as soon as possible.

Response: The District's Initial Study and Proposed negative declaration was made available on February 21, 2007. It is available on this District's website at http://www.valleyair.org/Workshops/public_workshops_idx.htm. The public comment period on the CEQA document will end on March 28, 2007.

73. Comment: Workshops should be held in the evenings to allow for more public participation.

Response: The District has done extensive outreach to obtain public input throughout the development of this plan. A number of meetings were held, including 6 town hall meetings, 2 workshops and 2 of the town hall meetings were held in the community during the evening hours to encourage public participation. It has been the District's experience that workshops are much more heavily attended during the daytime hours.

74. Comment: A Spanish translator was requested for the Bakersfield office however this request was not addressed.

Response: The District works to provide interpretation at key District meetings upon request. The District received the request for the Bakersfield office and was not able to procure the equipment necessary for this service in the short timeframe given. The District is purchasing this equipment, so the District will have more interpretation flexibility in the future.

75. Comment: What is done with public comments?

Response: The District includes a summary of all comments received in Appendix L, which also includes the District's responses to those comments. The District also revises the plan accordingly when the District concludes that changes are appropriate.

L.5 WRITTEN COMMENTS, FEBRUARY 8, 2007 PUBLIC WORKSHOP ON THE DRAFT 2007 OZONE PLAN

Comments were received from the following people and organizations:

Agricultural Industry Group (AG):

Almond Hullers and Processors Association, California Cotton Ginners and Growers Association, California Citrus Mutual, California Dairy Campaign, California Grape and Tree Fruit League, Fresno County Farm Bureau, Kings County Farm Bureau, Madera County Farm Bureau, Nisei Farmers League, San Joaquin Farm Bureau Federation, Tulare Lake Resource Conservation District

United Pallet Services Inc. (UPSI)

Cari Anderson Consulting/SJV COGs (COG)

Sonny Barger (Barger)

California League of Food Processors (CLFP)

Center on Race, Poverty & the Environment (CRPE)

Domitila Lemus (Lemus)

Kern Oil & Refining Co. (KORC)

Lisa Kayser-Grant (Grant)

Refiners Council (RC)

San Joaquin Refining Company and Tricor Refining, LLC (SJR/TR)

Reclassification and Attainment Date

76. Comment: Reclassification to extreme is the best of several unappealing choices (CLFP).

Response: Comment noted.

77. Comment: Delaying attainment beyond the current statutory deadline of 2013 is unacceptable for reasons of human health, agricultural loss, and environmental degradation. Although new regulations can be costly, residents are already paying the costs in health effects (Grant, CRPE).

Response: The current statutory deadline as specified by EPA was based on peak ozone concentrations; it does not reflect the challenge of the many days over the 8-hour ozone standard in the Valley. In considering public comments received thus far, reviewing plans and control measures from other air districts, and completing an exhaustive analysis of all sources of smog-forming emissions in the San Joaquin Valley, the District has left no stone unturned in developing this plan. As a result, the *2007 Ozone Plan* presents a far-reaching strategy that

will significantly reduce smog-forming emissions and ensure that all Valley residents can experience air that meets the federal standards for 8-hour ozone as soon as possible. The District is only considering a step-up to extreme because it is the only legal option under the clean air act. The technologies for achieving reductions necessary for any other attainment status do not exist at this time.

Under this plan, over 50 percent of the Valley's population will see attainment of the 8-hour ozone standard in 2015, with over 90 percent reaching attainment in 2020. The remaining 10 percent is expected to come into attainment after 2020 and before 2023. All Valley residents, however, will benefit from measurable improvements in air quality quickly with steady progress towards cleaner air over time. Also, the deadline to attain the PM2.5 standard is 2015, so the total health cost of air pollution will decrease dramatically by 2015.

78. Comment: To help ensure earlier attainment, the District should persuade the Air Resources Board to commit to implement mobile and consumer product regulations earlier than currently planned. The District should demand that ARB adopt more stringent NOx controls from on-road mobile sources, especially heavy-duty diesel trucks and off-road mobile agricultural and construction equipment (CRPE).

Response: The District concurs; the path to attainment is in reductions of NOx emissions of which 70%+ are from the mobile source categories. ARB is acutely aware of the need for NOx reductions from sources under their jurisdictional control. The ARB is workshopping their Statewide Strategy in March of 2007 and public comments can be made on their planned reductions. Please see www.arb.ca.gov <<http://www.arb.ca.gov>> for the dates of their plan workshops.

Alternative SIP

79. Comment: Please review ISSRC's alternative plan and amend your plan accordingly (Grant, CRPE).

Response: The District has undertaken an extensive review of the Alternative SIP proposals. The acceptance of alternative SIP suggestions is contingent on technical feasibility, economic impacts, and State/Federal Clean Air Act legal requirements, which the District is mandated to follow in submitting an approvable state implementation plan. Please see the District's response to the Alternative SIP in Appendix P.

CEQA

80. Comment: The California Environmental Quality Act (CEQA) requires that the District analyze the Plan's significant environmental effects. The District prepared Environmental Impact Reports (EIR) for previous plans, which is consistent with CEQA because the plan may significantly impact the environment. A negative declaration is inappropriate (CRPE).

Response: Historically, the District has prepared Environmental Impact Reports (EIRs) on only a few of its plans; by far the bulk of the District's CEQA compliance for plans has been done with negative declarations and in some cases notices of exemption. The District's most recent plan-related EIR was prepared for the *Extreme Ozone Attainment Demonstration Plan* in 2004; this EIR identified no significant environmental impacts from the District's plan, and no public comments were received on the Draft EIR. The District is complying with the California Environmental Quality Act (CEQA) for the *2007 Ozone Plan*. On February 21, 2006, the District issued for public comment a proposed Negative Declaration for the *2007 Ozone Plan*. The District's analysis of the *2007 Ozone Plan* in its Initial Study showed no significant environmental impacts; consequently the proposed negative declaration appears to be the appropriate CEQA document for the 2007 Ozone Plan.

81. Comment: The District's 2/21/07 CEQA notice said that the Initial Study/Negative Declaration would be available on the District's workshops page on 2/21, but as of 2/26, it was not. The District needs to post the document and extend the comment period to allow for public review and comment (CRPE).

Response: The District's Initial Study/Proposed Negative Declaration was available to the public on February 21, 2007. The Governing Board hearing for the 2007 Ozone Plan has been rescheduled for Monday, April 30, 2007. Additionally, the CEQA document comment period has been extended to Wednesday, March 28, 2007. The CEQA document is available at http://www.valleyair.org/Workshops/public_workshops_idx.htm

Permitting

82. Comment: Collectively, we do not support the move from Severe designation to Extreme non-attainment designation because of the added burden that will be placed on farming operations. The major threshold for Title V permits will be reduced from 25 tons per year to 10 tons per year, and sources with 5 tons or more of emissions will require a District permit per SB-700. We oppose moving to extreme because the added load in regulation will be placed on farming operations and will not result in any air quality reductions. (AG)

Response: In our aggressive pursuit of the earliest possible attainment date for all Valley residents, we have discovered that today's technology and the promised new technologies on the horizon cannot bring about all of the reductions that the Valley needs, even if money were no object. While disheartening, this dilemma leaves us no choice but to step up to the "Extreme" non-attainment designation as allowed for in the federal Clean Air Act. The District recognizes the impact that permitting has on regulated sources of air pollution, and we have a reputation for working hard to minimize those impacts while ensuring compliance with air pollution regulations. We have developed ag-friendly application forms and Web-based agricultural emissions calculation tools. We have joined with ag industry representatives in over 50 workshops to help agriculture understand air regulations and assist them with filling out application

forms. We have been working with the agriculture industry on these efforts for a number of years now, and will continue to develop streamlined, efficient, and effective mechanisms to help agriculture comply with air pollution regulations.

Control Measures

83. Comment: United Pallet Services is currently being asked to take measures that would increase air pollution. Specifically, the District has suggested that the limited painting work that United Pallet conducts be done in a spray booth. Use of a spray booth would increase the use of forklifts and other internal combustion devices move in and out of the spray booth and to storage. Our calculations indicate that the use of a spray booth would decrease PM10 emissions by 2.23 pounds per day, while increasing vehicle emissions by 47.7 pounds per day. It makes little sense to decrease PM10 emissions at the cost of significant amount of NOx emissions. United Pallet Services, because of differing jurisdictions, is being required to slightly decrease PM10 emissions for a District regulated source while significantly increasing NOx emissions from ARB regulated sources. It is requested that the District as part of the 2007 Ozone Plan:

- a.) Consider the total impact of the requested action on all emissions before it undertakes actual requirements
- b.) Give consideration to the overall good to the air basin and what should be complementary overall goals of all the regulators
- c.) Coordinate efforts with other agencies such as the ARB to arrive at efficient and effective actions that benefit the air basin as a whole (UPSI)

Response: The District will continue to work with United Pallet Services resolve their current permitting issues with common-sense applications of the required rules and regulations. In addition, we plan on taking advantage of any future opportunities to modify existing regulations to prevent conflicts between the intent of the rule and the results of implementing the rule. Finally, the District continues to make every effort to collaborate with other regulatory agencies, such as ARB, regarding overall control strategies to prevent and resolve any potentially conflicting situations.

84. Comment: We support the Districts efforts to work with the agricultural industry to locate viable alternatives to open burning. It is important that alternatives to disposing of wood waste are readily acceptable and economically viable. We look forward to working together on this rule. (AG)

Response: Comment Noted.

85. Comment: It would be premature and problematic to lower the current threshold outlined in District Rule 4570 (Confined Animal Facilities. Future research efforts should aim to set the emission factors for animals on average breed weight as opposed to housing types. The California Dairy industry would oppose any efforts by the District to set a percentile as it pertains to the amount of silage to be fed to animals. Silage is and will continue to be one of the most valuable tools

in maintaining a lower cost of production as it relates to government set prices. Well managed silage pits are as effective as silage bags, but are far less costly to producers. The dairy industry would oppose regulations that require the bagging of silage. (AG)

Response: These issues will be fully considered and explored during the rule development efforts for this control measure.

86. Comment: Orchard heaters are not used at all in the industry and when they were used years ago it was during the winter months, not during ozone season. We request that this item be removed from the plan as the items are not used and emission reductions are not warranted. (AG)

Response: Comment noted.

87. Comment: The 2007 Ozone Plan notes a source in Monterey County that uses capture and control systems on its fumigation chambers. This may be feasible for large operations that can justify the associated cost because of the high volume of fumigation that is conducted, however in the San Joaquin Valley most facilities operate fumigation chambers only for export market requirements. Most facilities perform quarantine treatment on relatively small volumes in comparison to total production. If the District plans to conduct a future study on fumigation chambers, the agricultural community would request to participate to ensure that California producers are not placed in a non-competitive arena to other agricultural producing states. (AG)

Response: Feasibility studies will fully examine the source category emissions inventory and any opportunities for emissions reductions. The feasibility studies will engage the public and industry.

88. Comment: If the District plans to move forward in increasing the size of engines that can be regulated to less than 50 brake horse power, it is requested that the District conduct a survey to look at the economic factors. Agricultural engines, especially smaller engines, are generally operated on a seasonal basis. Also, declaring that all engines should be electrified is not a feasible option. Most growing operations are located in rural and/or remote settings, which don't always have the needed power poles and lines established. Electrification would require a sizable investment to be made by the power companies and agricultural operations, and these costs should be shared with the District. In some cases transmission infrastructure upgrades would be necessary to handle the increased capacity. These issues should be addressed within District's CEQA documentation. (AG)

Response: Comment noted. As mentioned above, feasibility studies will fully examine the source category to include the suggestions recommended and it will also fully explore any opportunities for reductions. Feasibility studies will explore the emissions inventory and all reasonably available technology to achieve additional reductions. Should the feasibility result in a rulemaking effort that rulemaking will undergo CEQA.

89. Comment: The agricultural community is concerned with the proposed rule and limitations that would be imposed on green waste composting facilities. The emission levels listed in the 2007 Ozone Plan appear to be high and the methodology is used to calculate those numbers is questionable. The agricultural industry has few options in diverting wood waste that has been burned in the past. If stringent controls are put on the few green waste composting facilities in the District, it is assumed that the facilities will increase fees. The agricultural community would like to participate in examining a possible rule. (AG)

Response: All members of the public will have an opportunity to participate in all rulemaking efforts. The agricultural community is encouraged to participate in the rulemaking for green waste composting.

90. Comment: The District has revised the Farm Equipment section to recommend that incentive funds be the primary tool for reducing emissions from this source category. The Agricultural industry supports this effort as the only feasible and practical way to achieve emission reductions from this category. Retrofits and catalysts are often not feasible for farm equipment. Mandatory retrofit or replacement programs would not be cost effective because agriculture sells its products on a world market and cannot raise prices to compensate for local impacts. (AG)

Response: Comment noted.

91. Comment: The agricultural industry supports the District and its proposal to enhance the incentive funding program for large diesel engines. This is the only feasible and practical way to achieve additional emission reductions. (AG)

Response: Comment noted.

92. Comment: The agricultural industry remains opposed to the District's proposal to require portable engine to meet the ARB's PERP rule. Portable engines used in agriculture are seasonal in nature and do not operate as many hours as the typical portable engine rental. (AG)

Response: This will be considered should any program changes be proposed.

93. Comment: The control measure for large boilers and process heaters >5MMBTU/hr (S-COM-1) is of concern since Rules 4306 and 4307 were recently amended. The already stringent Phase 3 of Rule 4306 will not be fully implemented until 2008, and it requires near BACT limits. Some firms that recently changed their equipment indicated that their actual costs of compliance far exceeded the District's estimates, and since retrofits were not available, costly replacements were necessary in one fase. Candidate control measures for large boilers should be put in the Feasibility/Future Study category to allow time to evaluate actual compliance costs, socio-economic impacts, technical concerns, whether it is justifiable to pursue an additional generation of control on this category, and potential for multi-pollutant strategies with greenhouse gas regulations (CLFP, KORC, RC, SJR/TR).

Response: NO_x reductions are needed for attainment of the ozone standard. This control measure would not be appropriate as a “feasibility” study since technology currently exists and is being utilized at various sites that achieve additional reductions from units in this source category. For these reasons this is being pursued as a control measure for development by 3rd quarter 2008. The issues raised are one of the many issues that will be considered during the development of the rule limits and compliance schedule.

94. Comment: The District should investigate the possibility of outdoor ambient air filters to reduce pollution without changing emissions (Barger).

Response: The District is willing to consider any viable option to clean the ambient air should the technology be proven for use reducing air pollution.

Other Comments

95. Comment: Combining all mobile sources into one category is misleading, as most individuals associate “mobile sources” with on road vehicles. It is requested that mobile sources be subdivided into on road and off road categories throughout the plan. (COG)

Response: The District is adding a footnote to this figure to indicate the contributions of on-road and other mobile sources.

96. Comment: Please explain why EMFAC 2007 was not used for this plan. The model has been available since November 2006 and it should be included in this version, especially for valley-wide numbers. (COG)

Response: The January 29, 2007 Draft 2007 Ozone Plan is based on the California Air Resources Board emissions inventory version 1.06, which does use EMFAC 2007 for calculating emissions from on-road motor vehicles. The planning emissions inventory presented in Appendix B contains on-road motor vehicle emissions data calculated with EMFAC 2007, using default values for input data to EMFAC 2007.

97. Comment: Please clarify the sanctions paragraph on page 16 of the Executive Summary to more accurately reflect the EPA process for imposing sanctions. (COG)

Response: Clarifying text has been added to page 16.

98. Comment: Please confirm that Employer Based Trip Reduction was not credited in the attainment demonstration, but was credited in the RFP demonstration (see Table 10-2). Explain why this control measure was not included in Table B-1. (COG)

Response: Table B-1 includes rules that have already been adopted and adjustments to the inventory based on improved information. Reductions from proposed measures are included in Chapter 6, 7, 8, and 9. These reductions have been removed from Table 10-2.

99. Comment: Please explain how emissions reductions were calculated using 16% increase in use of alternative transportation and 2% reduction in work commute VMT. It is recommended that this control measure not be included in the current on road mobile conformity budgets. (COG)

Response: The Employer-Based Trip Reduction Programs (M-TRAN-1) will be a rule-based control measure, which will require businesses with at least 100 employees to establish ride share programs (the relevant legislation is California Health & Safety Code Section 40601 (d)(1&2)). Alternative transportation methods are all other types of commuting to work, other than the use of single-occupancy vehicles. The District's preliminary estimate of 16% represents the number of workers who do not currently use alternative transportation and who will take part in employer-based programs. This is in addition to the 12% of workers who currently use alternative transportation (2000 US Census). The 2% reduction in VMT is a conservative estimate based on existing programs, which are voluntary. Mandatory employer-based programs will likely result in greater VMT reductions, and it will be examined during rule development of this measure. However, in the absence of longstanding mandatory programs, the conservative estimate of 2% is currently being used. This acknowledges the difficulties experienced by current alternative transportation programs, which attempts to effect changes in the use of single-occupancy vehicles in a car-based culture. Since this control measure is not part of transportation plans and programs by public agencies, Federal Clean Air Act requirements on transportation conformity are not triggered.

100. Comment: Please explain why emissions reduction for Enhanced ISR is not consistent with the 2004 Extreme Ozone Demonstration Plan. It is recommended that this control measure not be included in the current on road mobile conformity budgets. (COG)

Response: The January 2007 *Draft 2007 Ozone Plan* does **not** quantify emissions reductions for "Enhanced Indirect Source Review" (Section 8.2.7). Rather, the plan notes that "the District is exploring all possibilities of gaining additional emissions reductions from sources under its jurisdiction." Table B-1 of the January 2007 *Draft 2007 Ozone Plan* does present emissions reductions from the adopted Rule 9510, Indirect Source Mitigation. These reductions are based on Version 1.06 of the ozone SIP planning emissions inventory, which is a different inventory than that used in the 2004 Extreme Ozone Attainment Demonstration Plan; consequently, estimated reductions are not the same.

101. Comment: There are several references in the 2007 Ozone Plan to improving air quality through transportation initiatives, including the possibility of diverting traffic to I-5. Please consult with state and local transportation planning agencies when considering such controls. (COG)

Response: Comment noted.

102. Comment: The text in the first paragraph of Section 9.2 indicates that the District's on road emissions reductions are primarily through ISR and that

additional controls are described elsewhere; please specify where these descriptions are located in the plan. (COG)

Response: Please see Chapter 8.

103. Comment: Section 10.1 of the 2007 Ozone Plan references conformity budgets. Historically in the District, conformity budgets have not been developed using RFP demonstration. It is unclear how the on road emission estimates were developed for this section. The rest of the plan indicates that EMFAC 2007 was not used. Please clarify how conformity budgets would be established from this demonstration. (COG)

Response: The District concurs that conformity budgets are not developed with RFP, but the text is there for clarity. The reference to EMFAC 2007 was mistakenly carried over from earlier versions of the plan. EMFAC 2007 was used, so the incorrect text has been removed.

104. Comment: Please explain why the emissions eliminated by the Federal Motor Vehicle Control Program is listed as zero for all years on page 10-2. (COG)

Response: The District listed the FMVCP as zero under the direction of ARB. The District has forwarded this comment to ARB for clarification in their plan.

105. Comment: Please explain why reductions in Table 10-2 for RFP are not consistent with attainment demonstration reductions. Also, please explain how this table relates to Table 11-1. (COG)

Response: The primary difference between the RFP tables and attainment demonstration is that for RFP, both VOC and NOx are used, whereas the attainment demonstration is just NOx. The attainment demonstration also includes reductions from the proposed control strategy and the Black Box. Both tables draw from similar information, including the emissions inventory and offline adjustments from the District and from ARB.

106. Comment: Please explain why the year 2024 is used in section 11.5.3 when the last year of the plan is 2023. Please clarify on road vs off road contributions in this section as well as including inventory summaries subdivided by source category. Please note in this section that results from the Blueprint project may be available for future plans. (COG)

Response: References to 2024 have been changed to 2023. Footnotes have been added to clarify on-road versus other mobile source contributions. The text now indicates that results of the Blueprint project may be available for future plans.

107. Comment: Appendix B indicates that future drafts of the plan will include updated EI to incorporate results from EMFAC 2007. However v1.06_RF980 was used as the default EI and this version was provided as the default data for EMFAC 2007 conformity budget development. Please explain this discrepancy. (COG)

Response: This was mistakenly carried over from earlier versions of the plan. EMFAC 2007 has been incorporated into v1.06 of the inventory, so the incorrect text has been updated.

- 108. Comment:** It is recommended that School Bus Fleet NOx reductions found in Table B-1 and reflash, idling and Moyer NOx reduction found in Table 10-1 not be included in the on road mobile conformity budgets that are currently being drafted at the time. (COG)

Response: The District and the California Air Resources Board worked with the metropolitan planning organizations (MPOs) in the Valley to develop emissions reductions from District and state rules that affect on-road motor vehicle emissions, and transmitted those reductions to the MPOs in the proper format for inclusion in budget calculations.

- 109. Comment:** Please add a table of contents for Appendix I. (COG)

Response: A Table of Contents has been added to Appendix I.

- 110. Comment:** Where Valley schools are surrounded by agriculture, the District should have meetings with school teachers and field supervisors so that people can be aware of the side effects to pesticides and the students will experience fewer side effects. (Lemus)

Response: Pesticides are under the jurisdiction of the State (the Department of Pesticide Regulation [DPR]). However, the District works closely with key stakeholders throughout the Valley, including schools and agriculture. For example, the District has information on the Active Indoor Resource program to assist school districts that are using the outdoor air-quality flag program in maintaining healthy student bodies.

L.6 VERBAL COMMENTS, OCTOBER 17, 2006 PUBLIC WORKSHOP ON THE DRAFT 2007 OZONE PLAN

Approximately 45 people in attendance (21 Fresno, 11 Bakersfield, and 13 Modesto)

- 1. Comment:** The District should work with cities and counties to promote green building. For example, houses could be oriented to reduce energy demand.

Response: Although green building is, overall, beyond the District's regulatory jurisdiction, green building can be beneficial to the Valley. The District's *Air Quality Guidelines for General Plans* includes policy suggestions with air quality benefits that cities and counties can include in their general plans. The District also encourages air-friendly building practices through its ISR (Indirect Source Review) rule and through development project comments submitted through the CEQA process. The District is also investigating partnerships with the newly-formed Central California Chapter or the US Green Building Council.

- 2. Comment:** Wastewater stations can drive turbines to generate electricity. Wind power can be used to run the stations. This can remove hundreds of tons of pollutants out of the air.
Response: The District is considering every possible emission reduction. Ideas involving larger emissions reductions receive higher priority. Electric utilities comprise a relatively small portion of the Valley's emissions inventory.
- 3. Comment:** Especially given the diminishing returns of regulations and the fact that some source categories have undergone three to five generations of rules, the District should have a de minimis table in this plan (as on page 4-10 of the *2006 PM10 Plan*). This would ensure that resources are focused on the rules with the biggest reductions.
Response: The District is committed to looking for every available emission reduction. Measures with large potential emissions reductions will be given higher priority for implementation (with preference for NOx reductions as discussed elsewhere in the plan). EPA's guidance, "Incorporating Bundled Measures in a State Implementation Plan (SIP) (August 2005) may be used to group together individually small control measure reductions.
- 4. Comment:** The District's alternative compliance strategy is troubling. It is not fair or equitable to require a source that has already paid to comply with several rules to then pay an additional alternative compliance fee.
Response: See the AERO discussion in Chapter 8. Compliance options will be considered in cases where significant reductions are achievable, but the applicable technologies are very expensive and result in costly emission reductions.
- 5. Comment:** What does the Governor's recently reported visit to New York regarding green house gas (GHG) emissions trading mean to the Valley?
Response: The District is keeping up to date on these reports. However, GHG emissions and global warming are beyond the scope of this plan.
- 6. Comment:** The NPCA (National Paint and Coatings Association) wants to work with the District to develop reasonable emissions reductions. NPCA prefers ARB's approach to architectural coatings over that of South Coast. The South Coast approach is not feasible for the Valley. The District should review ARB's recently released draft report for SCM and wait for their rule.
Response: The District has reviewed the ARB's draft report, the 2005 Architectural Coatings Survey, for which the District participated in ARB's statewide architectural coatings working group. The SCM is scheduled for adoption in September 2007. The District would be able to compare the SCM with the South Coast rule as the District's rule is developed. The District would also evaluate the South Coast's issues in implementing their rule as well as how those issues might have been resolved.

- 7. Comment:** The District overestimated the architectural reductions in this draft ozone plan.
Response: The architectural coatings control measure in the draft ozone plan has been revised to reflect the emission reduction that accrues from lowering the VOC limits of the coatings only, using the South Coast Rule 1113 VOC coating limits as a preliminary model. The new estimate also reflects the data from the draft 2005 Architectural Coatings Survey, but does not include the thinning/cleaning solvents category.
- 8. Comment:** The recognition that incentives are needed is appropriate. The agriculture industry will take advantage of available incentives, and they have a good track record of using incentives effectively. EPA needs to contribute, though.
Response: The District concurs with agriculture's proven track record on effective use of incentive funds. The District is working to secure funding and support from any sources possible, including the federal government.
- 9. Comment:** Incentives will be needed to reach attainment. This presents an enormous public policy challenge, though.
Response: The District's "Action Plan for Reducing Emissions with Incentive Funds" (Chapter 7 in the *2007 Ozone Plan*) strives to expand and enhance the incentive program, while making the process more robust, simpler, and more user friendly.
- 10. Comment:** It is inappropriate for the District to differentiate areas of the Valley coming into attainment at different times. Making it seem as though Stockton and San Joaquin are not part of the problem may undermine support for the District's programs. All of the Valley will have to contribute to bring the air basin into attainment.
Response: In the San Joaquin Valley, it is clear that upwind areas contribute significantly to the air quality of downwind areas. The intent in showing different areas coming into attainment at different times is to show that air quality will improve continuously as a result of this plan and previous efforts. Getting the southeastern portion of the San Joaquin Valley into attainment requires very large upwind reductions, as the emissions in the immediate vicinity around that monitoring station have a relatively small impact. The nature of the air basin, with its intra-basin transport, is that everyone – all businesses, government agencies, and individuals - must do their part to bring the entire region into attainment.
- 11. Comment:** Can we expect strong support from the District's Governing Board on the point of incentives?
Response: The District's Governing Board has been consistently supportive of incentive funding use.

12. Comment: Has the District considered collaborating with South Coast AQMD on incentives and mobile sources?

Response: With several areas in California working 8-hour ozone SIPs, the District has collaborated with other districts on several occasions. However, the District has not collaborated with South Coast in the specific area noted by the commenter. Each region's ultimate approach will depend on the region's resources and emissions sources. Both South Coast and the San Joaquin Valley districts are noting the importance of mobile source reductions in reaching attainment.

13. Comment: The October 2 Draft lacked detail. The District should declare any intentions for reclassification in the next draft plan. The District has not committed either way at this point. Whatever the final classification might be, there will be corresponding requirements (beyond the black box for extreme), so the District needs to show that all requirements will be met.

Response: Much of the plan's detail is in the appendices. The January 29, 2007 draft of the Plan indicates the District's recommendation for ozone classification, the applicable requirements, and the plan for implementing those requirements.

14. Comment: Where in the planning schedule would there be a bump up?

Response: See response #13.

15. Comment Is the \$7.5 billion the total public funding needed, or does this total amount assume cost sharing? There needs to be further explanation in the next draft. Incentives should be cost shares, not buy outs.

Response The District expects some level of matching funds from grant recipients, depending on nature of the project. See Chapter 7 for the District's action plan for incentives.

16. Comment There are concerns over alternative compliance, as described in Appendix K in the October 17 draft. Will each control measure be considered for alternative compliance? If so, that is troubling.

Response See Response #4.

17. Comment The District should have the money in hand before credit is taken for reductions achieved with incentive programs.

Response See Chapter 7, which discusses creditability of incentive reductions. The District's understanding of federal policy is that commitments for reductions from "unsecured" incentive funds are not creditable, except in Extreme Ozone plans as part of the "Black Box."

18. Comment Showing different areas reaching attainment at different times is an Environmental Justice issue. The District needs to come up with extra measures to bring Arvin and other small communities into attainment.

Response It is unavoidable that different areas will reach attainment at different times due to their different carrying capacities. The District is committed to

ensuring that all areas in the Valley reach attainment as expeditiously as practicable. The District's control measure development process will continue even after the plan is adopted to identify and implement the "Black Box" reductions.

19. Comment If the District hasn't secured adequate incentive funding to bring the region into attainment, then regulations need to be identified.

Response As shown in the Executive Summary, even if all of the sources under District regulatory jurisdiction were to shut down, the NOx reductions would not provide enough reductions for attainment. The District's strategy and classification request as described in the Plan fulfill the requirements of the Clean Air Act.

20. Comment The District should include an estimate of the public health costs in the cost effectiveness evaluation of rules and control measures.

Response Current public health cost studies are linked to ambient air quality, not specific emissions reductions. As such, the public health cost savings associated with any single control measure would likely be low. However, the District is a public health agency that always keeps public health impacts in mind.

21. Comment 2024 is too far away for attainment.

Response The number one guiding principle in developing this Plan has been to attain as quickly as possible. The District also resolved to not request an Extreme classification unless no other option is found to be physically and legally possible, given current technologies. As drafted, the Plan ensures that the Valley will experience continuous air quality improvements and attain at the earliest possible date, regardless of ozone classification. By obliging all Valley stakeholders to employ the cleanest technology available, the Plan will provide attainment to about half of the Valley's population by 2012, and 90% of the population by 2020. Furthermore, even the more resistant areas - Fresno and the Southeast San Joaquin Valley - will experience continually improving air quality as emissions are reduced and progress is made towards attainment.

22. Comment The District needs to use its position to develop guidelines and policy options for local communities to adopt to reduce emissions from small engines. The public will be supportive.

Response The District's "Air Quality Guidelines for General Plans" is a guidance document containing guidelines and policies that local governments might include in their General Plans to reduce vehicle miles traveled and other emissions associated with population growth.

23. Comment It is dangerous to discuss attainment geographically. Arvin can't pay the \$7.5 billion. Discussions need to be kept regional.

Response Getting the entire Valley - including Arvin - into attainment requires an approximate 75% reduction in Valleywide NOx emissions from the 2005 level.

L.7 WRITTEN COMMENTS, PUBLIC COMMENT PERIOD ENDING ON NOVEMBER 7, 2006

Comments were received from the following people and organizations:

Agricultural Industry Group (AIGp)

On behalf of the agriculture industry in California: California Cotton Ginners and Growers Associations, California Citrus Mutual, California Dairy Campaign, California Grape and Tree Fruit League, California Independent Oil Marketers Association, Fresno County Farm Bureau, Merced County Farm Bureau, Nisei Farmers League, San Joaquin Farm Bureau Federation, Tulare Lake Resource Conservation District

Arthur Unger (AU)

Community Alliance for Responsible Environmental Stewardship (California Dairy producers and processors) (CARES)

Center on Race, Poverty, and the Environment (CRPE)

Earthjustice (EJ)

John Paoluccio (JP)

Kelly-Moore Paints (K-MP)

Mark Lopez (ML)

Kern Oil and Refining Co. (KORC)

National Paint and Coatings Association (NPCA)

PETROtech Environmental Solutions (PES)

Refiner's Council (RC)

WSPA (Western States Petroleum Association) (WSPA)

Western United Dairymen (WUD)

General

24. Comment: The District should work with the COGs, other municipal and county government agencies, and the state legislature to develop urban growth boundaries in the region. This would encourage planning and land use that reduces vehicle miles traveled. (EJ)

Response: The District agrees with the suggestion. The District works closely with local agencies through the Model Coordinating Committee and with the Regional Planning Agencies' air quality consultants to encourage reductions in vehicle miles traveled. The District promotes community-based programs through participation in Operation Clean Air, cosponsoring Great Valley Center conferences, updating the District's Air Quality Guidelines for General Plans, participating in the SJV Regional Blueprint Project, participating in the California Partnership for the San Joaquin Valley, hosting the California Air Quality Research Symposium in May 2006, sponsoring the Health Impacts Symposium in October 2006, hosting another air quality

symposium in December 2006, and holding a series of Town Hall meetings at six locations throughout the Valley in July 2006.

25. Comment: Although the effect of outreach is difficult to measure, it will probably help many individuals and businesses decrease emissions. (AU)

Response: As in the past, the District will commit significant energies and investments to public outreach. Engaging the public in efforts to reduce emissions is a key element of the District's ozone attainment strategy, and education increases public support for new and controversial regulations. For more information on the District's public education, awareness, and information, please refer to Chapter 4 in the Draft 2007 Ozone Plan.

26. Comment: It is encouraging to see reference to Agriculture Improving Resources (A.I.R) in the ozone plan. It is a crucial avenue to voice concerns and questions to the District. We would like to see A.I.R play a greater role. (AIGp)

Response: Comment noted.

27. Comment: Due to regulator inaction on the part of EPA, a "SIP gap" has been created within the SJV; this must be resolved to avoid the costly streamlining demonstration or "subsume" exercises performed by applicants to demonstrate compliance with existing approved rules. We request that the District identify each rule the EPA has failed to take required action on (as defined in CAA section 110(k)(2 and 3)) and list those rules in the 2007 Ozone Plan as a federal EPA deficiency. EPA should be requested to correct these deficiencies. (AIGp)

Response: EPA is allowed legally-specified amounts of time for processing district and state-approved rules, and at this time, there are no major EPA deficiencies. Unless specified otherwise, District rules go into effect at the time of District Governing Board adoption, not at EPA approval.

28. Comment: We believe that the Department of Energy, EPA, and the Department of Resources along with various state agencies should help develop and implement programs like EQIP. (AIGp)

Response: Comment noted.

29. Comment: In general, CARES views the Draft 2007 Ozone Plan as a sound strategy for continued improvement of Valley air quality. Continued growth in the Valley demands continued efforts from all sectors. We are pleased that efforts thus far have contributed to the current attainment of the PM10 standards. (CARES)

Response: Comment noted.

30. Comment: Historically, the District has prepared environmental impact reports to accompany its decisions to adopt attainment plans. The District should prepare an Environmental Impact Report to provide informed decision-making and informed public participation in the Plan adoption process. CEQA requires that the District analyze the Plan's significant environmental effects, require

feasible mitigation measures, and provide alternatives to reduce those effects.

The District's failure to provide CEQA analysis at this point in time prevents CRPE from meaningfully considering the Plan's strategies and goals. (CRPE)

Response: The District will comply with the California Environmental Quality Act (CEQA) in preparing and adopting the 2007 Ozone Plan. Historically, the District has prepared Environmental Impact Reports (EIRs) on only a few of its plans; by far the bulk of the District's CEQA compliance for plans has been done with negative declarations and in some cases notices of exemption. The District's most recent plan-related EIR was prepared for the Extreme Ozone Attainment Demonstration Plan in 2004; this EIR identified no significant environmental impacts from the District's plan, and no public comments were received on the Draft EIR. The District will prepare the appropriate level of CEQA documentation for the 2007 Ozone Plan and will conduct its plan-related decision-making in accordance with CEQA.

Modeling and Technical Issues

31. Comment: Why are the effects of the many stationary source rules and regulations (with associated emissions reductions) not reflected in ambient air quality levels (Appendix A)? The linking of emission reductions to air quality improvement is a very complex endeavor but should be a fundamental aspect of the plan. (WSPA)

Response: The District has shown that the various stationary source rules and regulations that have been developed and adopted to satisfy commitments in the 1-hour ozone plans and PM10 plans have resulted in air quality improvements in 1-hour ozone and PM10. With this Draft Plan, the District's first plan for 8-hour ozone, the District is using new studies and modeling to determine what amount and types of reductions will bring the Valley into attainment of the 8-hour ozone standard. The District will include more information in future drafts of this plan.

32. Comment: EPA's 8-hour ozone modeling guidance calls for the development of a modeling protocol prior to modeling to establish how modeling will be done and how it will be judged for adequacy. The lack of a protocol (Appendix F) may be considered as unresponsive to the SIP requirements and EPA guidance, thus jeopardizing the technical basis of the Plan. Other modeling issues include: criteria for episode selection, evaluation of performance, assumptions related to the relative reduction factors (RRF), and accounting for air quality background in RRF development. (WSPA)

Response: The District is aware of these requirements and is working with ARB to satisfy these requirements.

Emissions Inventory

33. Comment: Early in the process, the District estimate suggested that 300 tpd of VOC and NOx reductions would be needed to attain the standards. However, although on-road trucks added 100 tpd to the inventory, the District is now saying that 480 tpd of VOC and NOx reductions will be needed. Where did the extra 80 tpd of reductions come from? (AIGp)

Response: All of these numbers have been updated. Although the District preliminarily projected that 300 tpd of reductions would be needed in the Town Hall Meeting Discussion Paper published in July 2006, this figure was based on older inventories and preliminary modeling. There have since been numerous changes in the emissions inventory and very significant findings from the modeling effort.

The most significant modeling finding is that NOx emissions are critical getting the Valley into attainment. VOC reductions will help to improve air quality, but NOx reductions are the only way to get all the way to attainment. Although VOC reductions are being sought, the District's strategy is centered on NOx control. The modeling also showed that a 47% reduction in NOx from the 2020 baseline emissions would provide for attainment.

The Discussion paper used version 1.01 of the inventory being developed for this plan, which was the best inventory available at the time. This inventory showed that combined VOC and NOx emissions in 2012 totaled about 500 tpd of NOx and VOC emissions, so a 60% reduction required 300 tpd of reductions.

The Draft 2007 Ozone Plan now uses version 1.06 which was developed specifically for this plan. In 1.06, the NOx inventory for 2005 is 622 tons per day and for 2020 is about 302 tons per day. A 47% reduction from the 2020 baseline leaves approximately 160 tons per day of NOx; this level of emissions appears to be the Valley's NOx carrying capacity for ozone. In order to attain at any time, the Valley's NOx inventory can be no higher than 160 tons/day. This level represents about a 75% reduction from the 2005 inventory.

There may be further adjustments to the inventory until the plan is adopted, so the 75% emission reduction estimate might undergo further revisions.

34. Comment: The emissions inventory needs to include biogenic sources of ozone precursors. Omitting these understates the challenges faced by the District, and does not provide adequate description of "carrying capacity." (PES)

Response: Biogenics are incorporated in the modeling that produces the carrying capacities. Biogenics are not included in the planning inventory presented in Appendix B since they cannot be controlled and since they are not considered in RFP calculations.

35. Comment: The emissions inventory show the food and agriculture category increasing between 2002 and 2023. Is this correct? Why are emissions increasing, when California Department of Conservation reports indicate that

farmland is being replaced with urban land at a rate of 17,000 acres per year? (AIGp)

Response: The ROG emissions in the Industrial Processes Food and Agriculture summary category are shown as increasing over time, by approximately 17% (2 tpd) between 2000 and 2020. NOx emissions are decreasing. This category represents emissions at industrial facilities that turn raw agricultural products into consumer items. The largest emission sources in this category are Wine Fermentation and Wine and Brandy Aging. The District has achieved a 0.7 t/d reduction in ROG due to Rule 4570 (see Table B-1), which affects the Wine and Brandy Aging category. This needs to be deducted from this category. As population increases, the District expects production of wine, bread baking, breweries, potato chips, and milk products to increase in the coming years.

Attainment Date

36. Comment: It doesn't seem feasible to reach attainment by 2013 because of the short time frame and insurmountable price tag. (AIGp)

Response: The January 29, 2007 draft of the Plan indicates the District's recommendation for ozone classification, the applicable requirements, and the plan for implementing those requirements.

37. Comment: The District should do whatever is necessary to achieve the standard by 2012. Any delay forces the public to bear additional costs of pollution. (CRPE)

Response: The District will attain as soon as possible. See response #21.

Permitting

38. Comment: How does the SIP affect permit review? A Title V permit must assure compliance with all rules approved into the SIP by either including the SIP rule, or by including a local rule in the permit with a streamlining demonstration that the local rule assures compliance with the SIP rule. (AIGp)

Response: No changes to Title V permits are automatically mandated as a result of the adoption of a plan like this ozone attainment plan. However, the plan contains control measures that will eventually become rules through a process that includes opportunities for the public to participate and comment on the proposed rules.

After these rules are adopted by the Air Pollution Control District's Governing Board, Title V permits must be updated to incorporate any applicable new or modified requirement contained in those rules.

The general rule of thumb is that if, at the time the new or modified requirement takes effect, there are less than three years left before the Title V permit expires, the new requirements can be incorporated into the Title V permit at the time of

permit renewal. If, on the other hand, the Title V permit expiration date is more than three years away, the permittee must apply to modify their Title V permit to include the new requirements at the time they become applicable.

39. Comment: Agricultural sources are being forced to provide emission reduction credits (ERCs) to mitigate modeled violations of the NAAQS at farmers' property lines. It is our opinion that the application of Rule 2201, section 4.14.1.1 to agricultural sources is unjustified based upon the lack of appropriate models for CAFOs. We request that the District follow the administrative procedures act and develop in an open public process the methods used by NMED to determine the required offsets and to provide guidance based on "accepted science and engineering for all parties involved in the permit application process." Inherent modeling errors may exist when analyzing the dispersion characteristic for CAFOS, according to a study conducted by Texas A&M University. (AIGp)

Response: The issue discussed here is a PM-10 issue that has no bearing on this plan, which is a plan designed to achieve attainment with ozone ambient air quality standards. The ozone precursors do not include PM-10, and so this comment is not relevant.

In addition, Rule 2201, "New and Modified Stationary Source Review", or NSR, is a rule designed to limit the emissions impact of new and modifying sources of air pollution. It is not designed to reduce emissions from existing sources of pollution, and is therefore not proposed for modification as a part of this attainment plan. Comments on Rule 2201 should be sent directly to Dave Warner, Director of Permit Services, so that they may be addressed at the time of the next revision of the rule.

40. Comment: New Source Review - the District should 1) increase BACT cost-effectiveness threshold to \$20,000 per ton of VOC or NOx; 2) remove the exemption for pollution control projects from all District rules; 3) remove the newly adopted offset exemption for certain agricultural sources; 4) change the equivalency program to demonstrate compliance with the December 19, 2002 version of the Federal NSR regulations; 5) eliminate the like-kind replacement exemption; 6) eliminate the distance offset ratio and require all sources to offset emissions at a 1:1.5 ratio; and 7) retire all banked pre-baseline year NOx and VOC emission reduction credits. (EJ)

Response: Please see the response to the previous comment #39, regarding Rule 2201.

Alternative Compliance

41. Comment: While WSPA supports alternative compliance strategies, we cannot support mandatory control or fees beyond those required by rules and regulations. It is unreasonable to propose cost-prohibitive or technologically unproven control measures. The concept of alternative compliance needs further

stakeholder discussion in terms of applicability and technical/cost implications. (WSPA)

Alternative compliance illustrates a potential problem with BACT determinations and feasibility. Compliance limits could be set that aren't achievable. (CARES)

Response: See Chapter 8. The AERO (Advanced Emissions Reductions Options) Program would offer alternatives for relatively expensive emission controls. All control measures adopted by the District, including those eligible for AERO, will be based on proven technology. The District will not require cost prohibitive controls (i.e., costs are so high that the business could not continue operating) on any private industry or public sector.

42. Comment: The Council is concerned as to how the District proposed to apply Alternative Compliance. It appears to force equipment down to BACT or near-BACT levels that are not cost-effective or technically feasible. This generates funds from sources that have already paid their fair share. (RC)

Response: During its rulemaking processes, District staff must consider the most effective emission controls that can be applied to existing sources, which by definition includes BACT-level controls. As stated above, the District will not require cost prohibitive controls.

43. Comment: While alternative compliance may be needed to maintain flexibility, Kern has concern that these programs may be used to levy funds from controlled sources. (KORC)

Response: The intent of AERO is not to collect funds, but to reduce emissions more cost effectively. The operator will have the choice as to how to comply.

44. Comment: In the case of alternative compliance, regulatory agencies have to be sensitive to the type of alternative provided. A rule that provides for alternative emission reductions does not provide the full range of voluntary incentives. (AIGp)

Response: In order to make AERO reliable, alternative controls would need to be limited to verifiable methods and be specified within AERO regulations. During each rulemaking process, the District would work with stakeholders to identify the most promising and appropriate alternative methods of reducing emissions.

45. Comment: The District should modify alternative compliance concept to achieve greater reductions and EPA approval. The District's strategy should require all stationary and area sources under the District's jurisdiction to achieve reductions that exceed RACT. Alternative compliance concept should have higher fees so that sources have the incentive to achieve additional reductions on-site. (CRPE)

Response: The concept has been modified to satisfy the bulk of this comment - see Chapter 8 for a brief overview of the Proposed AERO Program. The District's strategy for stationary and area sources uses BARCT emission control

techniques that are much closer to BACT than RACT, and thus achieve more reductions than RACT.

Incentives

46. Comment: Kern recommends that lawnmowers brought in for exchange through the Clean Green Yard Machines Program be required to demonstrate operability to ensure that machines that have actual potential to pollute are the ones being scrapped. (KORC)

Response: The scrap metal dealer will not accept the lawnmowers if they have fluids in them. Therefore, the lawnmowers need to be drained of all fluids when they are traded in, so operability cannot be demonstrated at the time of the exchange. An added consideration is that a currently inoperable lawnmower might later be fixed, so allowing inoperable machines to be traded in still removes a potential polluting machine from the Valley.

47. Comment: For agricultural purposes, the requirement for providing ERC's for production agricultural activities may be addressed through a sustainable concept along the lines of irrigation well electrification or other on-site or off-site emission reductions. The key is to provide incentives, not mandates. (AIGp)

Response: Comment noted.

48. Comment: Due to the economics of agriculture, incentives and options must be crucial components of any District rules that affect agriculture, including those listed in the Ozone Plan, such as open burning, CAFOS, orchard heaters, and pesticides/fertilizers. (AIGp)

Response: Incentives are a crucial part of the District's multi-faceted control strategy. The District will evaluate which programs are the best candidates for incentive programs as those programs are developed. The District will also consider options within control measures as appropriate to achieve equivalent reductions.

49. Comment: Regarding the Pesticides/Fertilizers – Power Harvest Fumigation measure in Appendix I, there are factors that limit the choices some commodities have available as quarantine treatments to address export requirements. Factors include the commodity to be treated, plant pest or disease, treatments available, and efficacy and cost of treatment. Further restrictions would restrict export trade. Emergency action programs must be maintained. Incentive-based proposals would be better serving a move towards alternatives currently underdevelopment (i.e. Controlled Atmosphere Temperature Treatment System (CATTs), irradiation, or combining partially effective treatments with other mitigation measures). Funding should be directed towards commodities that support the development of methodologies that replace methyl bromide quarantine treatments for export, and provide technical assistance to APHIS to gain acceptance of alternative treatment by trading partners. We suggest that the District consider long-term goals. (AIGp)

Response: Comment noted.

50. Comment: We are also pleased that the District recognizes the potential for utilizing incentive programs. (CARES)

Response: Comment noted.

51. Comment: The Light and Medium Duty Emission Reduction Incentive Program include overall miles per gallon as a consideration. (AU)

Response: The Light and Medium Duty Emission Reduction Incentive Program does not involve calculations. It is designed to promote early introduction of low emission technology such as hybrid, natural gas, and alternative fuel vehicles.

52. Comment: Were any of the Heavy-Duty Engine Emission Reduction Incentive program engine replacements solar-powered? The District should consider solar energy to supplement all outdoor stationary engines and driers. (AU)

Response: The District's incentive programs are designed to maximize reductions by considering the cost-effectiveness (ton of reductions per dollar spent). Staff has looked at solar energy projects and will consider any solar energy projects submitted. However, to date, no cost-effective solar energy project has been submitted to the District for grant funding.

53. Comment: Kern recommends that the Heavy-Duty Engine Emissions Reduction Incentive Program be expanded to include retro-fitting of heavy duty diesel engines with control technology designed for use of ultra-low sulfur diesel fuel, which is more cost-effective to use than retrofits for natural gas and does not require new fueling stations. The Heavy Duty Engine Emission Reduction Incentive Program should be fuel neutral. (KORC)

Response: The District has completed numerous diesel retrofit projects. The Incentive Program welcomes applications for all types of control technologies and is fuel neutral. The cost-effectiveness is calculated for all projects and incentives are based on cost effectiveness. In some cases retrofits for natural gas are more cost effective that control technology for ultra-low sulfur diesel fuel due to higher reductions. For additional information, please see <http://www.arb.ca.gov/regact/cng-lpg/appb.pdf>.

54. Comment: The District should aggressively seek additional sources of funding for incentive programs. (AIGp)

Response: The District staff is doing so and the District employs a consulting firm to assist the District in obtaining additional sources of funding.

55. Comment: Regarding the Farm Equipment measure of Appendix I, incentives will be needed. Fleet change-out will be difficult primarily due to the inability to retrofit most farm equipment, manufactured where the frame and engine are interconnected, so it is impossible to retrofit or re-power. Most equipment in this category will have to be replaced, which is cost prohibitive. Incentives provide the best opportunity to make gains in this source category.

The agricultural industry is opposed to any type of registration and inspection program in this source category, due to cost, paperwork, low return, and dissuasion from participation in voluntary change-outs. There is no need to adopt further new equipment standards (since federal non-road equipment standards have been adopted), only a need for incentives to help expedite the turnover of the existing fleet to these new standards.

Restricting hours of operation can result in significant crop loss and economic harm to the farming community, since operations are based upon growing conditions that cannot be shifted. (AIGp)

Response: The District currently provides incentives for farm equipment and concurs that, in some cases, retrofits or repowers are not reasonable options. The need for and feasibility of a registration program, inspection program, and/or a rule development project will be further evaluated to determine whether any of these options are feasible, reasonable, and necessary to reduce VOC or NOx emissions.

56. Comment: Kern supports the efficient use of incentive funding. With regard to Section 7.4, third paragraph on page 7-7, Kern recommends an independent third-party auditor be used to prepare the annual Audit Reports that clearly shows how funds were used, what quantified emissions reductions were achieved, which reductions are being credited to the SIP, and how emissions reductions will be verified during the life of the reductions. The third party will disclose District accountability for incentive fund use and help ensure that the funds are being used in the most cost-effective manner. (KORC)

Response: The District undergoes routine incentive program audits conducted by the California Air Resources Board, the California Department of Finance, and the Bureau of State Audits. These are all occurring within the next four to six months, and are expected to continue after any program changes are made to enhance SIP creditability of emissions reductions from incentive programs. Results are made public by the auditing agencies.

57. Comment: Incentives are crucial to rule adoption, especially in situations where the owner or operator could not feasibly make those changes individually. Incentive funding is critical to agricultural operations because of the limited funds that growers have access to. We request that reference to sustainable incentives (as described in section 4.3.3 of the 2004 Ozone Plan) be placed in the Draft ozone plan. Incentives have demonstratively provided a more flexible route for emissions reductions. (AIGp)

Response: The District is adding the information on sustainable incentives (as described in the 2004 Ozone Plan) in Chapter 4 of the Draft 2007 Ozone Plan.

Control Measures

58. Comment: Further study is needed to determine the VOC emissions reductions that can be obtained from the manufacture of coatings, inks and adhesives, especially since the total emissions are small. Since VOC levels in architectural, industrial, and maintenance products have decreased, the VOCs from manufacturing of these products have decreased as well. The exemption in the current rule for the manufacture of water-based coating is intended to provide flexibility and incentives for the manufacturer to move towards producing lower VOC products. Drastic VOC controls for water-based coatings will result in few reductions, and these measures will be costly. The District should not take this incentive away by requiring costly VOC emission control systems. (NPCA)

Response: Although the potential for additional controls was noted, District staff recommends further study of this source category for the reasons outlined by the commentor. This comment was added to the control measure for further consideration.

59. Comment: Proposed solvent cleaning control measures should include exemptions for cleaning operations associated with the manufacture of paint, coatings, resins, and adhesives and exempt the stripping of cured coatings, cured ink, or cured adhesives. The manufacture and use of paint, resins, and adhesives require strong solvents to effectively clean production/process equipment. Coatings, ink, and adhesive manufacturing and application industries need to be able to use recycled or reclaimed solvents in cleaning operations, otherwise the industries will be faced with increased hazardous waste disposal and purchasing of cleaning materials. (NPCA)

Response: In the current rule development project for solvent cleaning, operators will continue to have the option to use strong solvents or recycled/reclaimed solvents for cleaning operations either under a VOC emission control system or by using specified work practices. This comment was added to the control measure for further consideration. District staff will consider this issue during the current rule development process.

60. Comment: We request that the cleaning solvent vapor pressure requirement be continued as an option for the end user. (NCPA)

We request that the solvent cleaning operations match SCAQMD's VOC limits for cleaning solvents, as suggested in the Draft Plan. (EJ)

The District should set VOC limits for all solvents used in graphic arts cleaning at 72 grams per liter, as proposed in Yolo-Solano. (EJ)

We are concerned about the cost effectiveness and availability associated with lowering the VOC content of organic solvents (AIGp)

Response: These comments were added to the control measure for further consideration. District staff will consider these issues during the current rule development process.

61. Comment: The District should set a NO_x limit of 3 lbs/NO_x per ton of container glass pulled and 5 lbs/NO_x per ton of flat glass pulled, as recommended by ARB and as implemented in other air districts. Compliance with these limits should be no later than 2007. Also recommended by ARB and the public, the averaging period should be changed to no more than every 3 hours and start up limits should be drastically reduced to several days, not the better part of a year. If an operational change occurs during the first months of start-up, the facility operator should be allowed to apply for a conditioned exemption rather than receiving a blanket exemption from all emission controls during start-up periods. (EJ)

Response: This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

62. Comment: For future PM planning purposes, it would be helpful if SO_x limits in Rule 4354 (Glass Melting Furnaces) were reinstated as originally deemed feasible by the District. (EJ)

Response: For glass furnaces, designing the pollution control system to remove as much SO_x as possible interferes with the ability to reduce NO_x. Air quality modeling shows that both ozone and particulate pollution are more sensitive to changes in NO_x emissions; therefore, the SO_x limits in the current glass melting rule allow the District staff to consider imposing the much lower NO_x limits proposed by the commentor. This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

63. Comment: The District should amend its proposed Composting and Biosolids rule to meet or exceed South Coast's rule provisions requiring enclosed facilities meeting specified criteria or compliance plans demonstrating 70-80% reductions (depending on whether facility is existing or new) and implement as soon as possible. (EJ)

Response: This comment was added to the control measure for further consideration. District staff will consider this issue during the current rule development process.

64. Comment: Components Used in Oil/Gas Production & Processing – the District should match Sacramento's proposal to make this rule applicable to process streams with VOC content \geq 1% for natural gas. (EJ)

Response: For natural gas processing plants, the \geq 1% VOC is already in effect (See Rule 4409, section 4.2.7). Further study is needed to determine the current emission inventory for the new sources, what potential VOC emission reductions might be realized, and whether changing the VOC content for natural gas

production or crude oil production will net any new sources. This comment was added to the control measure for further consideration.

65. Comment: The District should expand the Graphic Arts rule to apply to all operations that emit 60 lbs or more of VOC per month, as is proposed in Sacramento and Yolo-Solano. (EJ)

Response: This comment was added to the control measure for further consideration.

66. Comment: Appendix I (S-AGR-1, R4103 Open Burning) To minimize smoke-related problems, open burning of prunings, weeds, grasses, brush, orchard debris, etc, should only be allowed during periods free of inversion layers. (JP)

Response: State law already prohibits burning of many of the listed waste materials. Where open burning of materials is allowed, it is strictly controlled, by permit, under the District's Smoke Management Program.

67. Comment: Agricultural open burning could be minimized through conservation tillage. (AU)

Response: The District encourages conservation tillage under Section 6.2 of District Rule 4550 (Conservation Management Practices (CMP)). The District recognizes that this CMP may also indirectly reduce emissions from agricultural open burning; however, there are crop categories and certain scenarios where it is not feasible for growers to implement conservation tillage as a CMP.

68. Comment: The United States Department of Agriculture (USDA) should try to breed citrus that doesn't need orchard heaters. (AU)

Response: District staff is not aware of research projects supported by the USDA that addresses frost resistant citrus. However, the District will continue its commitment to identifying and seeking feasible opportunities that may benefit air quality in the SJVAB.

69. Comment: We should not allow more dairies to move into the Valley. (AU)

Response: The Districts does not have the authority to prohibit certain types of commerce or land uses in the in the SJVAB. However, the District actively encourages decision makers with local land use authority to make land use decisions that benefit air quality. The District's "Air Quality Guidelines for General Plans" includes sample policies benefiting air quality that cities and counties might include in their general plans. The District also provides CEQA comments on various projects, including dairies. Any new dairies in the Valley would be subject to the District's recently adopted Rule 4570 (Confined Animal Facilities), which limits VOC emissions from dairy operations.

70. Comment: The emissions inventory for the open burn source category identified in Appendix I does not reflect the emissions reduced from the alternatives to open burning that have been implemented by agriculture. (AIGp)

Response: In September 2003, the CH&SC was amended to prohibit the open burning of most agricultural waste categories by June 2010. Under certain conditions of the CH&SC, the District may postpone the commencement dates in the CH&SC for any agricultural crop category that is prohibited from burning.

In order to reduce agricultural open burning, the District had committed to working with the agricultural industry to restrict the burning of certain categories of agricultural waste where feasible. Through efforts by the District and agriculture, emissions from agricultural open burning in the SJVAB have been reduced by 0.2 tpd of PM10 and 0.05 tpd of NOx. These reductions are not reflected in Appendix I of the Draft 2007 Ozone Plan under the Projected Reductions Section because they are included in the calculated emissions inventory baseline. Upon further implementation of the requirements set forth by the CH&SC, District staff anticipates future additional emissions reductions from this source category.

71. Comment: S-AGR-3, Orchard Heaters For the Orchard heaters section of Appendix I, the District should not include orchard heaters in the control measures because the equipment is no longer used (so there would be no reductions) in the industry. (AIGp)

Response: The candidate control measure for orchard heaters is included in Appendix I because it is a source category that is regulated by the District. It is noted in the discussion section that the use of orchard heaters is very low and does not occur during ozone season. This category is not recommended for further action in the context of the ozone plan.

72. Comment: M-IND-2, Forklifts, Specialty Vehicles/Portable Generators, Pumps, Compressors, Farm Equipment, and Construction Equipment Regarding the Forklifts, Specialty Vehicles/Portable Generators, Pumps, Compressors, Farm Equipment, and Construction Equipment (M-IND-2) measure in Appendix I, certified retrofit kits are not available for pre-1990 forklifts, which are predominant in the agriculture industry; replacement is not economically viable due to their limited usage. The agriculture industry supports incentives. Shifting time of use is not viable for agriculture, since products are perishable. Harvesting must be done in the daytime. (AIGp)

Response: This comment was added to the control measure for future consideration.

73. Comment: The economy of the Valley is closely tied to the agriculture industry. Any revisions to Rule 4570 should be pursued with caution. One reason for this is that the growth in the dairy industry has substantially slowed, with several operations relocating out of the Valley under the burdensome regulatory environment (including new water quality programs). Secondly, the current Rule 4570 should be allowed to be implemented, to do its job and be evaluated. Additional measures for dairies should also be pursued with caution, as it may be beneficial to wait for the results of some of the current research. (WUD, CARES)

Response: Staff believes that recent research has identified several opportunities for enhancing Rule 4570. In the rule development process, staff will review any additional research and will consider the socioeconomic impact of the amendments and mitigate any impacts to the extent feasible. This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

74. Comment: For the Confined Animal Facilities section of Appendix I, we think it would be premature and problematic to lower the current threshold outlined in Rule 4570. Science suggests that the reductions being achieved are much greater than those the District assumes. The current inventory for dairy cattle is based on housing type rather than average weight, whereas thousands of animals in the SJV have lower body weight. Dietary changes are a complex animal welfare issue. Dairies differ from one operation to the next. The dairy industry would continually support a menu of choices to meet reductions needed. (AIGp, CARES)

Response: Rather than set specific emission reduction goals for its control measures, the District's primary objective is to implement all feasible controls based on the best available science, and therefore achieve as much emission reduction as is feasible considering economic, energy, and environmental issues. The emission reductions shown in the Plan's control measures are preliminary estimates and are subject to revision at the time of rule development. The menu approach used in Rule 4570 acknowledges the complexity of factors that affect emissions, that there may be animal welfare issues at some facilities, and that facilities vary widely in their physical characteristics and operations. This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

75. Comment: The District should include a more aggressive control strategy for Confined Animal Facilities, the Valley's most significant source of VOCs. The increase in the Valley's dairies will virtually wipe out reduction being achieved by the current Rule 4570 in the long term. Rule 4570 should be amended to require Tier 2 control measures, including the enclosure, capture, and treatment of VOC emissions from the animal housing, liquid manure handling, and feed storage units. (CRPE)

Response: Rule 4570 is the most stringent rule for Confined Animal Facilities in the US and the Tier 1 control measures are considered BARCT. Based on the information, scientific research, and control cost estimates available when Rule 4570 was adopted, Tier 2 controls were considered more stringent than BARCT.

It should be noted that VOC emission reductions will help to improve ozone air quality, but even large VOC reductions will not provide attainment for the entire Valley.

Rule 4570 will be amended when additional research is completed, and additional controls may be added, based on the results of the new research.

This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

76. Comment: The District's rule does not go far enough to get emission reductions from this source category. The District proposes requiring an additional 2 mitigation measures and reduction the applicability threshold from 1,000 milking cows to 500. South Coast applies its rule to facilities of 50 or more cows of any kind. In order to get maximum reductions and maintain flexibility for sources, the District should consider establishing an emission reduction target (i.e. 70-80%) and then allow sources to choose as many or as few mitigation measures as are necessary to achieve that target. This approach would require the District to do a real BACT analysis to determine the best target to set in the rule and would reward the best actors by setting the emission reduction target at or near their current levels. (EJ)

Response: Rule 4570 is more stringent than South Coast Air Quality Management's Rule 1127 because it requires more controls to be implemented than Rule 1127 and affects more emissions sources (feed and enteric emissions in addition to livestock waste emissions). Additionally, the dairies in South Coast are not comparable to dairies in the SJV because they tend to use different management practices and, on the average, have less than half the number of animals as dairies in the SJV. Expanding Rule 4570 to dairies that have 500 cows would double the number of dairies subject to the rule, but would only increase the rule's applicability by about 24%. This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

77. Comment: Appendix I (M-IND-4, Large Diesel Engines) The District should establish a rule that requires limited or no use of off-road equipment on high ozone days. The District should also work with the legislature to increase the District's authority to require that public agencies operating within the air Valley adopt green contracting practices that motivate construction contractors to use less polluting construction equipment on publicly funded projects. (EJ)

Response: The District will be investigating the economic and technical feasibility of instituting regionally-focused episodic controls on stationary, area, and mobile sources to mitigate or avoid high ozone concentrations. This comment was incorporated into Chapter 6 and Chapter 8. The District is also proposing to pursue a Green Contracting Program, as suggested by the commentor.

78. Comment: M-IND-4, Large Diesel Engines Regarding the Large Diesel Engines measure in Appendix I, there are concerns over availability and cost for alternative fuels. Additional studies are needed. A voluntary approach is best until infrastructure has been provided and costs are supportable. Incentives are needed for fleet upgrades, as replacements are cost prohibitive. Shifting time of use is not feasible for agriculture. (AIGp)

Response: This comment was added to the control measure for further consideration.

79. Comment: Since many old school buses in the Valley have toxic diesel fumes as well as NOx and VOC emissions, they should be the first internal combustion engines replaced. (AU)

Response: The District agrees that cleaning up the school bus fleet is a high priority for the health of the children who ride buses, and for the communities where those buses travel. The District is seeking to get a fair share of the recent \$200 million state bond passed for cleaning up the school bus fleet, and allocates incentive funds to the oldest buses first. The need to clean up the school bus fleet comes more from a toxic risk reduction than a NOx control measure for ozone. NOx emissions from the school bus fleet are lower than other categories of diesel vehicles because of lower annual mileage.

80. Comment: Appendix I (M-OTH-3, Lawn Care Equipment) The use of 2-stroke small off-road engines (lawn mowers and tractors, weed whips, leaf blowers, generators) should be prohibited on days that AQI is forecasted to be above 100 (orange alert). Also prohibit use of all SOREs on days that AQI is forecasted to be above 150 (red alert). (EJ)

Response: See response #77 regarding episodic controls.

81. Comment: Appendix I (M-OTH-4, Off-Road Recreational Vehicles) Prohibit the use of Off-Road Recreational Vehicles that do not meet ARB's new emission limits on days that AQI is forecasted to be above 100; prohibit all Off-Road Recreational Vehicle use on days that AQI is forecasted to be above 150. (EJ)

Response: See response #77 regarding episodic controls.

82. Comment: Appendix I (M-OTH-6, Recreational Boats) The District should establish anti-idling rules for recreational boating and should prohibit 2-stroke recreational boat use on days that AQI is forecasted to be above 100; prohibit all recreational boat use on days that AQI is forecasted to be above 150. (EJ)

Response: See response #77 regarding episodic controls.

83. Comment: Appendix I (M-IND-5, Off-Road Equipment) As with large diesel off-road equipment, the District should establish a rule that requires limited or no use of off-road equipment on high ozone days. (EJ)

Response: See response #77 regarding episodic controls.

84. Comment: Appendix I (M-TRAN-3, Diesel Trucks and M-TRAN-8 Motor Homes) The District should move cautiously on developing policies that would move more diesel traffic over to Interstate 5 (I-5). This action would increase diesel emission exposure in rural communities near the I-5, shifting emissions from one hard-hit area to another community whose members are low-income and have less political clout. (EJ)

Response: Environmental justice is a key consideration in the development and implementation of this plan, and the rules and incentive programs it generates. The District will work with stakeholders to assure that no disparate impacts result from the implementation of this plan.

85. Comment: Appendix I (M-OTH-5, Aircraft) The District should establish idle rules for aircraft at airports in the basin. (EJ)

Response: Although very small, aircraft idling and taxiing emissions will be investigated as shown in Control Measure M-OTH-5, Aircraft.

86. Comment: Appendix I (M-TRAN-10, Other Buses) The District should encourage transit agencies to use smaller, less polluting vans and buses on low-ridership routes. (EJ)

Response: This comment was added to the control measure for further consideration.

87. Comment: [M-TRAN-12,Trains]. – Using the South Coast’s rule as a guide, the District should prohibit excessive (greater than 30 minute) locomotive idling by shutting off the engine, installing an anti-idling device that automatically turns off the engine, or demonstrating that the locomotive will achieve equivalent reductions in emissions over a calendar year using other methods; encourage locomotive engine retrofits or replacements on short-line rail routes. (EJ)

Response: The District’s understanding of a recent Air Resources Board legal opinion is that air district’s are precluded from regulating locomotive emissions. Nevertheless, the District will pursue emission reductions from this category using incentives, and by encouraging the state and federal agencies to establish appropriate regulatory controls for locomotives in the San Joaquin Valley.

88. Comment: Gasoline Trucks — establish a rule for existing oil refineries, gasoline wholesale operations, and retail operations to motivate and capture emissions from gasoline trucks. (EJ)

Response: State law and Rule 4621 (Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants) currently require the control of gasoline vapors from gasoline delivery vessels.

89. Comment: S-GOV-6, Prescribed Burning Has the District addressed the prescribed burns that deal with private land owners, parks, forests lands, and other federal lands? (AIGp)

Response: Rule 4106 addresses prescribed burning on private and public lands within the District’s jurisdiction. The District allocates burning based on predicted meteorological conditions and whether the total tonnage of emissions and smoke would impact smoke-sensitive areas or create or contribute to an exceedance of an ambient air quality standard.

90. Comment: Appendix I (M-IND-7, Off-Road Portable Engines) Information should be collected to categorize emissions levels of off-road portable engines so

control strategies might be better targeted. Upgrading the standards in District Rule 2280 to reflect ARB's PERP is not appropriate unless emission reductions justify the engine standard changes. Incentives would be needed to support any change in standards. (AIGp)

Response: The District concurs that emission reductions that accrue from a better-targeted strategy would justify changes in the emission standards. As mentioned in the write-up of District Control Measure M-IND-7 (Off-Road Portable Engines), a more thorough analysis of this category's source emissions inventory is needed in order to determine current operation in terms of location and model distribution. The comment regarding use of incentives was added to the control measure for further consideration. Please see changes to M-IND-7 in Appendix I.

91. Comment: Appendix I (M-OTH-9, Expanded Spare the Air Programs) Make all operational restrictions and no-sell policies mandatory, rather than voluntary; also, South Coast has long had a rule controlling VOC emissions from the ignition of barbecue charcoal (see South Coast rule 1174). The District should implement a similar rule in the Valley to control emissions from this source category. (EJ)

Response: See response #77 regarding episodic controls. Additionally, the San Joaquin Valley is subject to state requirements for charcoal lighter fluid (CCR 94509(h)) that are similar to South Coast Rule 1174.

92. Comment: Appendix I (M-OTH-8, Indirect Source Review Enhancement) Regarding land-based port equipment — the air district should establish an indirect source rule specifically for the Port of Stockton to address port land-based equipment, and enhance opportunities to get certain and quick emissions reductions at the port. The South Coast Air Quality Management District has included a similar measure among those in its draft ozone Air Quality Management Plan. (EJ)

Response: New development at the Port of Stockton is subject to the District's Rule 9510 (Indirect Source Review), Rule 2201 (New and Modified Stationary Source Review), and BARCT prohibitory rules of Regulation IV. The District's ISR rule is currently being implemented, and it is an important component of the District's attainment strategy. The South Coast's proposed indirect source measure for ports and port-related facilities is designed as a backstop measure that is to be implemented only if the ports do not take actions to achieve "sufficient, timely" emission reductions. It should be noted that because the Port of Stockton does not handle significant amounts of containerized cargo, emissions from its land-based port equipment do not compare in magnitude to the ports in Long Beach and Los Angeles.

93. Comment: (Control Measure Prioritization) The District should consider establishing an objective method to rank control measures on the basis of emission reduction potential. A "de minimus level", similar to that used in the PM10 Plans, should be established as part of the method to focus on measures

that will result in meaningful, cost-effective reductions. (KORC, PES, RC, WSPA)

Response: The control measures are prioritized based on a variety of factors, including the benefit for public health, cost effectiveness, technological feasibility, and magnitude of emission reductions (need for the emission reduction for attainment and federal Rate of Progress requirements).

94. Comment: (Cost Effectiveness) Several of the rules are in conflict with guiding principles #4 (Cost-effectiveness) and #7 (NOx priority). Also, cost-effectiveness is based on a 10-year pay-out cycle. However, District rule making schedule cycles are now more frequent than 10 years. Cost-effectiveness determinations are skewed. (KORC)

Response: See responses above regarding the value of VOC reductions. District staff will consider more specific cost effectiveness project lives for rulemaking projects when appropriate.

95. Comment: Any rule that would require farmers to disturb the soil should only be enacted on a voluntary basis. (JP)

Response: The District is not proposing any rules that require disturbing soil that would be contrary to good farming practices. Any proposed requirement undergoes public review and comment to prevent such an occurrence.

96. Comment: Rule 4694 Wine Fermentation and Storage Tanks allows an alternative compliance option where an operator may obtain surplus reductions generated by changes implemented at another operation. This flexible compliance could greatly benefit both industry and environment at large, if extended to use for compliance with other rules. (AIGp)

Response: Rule 4694 was adopted as a pilot project to see if such a compliance option would mitigate impacts to operators without sacrificing air quality goals. Similar provisions could be implemented in other rules, where appropriate.

97. Comment: All existing stationary source rules should be reviewed to require cost-effective controls based on the \$14,000+ cost-effectiveness assumptions used for the incentive program. (EJ)

Response: The District does not have a specific cost threshold for BARCT rules. A number of factors are considered when setting the rule requirements, including cost effectiveness, technological feasibility, and socioeconomic impacts. The District has adopted rules with cost-effectiveness that were significantly higher than the indicated level. The District always complies with state and requirements for socioeconomic and cost effectiveness analyses.

In developing this plan, the District has attempted to find and recommend the most cost effective options, but we have not used any go/no-go cost effectiveness threshold to determine the status of a candidate control measure.

98. Comment: (S-COM-1, Rule 4306 Boilers) The rule should not be considered a potential control measure for future reductions. The subject equipment has recently been retrofitted or replaced at great expense. The current standards far exceed Clean Air Act (CAA) Section 182(b)(2) and 182 (f) RACT requirements and have forced the complete replacement of burners since retrofit equipment was not available to comply with the new limits. It is not the intent of the CAA to establish a limit that forces a source to replace the unit which then makes the unit subject to BACT and offsets. (PES, RC)

Response: The CAA does not limit control measures to RACT levels, but mandates RACT as the minimum control requirement standard for major sources. The District has and will continue to consider a variety of factors during rule development, including current controls, technological feasibility and cost-effectiveness, to set appropriate control levels that produce meaningful, cost-effective reductions. Replacement units should not trigger BACT and offsets unless production is increased as part of the project.

99. Comment: Appendix I, (S-COM-4, Rule 4352 Solid Fuel Fired Boilers) The District should accept ARB's suggestion to set lower NOx limits on this source category. Many other air districts have adopted these lower limits for sources fired on solid fuel. At the very least, the District should lower the emission limit on Biomass-fired sources to match Sacramento's limit of 70 ppmv for NOx. This limit has been deemed feasible by both Sacramento and EPA. In 1994, EPA proposed this limit on biomass boilers in Sacramento, South Coast, and Ventura during the promulgation of a FIP. (EJ)

Response: The suggested option was added to the subject control measure for further consideration.

100. Comment: Appendix I (S-C-5, Rule 4703 Stationary Gas Turbines) – The District should remove the exemption for turbines rated ≤ 4 MW and limited to operations of ≤ 877 hours per year, as this exemption does not exist in other air districts. (EJ)

Response: The suggested option was added to the subject control measure for further consideration.

101. Comment: Appendix I (S-COM-6, Rule 4702 Stationary Engines) Recent rule changes have already made this rule very stringent, so it is difficult to obtain further reductions. The conversion of existing engines to electric motors should be voluntary. The electrical infrastructure may not be in place for across-the-board engine replacements. Cost-effectiveness may also be an issue. Also, the standard for electricity should not overlook conversion of diesel to cleaner alternative fuels. Consideration for remote locations (where alternatives might be unavailable or costly) must be included. (AIGp, JP, PES)

Response: The subject control measure does not suggest the engines be replaced. The District has and will continue to consider technical and economic issues when developing any rule.

- 102. Comment:** Appendix I (S-COM-6, Rule 4702 Stationary Engines) The NOx limits for spark ignited engines used in agricultural operations should be lowered to match non-agricultural spark-ignited engine limits of 25 ppmv for rich burn and 65 ppmv for lean burn. Furthermore, in a 1994 Federal Implementation Plan for South Coast, Sacramento, and Ventura counties, EPA proposed setting NOx limits for lean burn at 45 ppmv. (EJ)
Response: The District is emphasizing the electrification of agricultural engines, where feasible, through its incentive programs. The suggested option was added to the subject control measure for further consideration.
- 103. Comment:** Appendix I (S-COM-9, Rule 4902 Residential Water Heaters) The District should encourage expedited compliance (rather than at the natural attrition rate) with the proposed new emission limits on residential water heaters by adopting a mitigation fee program similar to the South Coast's program. (EJ)
Response: The suggested option was added to the subject control measure for further consideration.
- 104. Comment:** Appendix I (S-COM-10, Rule 4905 Natural Gas Fired, Fan Type Residential Central Furnaces) The District should reduce NOx emission limits to 20 ppm, as proposed in the South Coast's 2006 Air Quality Management Plan. (EJ)
Response: The suggested option was added to the subject control measure for further consideration.
- 105. Comment:** Appendix I (S-GOV-3, Rule 4642 Solid Waste Disposal Sites) The active landfills, hazardous waste sites, and sites with no VOC control devices account for 82% of the emissions from this source category. The District should consider removing the exemption for these sources. (EJ)
Response: It is generally not feasible to add vapor extraction and collection systems to active landfills. The mechanical process of spreading and burying waste materials would quickly destroy any pipes that are buried to collect vapors and move them to an emission control device. The suggested option was added to the subject control measure for further consideration.
- 106. Comment:** Appendix I (S-GOV-4, Rule 4641 Cutback, Slow Cure, and Emulsified Asphalt Paving) In addition to removing the low temperature exemption, the District should address NOx emissions from the burners used to heat the rotary dryers. Low NOx burners and flue gas recirculation can be used to achieve NOx reductions from these sources. See Sacramento's 2006 Ozone Plan. (EJ)
Response: Please refer to Appendix I, S-COM-11, Rule 4309 Dryers, which addresses NOx emissions from burners such as those used in rotary dryers.
- 107. Comment:** Appendix I (S-GOV-5, New Rule Composting Green Waste) As such a large source of VOC emissions, this category should be controlled as

soon as possible by requiring the most effective best management practices and installation of VOC control devices where feasible. (EJ)

Response: Please refer to the referenced control measure, which describes District plans to address VOC emissions from green waste composting operations.

108. Comment: Appendix I (S-IND-6, Rule 4682 Polystyrene Foam, Polyethylene, and Polypropylene) The District should ensure that its recent proposed rule reflects the fact that EPA considers emissions from storage of in process materials and warehousing of finished product capable of capture and control and should not be considered fugitive emissions. (EJ)

Response: Please refer to the subject control measure, which describes the District's current rule development effort addressing VOC emissions from these operations.

109. Comment: Appendix I (S-IND-12, Rule 4694 Wine Fermentation and Storage Tanks) Remove the alternative compliance provision, require 86% VOC capture and control efficiency on tanks, include emissions from brandy aging operations in this rule or draft a separate rule to encompass emissions from these sources. Emissions from the aging of brandy cannot be considered surplus, and the District must not ignore the sizeable emissions from brandy operations in order to allow alternative compliance under the wine rule. (EJ)

Response: The suggested option was added to the subject control measure for further consideration. Appendix I (S-IND-14, Aging of Brandy and Wine) discusses the VOC emissions and control options for that source category.

110. Comment: Appendix I (S-SOL-1, Rule 4606 Wood Products Coating Operations) reduce VOC limits to match South Coast's limits of 250g/liter on all wood coatings. (EJ)

Response: The suggested option is already included in the subject control measure for further consideration.

111. Comment: Appendix I (M-OTH-1, Green Contracting Programs) The District should promote green building. District staff should meet with City and County officials (not all of whom read CEQA documents). Buildings with white roofs can save energy. Buildings can also be oriented to with window's facing north or south to lower the cooling costs. Compact florescent bulbs should be used more. Pools should only be heated with solar heaters. (AU)

Response: Please see District Control Measure M-OTH-1, (Green Contracting Programs) in Appendix I.

112. Comment: Appendix I (M-TRAN-1, Employer-Based Trip Reduction Programs) Encourage mass transportation. (AU)

Response: Please see District Control Measure M-TRAN-1 in Appendix I.

- 113. Comment:** Appendix I (S-COM-12.1 Energy Conservation Programs) Encourage energy efficiency. (AU)
Response: Please see District Control Measure S-COM-12.1 (Energy Conservation Programs) in Appendix I.
- 114. Comment:** Appendix I (S-COM-13, Heat Island Mitigation Programs) Regarding the Heat Island Mitigation Programs measure in Appendix I, we recommend that the Plan provide discussion on the benefits that crop production has for ozone absorption potential, the role of VOC emissions in rural areas in controlling ozone, and the role of orchards as buffers. (AIGp)
Response: The Heat Island Mitigation Program is designed to lower ambient temperatures in urban areas, which is conducive to less ozone formation and also reduces demands on the power grid (less power plant emissions from peaker stations). The benefits of crop production have more to do with the lower potential for ozone precursor production of farming areas in contrast to urban areas. This is an argument for the preservation of agricultural areas and for denser population centers, which are more amenable to transit development strategies. Both issues are dealt with through land-use planning, for which there are currently efforts for a more regional approach. The suggestion to provide discussion on the ozone reduction potential of agricultural areas was added to the control measure description. This comment will be considered further in the development of this control measure as a District program.
- 115. Comment:** Appendix I (M-OTH-1, Green Contracting Programs) As suggested above under Large Diesel Engines, the District should work with the legislature to increase the District's authority to require that public agencies operating within the air district adopt green contracting practices. (EJ)
Response: This suggestion has been added to the Control Measure M-OTH-1 recommendations. It will be considered further in the implementation of this program.
- 116. Comment:** Appendix I (M-OTH-8, Indirect Source Review Enhancement) The District should increase the rule's value by lowering the threshold of construction equipment covered from anything 50 horsepower or greater to anything 25 horsepower or greater. The District should also lower the threshold for new development projects covered from those that are expected to produce two tons or more of indirect pollution to those that are expected to generate one ton or more of indirect pollution. Finally, the District should consider requiring onsite mitigation for a substantial portion or all of the indirect source emissions linked to a development project. This will ensure that a developer is not able to simply pay mitigation fees, but must also incorporate at least some permanent emission reduction measures into the development. Most importantly, though, the District should not delay expanding the indirect source rule simply because the rule has been challenged in court. The District clearly has authority to promulgate an indirect source rule. To wait until the challenge has played out in court risks needlessly delaying an opportunity to reduce pollution. (EJ)

Response: These comments were added to the control measure for further consideration. District staff will consider these issues during the rule development process. On the issue of requiring onsite mitigation requirements, the District has continually indicated the preference for onsite mitigation. However, the option of paying mitigation fees was incorporated to the ISR rule to provide flexibility for development projects, while guaranteeing that emission reduction goals are met by providing incentives to sources where equivalent reductions can be realized. Equivalent reductions are sought with SIP creditability designed into these incentive-funded projects. In addition, the possibility of exceeding the emission reductions is a factor when evaluating potential, fundable projects.

The timeline for the possible expansion of the ISR rule has not been determined. However, the court challenge would have been resolved by the time the ISR rule undergoes rule development so that there will be no delay in realizing potential, additional emission reductions from an enhanced ISR rule.

- 117. Comment:** M-TRAN-1, Employer-Based Trip Reduction Programs—explore the applicability of state laws governing parking pay-out programs in California, and work to strengthen that law and its enforcement in the San Joaquin Valley. (EJ)

Response: This comment was added to the control measure for future consideration. District staff will consider this issue during the rule development process.

- 118. Comment:** The District should separate grades at railroad crossings to prevent idling cars and advocate properly inflated tires, which would help vehicles use less gasoline. New businesses should not be built with employee parking. Public money should be spent on improved transit instead of more roads, which would eventually be clogged with cars. (AU)

Response: The District works to the extent authorized under the federal Clean Air Act and state Health and Safety Code to attain clean air standards. However, railroad crossings and transit issues fall under the regulatory authority of local land use agencies. Projects that use federal funds are subject to conformity regulations (Transportation Conformity and General Conformity), which assure that these projects do not negatively impact air quality plans. New businesses are subject to the District's Indirect Source Review Rule 9510 and with the recent passage of Fresno County's Measure C, local money will be available for improved transit. The Spare The Air campaign brochures and public service announcements advocate maintaining proper tire pressure and the benefits of utilizing mass transportation.

- 119. Comment:** S-IND-21, Flares - The District should adopt a flare minimization program similar to those in the South Coast and Bay Area air districts. The Bay Area reports greater than 80% reductions in emissions from flaring based solely on increased monitoring and reporting requirements.

Furthermore, the District should adopt NO_x and CO limits on flares used for landfill gases similar to those adopted in the San Luis Obispo air district. (EJ)

Response: Staff reviewed the indicated rules and found that neither the BAAQMD nor the SCAQMD rules require specific reductions or actions that would lead to reductions to be included in the plans. The comment regarding NO_x and CO limits on landfill flares was added to the control measure for future consideration. District staff will consider this issue during the rule development process.

120. Comment: Under separate cover, the refinish coating manufacturers of the NPCA submitted separate comments on the proposed control measure for motor vehicle and mobile coatings operations. (NPCA)

Response: The District received these comments. Amendments to this rule were adopted in September 2006.

121. Comment: We appreciate the District giving priority to NO_x emissions reductions, mobile source strategies, seasonal approaches and hot spots. (WUD)

Response: Focusing on NO_x is essential for both 8-hour ozone and PM_{2.5} attainment. Achieving reductions from mobile sources will be integral for attainment, since mobile sources comprise such a significant portion of the emissions inventory. The District hopes that ongoing technical work will allow for seasonal and regionally-targeted approaches to ensure the best use of resources and the most expeditious attainment possible.

122. Comment: S-SOL-4, Wood Products Coating Operations - The District should maintain the existing exemptions for aerosol coatings, coatings used in quantities of less than 20 gallons per year, coatings used for specific limited uses and limited finishes. Reducing the exemption to 1 gallon results in very little VOC reductions. Facilities may not be able to increase device efficiencies with existing equipment, so expensive new systems would need to be purchased. (NPCA)

Response: These comments were added to the control measure for further consideration. District staff will consider this issue during the rule development process.

123. Comment: S-SOL-3, Surface Coating of Metal Parts and Products - The District should maintain existing exemptions for touch-up coatings, since they are often used in small quantities. The District should also provide exemptions for specialty coatings that require high VOC limits for special applications (i.e. high or extreme performance coatings) (NPCA)

Response: All possible control options as well as socioeconomic impact and cost effectiveness must be considered during the rulemaking process. This comment was added to the control measure for further consideration. District staff will consider this issue during the rule development process.

- 124. Comment:** S-PET-1, Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants and Organic Liquid Loading - The agricultural industry expresses concerns with a blanket removal of current exemptions. Tanks are used infrequently. Installation of Phase 1 vapor recovery would be cost prohibitive due to infrequent filling of the tanks. (AIGp)
Response: Rule 4621 (Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants) and Rule 4624 (Organic Liquid Loading) are part of a current rule development project that is underway. District staff will consider this issue during the rule development process.
- 125. Comment:** S-PET-2, Gasoline Transfer into Motor Vehicle Fuel Tanks- The Gasoline Transfer into Motor Vehicle Fuel Tanks measure in Appendix I, installation of Phase 2 vapor recovery at agricultural operations is cost prohibitive due to infrequent use. (AIGp)
Response: Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks) currently under development. District staff will consider this issue during the rule development process.
- 126. Comment:** S-SOL-1, Architectural Coatings - Adopt South Coast's new coating limits, as suggested in the Draft Plan. (EJ)
Response: Comment noted. District staff will consider this issue further during the rule development process.
- 127. Comment:** Rule development projects have resulted in rules which have or will shortly impact industries such as agricultural and oil refining. Although rules are normally developed for specific equipment types or processes, the complex nature of some industries can cause operators to be faced with multiple new rules; each having a separate list of requirements. The combined impact of these rules can result in a significant economic burden on operations. Recent rules have addressed a number of equipment including boilers, dryers, engines, and gasoline storage and dispensing equipment, which can all often be found at a single facility. (AIGp and KOR)
Response: Cumulative impacts are difficult to evaluate since some costs and practices are already part of the operators' operational baselines. The District recognizes the effect that more stringent requirements can have and performs a socioeconomic analysis to collect stakeholder input and evaluate those impacts. Where possible, rule compliance schedules are adjusted to mitigate those impacts and still generate timely emission reductions.
- 128. Comment:** The company "Save the World Air, Inc" (STWA) has a variety of products that have been significantly tested and proven to reduce harmful exhaust emissions, improve performance, and enhance fuel economy. Why are these not being implemented? (ML)
Response: The District does not have jurisdiction over the products that STWA is manufacturing. Aftermarket products used for private mobile sources falls under the authority of the EPA and the ARB. These agencies are also

responsible for certifying products, including fuel additives, retrofit devices, etc., which may be used by stakeholders in complying with regulations. Other regulatory agencies, such as the District, do not require or recommend the use of products. Rather, these agencies formulate regulations that require certain emission limits to be met by devices or products.