HUGHES

Subsidiary of GM Hughes Electronics

October 28, 1994

15 Day comment

OF CALIFORNIA
RESOURCES BOARD
RECEIVED 11/4/94
BY BOARD SECRETARY

MHS
Legal
SSD

Board Secretary
Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

RE: Air Toxics Hot Spots Fee Regulation

Dear Sir or Madam:

Hughes Aircraft wishes to comment on and communicate its concerns with the ARB's Proposed Amendments to the Air Toxics Hot Spots Fee Regulation. Hughes appreciates the opportunity to make these comments and welcomes any inquiries on our concerns.

1) Hughes wishes to strongly affirm that funding for the review of the Air Toxics reporting documents should be directed toward high emitters. Senator McCorquodale's bill (SB1378) directs fee collection based on quantity of toxics emissions, and in so doing echoes the explicit intent of the Health & Safety Code. Hughes' concern is that the current fee regulation penalizes emitters with greater variety of processes over those emitters with greater emission volume or toxicity. Not only is this inconsistent with the intent of the funding bill, it severely burdens relatively low-emitters who have multiple processes with costs more properly allocated to high-emitting facilities. The allocation of review costs for the various Air Toxics reporting documents is properly directed toward those facilities found to be high emitters.

It is important to realize that the largest quantity of emissions are usually generated by emitters with relatively few process types. These emission sources typically dwarf the smaller processes of those firms with numerous extremely low emission processes. In short, numerous process types do not translate to greater emissions.

2) Hughes also believes that as the Air Toxics Hot Spots program continues to mature and facilities continue to improve processes and lower emissions, the Districts and the ARB should observe a shrinking burden from the program. This savings will be incremental but should be significant as the program settles into a 4-year cycle from a more schedule intense 2-year cycle of past years. As this savings is realized, the Hot Spots fees should be reduced accordingly and not merely be reallocated to other State programs.

Corporate Offices: 7200 Hughes Terrace
PO Box 80028, Los Angeles CA 90080-0028
(310) 568-7200

October 28, 1994

Again, Hughes appreciates the opportunity to comment on the proposed amendments and welcomes any inquiries on their substance. If there are questions, please contact me at 310-568-6886.

Very truly yours,

Mark Jontz
Manager,
Corporate Air Quality Programs

Ventura County
Air Pollution
Control District

669 County Square Drive
Ventura, California 93003

tel 805/645-1400
fax 805/645-1444

Richard H. Baldwin
Air Pollution Control Officer

CERTIFIED - RETURN
RECEIPT REQUESTED

CALIFORNIA
AIR RESOURCES BOARD
RECEIVED 11/7/94
BY BOARD SECRETARY

15 Day Comment

MHS
Legal
SSD

November 1, 1994

Board Secretary
Air Resources Board
2020 L Street
Sacramento, CA 95814

Subject: Amendments to the Air Toxics "Hot Spots" Fee Regulation - Notice of Public Availability of Modified Text Dated October 20, 1994

Dear Sir or Madam:

The District is in receipt of the Notice of Public Availability of Modified Test dated October 20, 1994 for the Amendments to the Air Toxics "Hot Spots" Fee Regulation. We are very concerned about the large increase that has occurred in the amount of revenues to be remitted to cover state costs by the Ventura County APCD.

We were pleased to see that total state costs have decreased from fiscal year 1993-94. However, this has not translated in a reduction in the amount of revenues to be remitted by the Ventura county APCD and by extension the amount of fees that will have to be paid by facilities in Ventura County.

It is interesting to note that in the subject notice, the amount of revenues to be remitted by districts making up 85% of the total state costs (SCAQMD, BAAQMD, SJVUAPCD, SDCAPCD, MBUAPCD, and VCAPCD) has decreased from fiscal year 1993-94 in conjunction with the decrease in state costs in all cases except one, Ventura County. It is also notable that this was <u>not</u> the case when the 1994-95 Air Toxics "Hot Spots" Fee Regulation was approved by the Air Resources Board in July.

The annual change in the amount of revenues to be submitted to the state each year from the 1988-89 base year (first year of Air Toxics "Hot Spots" Fees) for the districts listed above and the annual change in state costs is illustrated in the enclosed figure. There were naturally some significant changes last year (fiscal year 1993-94) in the revenues remitted to the state by districts because the method of calculation was completely changed. However, this is now the second year of using the same method to calculate revenues to be remitted to the state by districts and the seventh year of the Air Toxics "Hot Spots" program. The large erratic shifts in facility counts that occurred between 1993-94 and 1994-95 in some districts are thus difficult to understand.

In the regulation that was approved by the Air Resources board in July, a large shift in facility counts had occurred in the SCAQMD. The staff report on the proposed regulation explained that significant errors had been discovered in the data submitted for fiscal year 1993-94 and were corrected by SCAQMD between April 1 and the July Board hearing. The staff report stated that the revised data was verified by CARB staff. However, large shifts in facility counts occurred in several other districts after the July Board hearing which are reflected in the current version of the regulation. It is not clear why these changes occurred, how errors of this magnitude went unnoticed in 1993-94 and prior to the Board hearing on the 1994-95 regulation in July, or if the revised values have been reviewed for accuracy. It is interesting to note that, according to Table 3 of the staff report, district costs are not necessarily declining even where significant decreases in the number of facilities was reported to have occurred.

Section 90701(h) of the Air Toxics "Hot Spots" Fee Regulation requires that districts submit facility lists to CARB by April 1 of each fiscal year. It appears that some districts treated this submittal as an April Fool's Day joke and didn't send their "real" lists until after the Board hearing.

Some form of independent verification of all of the district lists is needed before this regulation is finalized. One area of review might include verification that all facilities that are subject by law to the Air Toxics "Hot Spots" Program are listed (whether the district thinks they should be in the program or not). Also, facilities listed as "industrywide" should include only those facilities that actually have been or will be included in an industrywide inventory. There does not seem to be a legal provision for subjecting facilities to the full reporting requirements of the program and then shifting these facilities to the "industrywide" category for updates. Verification methods might include comparison of lists to ATEDS data or criteria pollutant data, as well as program audits.

For future Air Toxics "Hot Spots" Fee Regulations, the method to determine the amount to be remitted to the state by districts needs to be changed so that it can't be manipulated and can be easily verified independently. The method used this year was supposed to have been an interim method when it was used last year, until sufficient toxics data is available. This interim method has been carried over for a second year because sufficient toxics data is still not available. Based on deadlines in the law, all data should have been submitted to CARB by now. If sufficient toxics emission data is not available and used for fiscal year 1995-96, the reason needs to be explained and something needs to be done to get the data complete as soon as possible. I understand that industrywide toxics emissions inventory data may not be available since it is being developed on a statewide basis.

Changes to the fee regulation after Board approval have occurred virtually every year. This has made final OAL approval of the regulation very late each year. Fee rule

adoption and collection of fees is thus delayed for districts and fees cannot always even be collected in the fiscal year they are being levied for. This has been a source of confusion for affected facilities.

Late changes need to be subject to close review and should be disallowed except in extraordinary circumstances. The regulation contains specific deadlines for information submittal which should be adhered to. Exceptions should be limited, in more cases, to significant information changes that occur after the data is due to be submitted (e.g., shutdown of a large facility).

Thank you for this opportunity to comment on this proposed regulation.

If you have any questions, please contact Terri Thomas at 805/645-1405.

Sincerely,

Richard H. Baldwin

Richard H. Baldwin
Air Pollution Control Officer

Enclosure

c: Members, Air Pollution Control Board
James D. Boyd, ARB
Tom Berg, RMA

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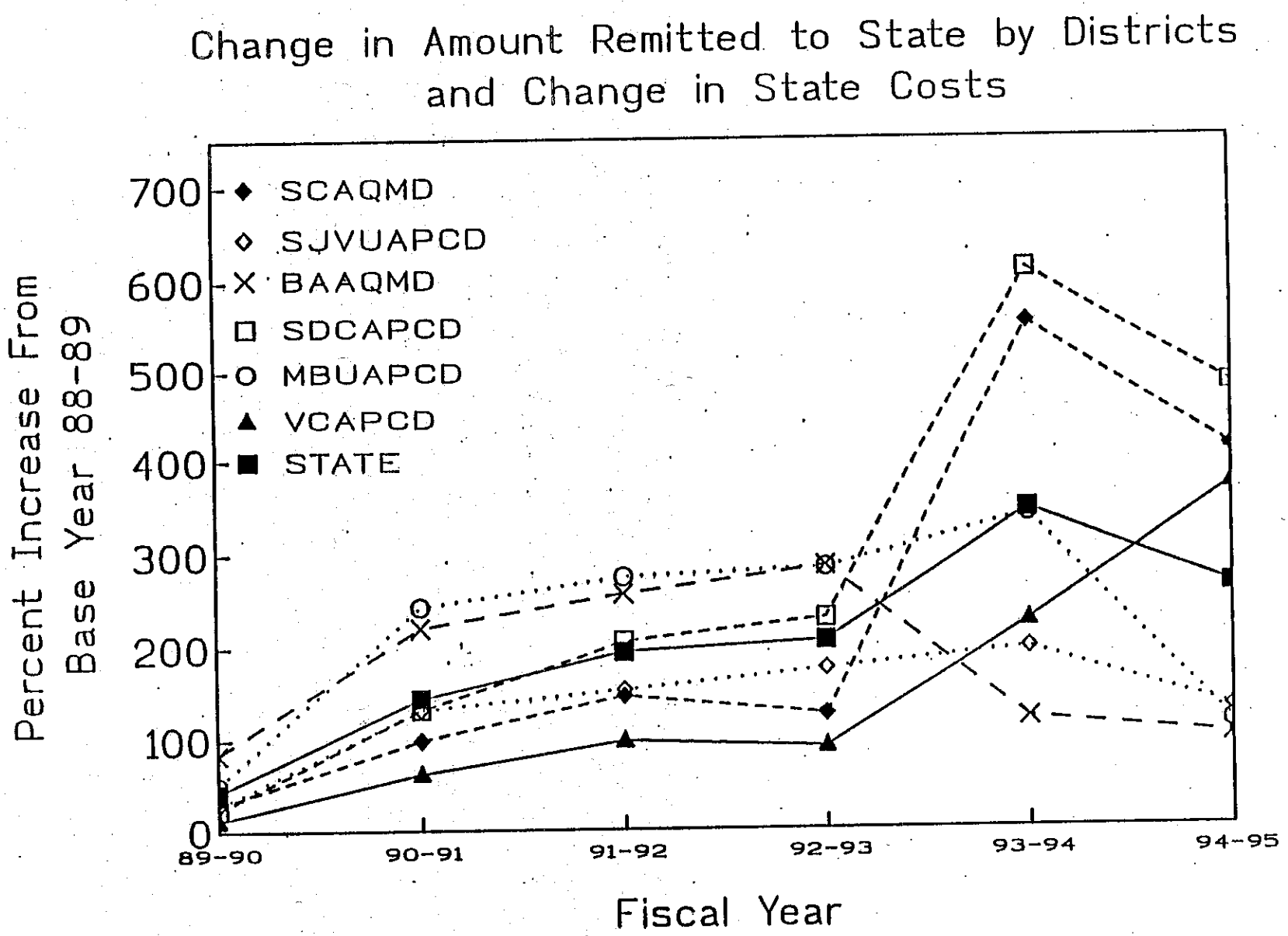

Change in Amount Remitted to State by Districts
and Change in State Costs
SCAQMD
SJVUAPCD
BAAQMD
SDCAPCD
MBUAPCD
VCAPCD
STATE
Percent Increase From
Base Year 88-89
0
100
200
300
400
500
600
700
89-90
90-91
91-92
92-93
93-94
94-95
Fiscal Year

County of Glenn AIR POLLUTION CONTROL DISTRICT

ED ROMANO, Air Pollution Control Officer,
Director: Underground Storage Tanks

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 1
To Roger Rosenberg	From R. Stewart
Co. ARB	Co. Glenn County
Dept. Jim Fees	Phone # (916) 934-6500
Fax # (916) 327-5621	Fax # (916) 934-6503

November, 7, 1994

Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

To: Board Secretary

From: Ed Romano

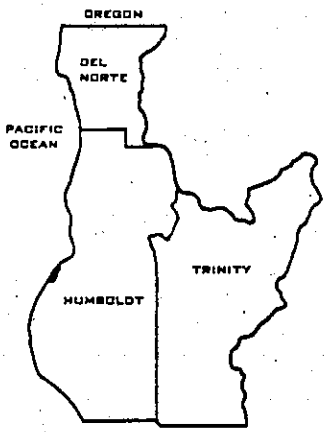
Subj.: Hot Spots Comments

The ARB fees have become such a burden on the District that we are unable to collect the necessary funds to operate the Districts Hot Spots Program.

If the ARB continues to demand the same amount of financial support the District will not be able to operate a program except to collect the fees for the ARB.

720 N. Colusa St. - P. O. Box 351 - Willows, California 95988 - Phone (916) 934-6500 or 865-1133 - FAX (916) 934-6503

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT



2389 MYRTLE AVENUE
EUREKA, CALIFORNIA 95501

PHONE (707) 443-3093
FAX (707) 443-3099

MEMO

TO: Jeanette Brooks, ARB

FROM: Wayne Morgan WM

SUBJECT: Revaluating Areawide Sources

DATE: October 24, 1994

At your request we have reevaluated the area wide sources for AB-2588 Fee purposes. The North Coast Unified Air Quality Management District wishes to modify the last ARB area wide source reporting survey with the following information categories:

Source	Total Sources
Retail Gasoline Stations (permitted)	71
Perchloroethylene Dry Cleaners	9
Auto Body/Paint Shops	Unpermitted, therefore unknown
Chrome Platers	1
Chrome Cooling Towers	4
Medical Waste Incinerators	1
ETO Sterilizers	3
Asbestos Containing Serpentine Surfacing Operations	1
Total Reported Area wide Sources	90

WM:darbltr94.ltrs

ATTACHMENT D

SURVEY BY CATEGORY OF INDUSTRYWIDE FACILITIES

District: Modoc

Date: 10/25/94

	Category	SIC Code	Number of Facilities
1.	GAS STATIONS	554	14
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

TOTAL 14

Verified By: Leo Wright

Phone Number: 916-233-6404

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT Rodney A. Hill, Interim APCO
1300 E. Main Street, Ste. 320, P.O. Box 2509
Grass Valley, CA 95945
(916) 274-9360, FAX: (916) 274-7546

October 31, 1994

1994 NOV 1 Received TAC ID BRANCH

Air Resources Board
Attn: Genevieve Shiroma
P.O. Box 2815
Sacramento, CA 95812

Re: Comments to the FY 1993-94 Air Toxics "Hot Spots" Fee Regulation

Dear Ms. Shiroma:

The District would like to make the following comments regarding the 1993-94 Air Toxic "Hot Spots" Fee Regulation.

First, the District requests that the facility, Grass Valley Veterinary Group, be taken off of the Plan and Report Simple list and changed to and Industry Wide Survey. This is a small business that would undergo serious financial hardship trying to comply with the Plan and Report requirements, most likely driving them out of business. The District will prepare an Industry Wide Survey.

Second, the Haskell Peak Logging Company does not belong in the "Hot Spot" Program, and should be removed from further consideration. This facility screens woodwaste for use as soil amendments. The listed SIC for this facility was 2499 - "Wood Products Not Elsewhere Classified", but upon further careful review, woodwaste is not listed in the detailed SIC description. The woodwaste is not treated in any way (other than screening). The District could not find a more appropriate SIC for this facility, so chose 2499 in error. The facility does not use any listed substances and does not formulate or release any listed substances either. This is a tiny operation whose production barely qualifies it for permitting requirements. Please remove this facility from consideration for applicability to the "Hot Spots" Program.

Please feel free to call me at (916) 274-9360 if you have any questions or comments.

Sincerely,

Rodney A. Hill

Rodney A. Hill
Interim Air Pollution Control Officer

SURVEY BY CATEGORY OF INDUSTRY WIDE FACILITIES

Division: Salinas Co. ARB

Date: Nov. 3, 1994

Category	NAC Code	Number of Facilities
1. Engine Stations	5541	36
2. Dry Cleaners	7216	1
3. Hospital Sterilizers	Ag. 57	2
4. Autobody Shop	5511 - 5531	19
5. Printing Operations	2711-2779	2
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		

TOTAL 60

Verified By: [illegible]

Phone Number: [illegible]

FAX COVER PAGE
Mojave Desert Air Quality Management District

DATE: November 7, 1994

TO: Roger Korenberg
CARB
Fax 916-327-5621
Phone 916-327-5634

FROM: Richard Wales
Mojave Desert AQMD
Fax 619-245-2699
Phone 619-245-5402

SUBJECT: AIR TOXICS "HOT SPOTS" FEE REGULATION FY 1994/95

Attached is a letter to Ms. Pat Hutchens, Board Secretary, and an attachment revising the facility count for the Air Toxics "Hot Spots" Fee Regulation for Fiscal Year 1995/1995.

If you have any question feel free to contact me.

Total number of pages 3

toxics\fees\fy-9495\fees1107.fax

Mojave Desert
Air Quality Management District

MDAQMD

15428 Civic Drive, Suite 200, Victorville, CA 92392-2383
(619) 245-1661 Fax No. (619) 245-2699

Charles L. Fryxell
Air Pollution Control Officer

November 7, 1994

Ms. Pat Hutchens
Board Secretary
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

ATTENTION: Mr. Roger Korenberg

SUBJECT: AIR TOXICS "HOT SPOTS" FEE REGULATION FY 1994/95

Dear Ms. Hutchens:

The Mojave Desert Air Quality Management District (MDAQMD) hereby requests that the facility count, by categories, for the Air Toxics "Hot Spots" Fee Regulation for Fiscal Year 1995/1995 be changed per the attached table.

If you have any questions, please contact Mr. Richard Wales of the Engineering staff at (619) 245-5402.

Sincerely,

Daryl J. Macaulay for

Christopher A. Collins

CAC:RTW:ed

Attachment

inventor\ab2588\fees\fy-9495\carb1107.ltr

MOJAVE DESERT AQMD

AIR TOXIC PROGRAM

FACILITY COUNT FOR FY 94–95

Prepared By: R. T. Wales Date: November 7, 1994

PROGRAM CATEGORY	SAN BERNADINO CO.		RIVERSIDE CO.		DISTRICT TOTAL	
	# FACILITY	SMALL BUSINESS	# FACILITY	SMALL BUSINESS	# FACILITY	SMALL BUSINESS
Industrywide						
Gasoline Dispensing – Retail	208		24		232	0
Dry Cleaner	22		2		24	0
Auto Body Coaters	30		4		34	0
Plan and Report, SCC 1 & 2	65	15	9	2	74	17
Plan and Report, SCC 3 – 5	5		2		7	0
Plan and Report, SCC >5	7				7	0
Risk Assmnt – District, SCC 1 & 2	3				3	0
Risk Assmnt – State, SCC 1 & 2					0	0
Risk Assmnt – District, SCC 3 – 5					0	0
Risk Assmnt – State, SCC 3 – 5					0	0
Risk Assmnt – District, SCC >5	8				8	0
Risk Assmnt – State, SCC >5					0	0
Notification, SCC 1 & 2					0	0
Notification, SCC 3 – 5	1				1	0
Notification, SCC >5	1				1	0
Audit and Plan, SCC 1 & 2					0	0
Audit and Plan, SCC 3 – 5					0	0
Audit and Plan, SCC >5					0	0
AB 958 Exempted Facilities	0		1		1	0
GRAND TOTAL	348	15	42	2	390	17

** Small business are includes in the column entitled "# facility"