

## HH. Port of Los Angeles & Port of Long Beach, August 30, 2012



August 30, 2012

Barry Wallerstein, D. Env.  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

Re: Comments on the Draft 2012 Air Quality Management Plan

Dear Dr. Wallerstein:

The Port of Long Beach and Port of Los Angeles (Ports) appreciate the opportunity to serve on the South Coast Air Quality Management District's (AQMD) 2012 Air Quality Management Plan (AQMP) Advisory Committee. We support the AQMD's clean air goals and have a proven leadership record of developing and implementing appropriate and effective strategies that have resulted in the port-related goods movement industry's achievement of real and dramatic emissions reductions. Although the Ports do not own or control the emission sources, the Ports have worked cooperatively with business operators in the port area and the air quality regulatory agencies (i.e. Environmental Protection Agency, California Air Resources Board, and AQMD) to help the port industry reduce its fair share of air quality impacts to the region from port-related operations, as outlined in the San Pedro Bay Ports Clean Air Action Plan (CAAP) and the associated San Pedro Bay Standards. As a result, between 2005 and 2011 emissions from port-related sources were reduced by 73 percent for diesel particulate matter (DPM) and by 50 percent for nitrogen oxides (NOx). The Ports' San Pedro Bay Standards for 2014 established goals to reduce port-related DPM by 72 percent and NOx by 22 percent. Therefore, as a result of implementation of aggressive actions by the port industry, port-related emission reductions have exceeded our goals several years ahead of schedule.

While we remain a committed partner in the effort to improve air quality in the region, we have significant concerns with several proposed control measures in the Draft 2012 AQMP that improperly misclassify the Ports as "stationary sources" or "indirect sources" under AQMP Stationary Source measures, or as "implementing agencies" of specific AQMP mobile source measures. In particular, the proposed Stationary Source Measure IND-01, "Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Sources" contains many legal flaws, as explained in greater detail below, and inappropriately proposes to impose enforcement actions on the Ports for emissions generated by emissions sources that the Ports do not own,

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operate, or control, which is counterproductive to the cooperative relationship that our agencies have established since we began working together on the voluntary CAAP in 2006.

HH-1

This letter provides the Ports' specific comments on the control measures in the Draft 2012 AQMP that we believe must be addressed prior to finalization and adoption by your agency.

**Proposed Stationary Source Measure IND-01**

There are three fundamental problems with Proposed Measure IND-01, "Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Sources." First, the proposed backstop rule would transform the Ports' voluntary CAAP into the AQMD's mandatory regulation of the Ports. This would jeopardize the Ports and the Port-related emissions sources' grant funding for equipment replacement and modernization if it is now necessary to comply with regulation, while offering nothing to assist the Ports with compliance in terms of additional technologies, facilitating regulations, tools, or funding. Second, although the CAAP was a voluntary cooperative effort of the Ports and the air agencies designed to encourage the industry operators of regulated equipment to go beyond regulation, the proposed backstop rule would improperly subject the Ports to the AQMD's enforcement action for industry's missed emissions reductions by equipment not operated or controlled by the Ports, or even potential loss of federal funding under federal conformity principles if the AQMP is adopted into the State Implementation Plan (SIP) and approved by the U.S. EPA as federal law. Third, the proposed backstop rule exceeds the AQMD's authority and if implemented may violate the State Tidelands Trust. If Measure IND-01 (as well as the Offroad Mobile Source Measures discussed below) are in reality the AQMD's regulation of Port-related mobile emissions sources such as locomotives, ships, rail, and trucks, then this is beyond AQMD's legal authority and AQMD should obtain a waiver under the Clean Air Act from the U.S. EPA. The Ports provide further detailed comments on Proposed Measure IND-01 below, and object to it being included in the 2012 AQMP.

HH-2

Based upon the AQMD's modeling results, existing control measures are expected to result in attainment of the Federal 24-hour PM2.5 standard by the 2014 deadline without Measure IND-01. Section 39602 of the California Health and Safety Code states that the State Implementation Plan (SIP) shall only include those provisions necessary to meet the requirements of the Clean Air Act. Hence, there is no identified need or legal basis for implementing Measure IND-01. The AQMD's proposed measure will not result in any additional benefit for the region beyond what is currently being achieved and expected to be achieved in the near future, and is therefore unnecessary.

HH-3

The Ports are neither "direct emissions sources" nor "stationary sources" subject to AQMD permitting, and the AQMD has not complied with requirements for regulation under Health and Safety Code. The Ports are also not "indirect sources" subject to an AQMD indirect source review program within the meaning of the Clean Air Act, and the AQMD has not complied with requirements of the Clean Air Act, 42 U.S.C. §7410 and various other requirements for indirect source classification. The Ports are also not air agency regulators. The Ports do not own, operate, regulate, or control any of the goods movement equipment serving the Ports that are

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targeted emissions sources under Measure IND-01. Additionally, the equipment are mobile sources regulated by state, federal, and/or international regulation, sometimes under jurisdiction preempting Port or AQMD action. It is inappropriate for the AQMD to regulate the Ports without the Ports' ownership, operation, or jurisdiction to regulate the various industry businesses actually causing the emissions within our boundaries.

HH-4

The proposed backstop measure continues to state that if there is a South Coast Air Basin-wide shortfall in emission reductions, then the AQMD will mandate additional emission reductions from the Ports, even if the port-related sources have already met their commitments. This moving target standard is unconstitutionally vague and therefore illegal. The Ports are unfairly targeted, as there are no backstop measures proposed for other entities or source categories should other modeling assumptions not come to pass, such as anticipated natural fleet turnover, or other non-regulated initiatives failing to meet their goals, such as those expected by the Carl Moyer Program. If the AQMD's emissions projections for achieving attainment are incorrect, including control factors and growth rates, this measure appears to imply that the Ports will be specifically tasked with rectifying the shortfall. If the Basin fails to achieve the federal air quality standard, the proper channel to address this is through the established SIP process, not to establish a contingency rule to unfairly burden one specific industry out of the entire Basin.

HH-5

AQMD staff has indicated that Measure IND-01 is proposed to account for measures that are not backed by enforceable requirements. However, significant programs such as the CAAP's Clean Truck Program, Ocean-going Vessel Low Sulfur Fuel Program, Cargo-handling Equipment requirements, and the Shore-side Power/Alternative Maritime Power programs are currently backstopped by CARB and International Maritime Organization (IMO) regulations. The Ports also require higher rates of vessel or equipment compliance than regulation through terminal leases, when such commercial opportunities are able to be negotiated with tenants. Therefore, Proposed Measure IND-01 is unnecessary.

HH-6

Measure IND-01 is vague and incomplete. It is unclear whether the AQMD has taken credit for actual/current emission reductions in the baseline only, or if assumptions have been made for future year reductions. We take issue with a measure moving forward where emissions projections are "on-going." Further, no detail is provided on the level of emission reductions that are needing to be maintained. This is further complicated by the differences that exist between the emissions inventories produced by the Ports and the inventory used for the AQMP. It is unclear if a specific emission reduction shortfall will trigger implementation of the measure, or if it is simply left to the discretion of the AQMD. Additionally, the control costs have not yet been developed or justified in a cost-benefit analysis.

HH-7

The CAAP is a planning document that provides a guideline of strategies and targets that are often "stretch goals," which ultimately are implemented through individual actions adopted by the Long Beach and Los Angeles Boards of Harbor Commissioners (Boards). The Ports are sovereign Tidelands granted to the cities of Los Angeles and Long Beach by the state under the oversight of the State Lands Commission. Each city has been appointed as a trustee and has established their respective Board of Harbor Commissioners with exclusive control and management of the Tidelands and revenues and expenditures from the Tidelands. However,

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such discretion must be exercised in accordance with their obligations to prudently manage Tidelands assets and revenues within a nexus and proportionality to the Tidelands Trust interests, as well as in accordance with applicable laws such as the California Environmental Quality Act (CEQA) and principles of federal preemption.<sup>1</sup> The AQMD cannot mandate action by each Port's Board of Harbor Commissioners, nor can the AQMD direct how the Ports obligate state Tidelands money; only the appointed trustee can make discretionary actions to obligate state Tidelands funds. Specifically, the CAAP measures listed in the Draft 2012 AQMP each require the Boards to authorize the expenditure of incentive monies and program costs, or to approve conditions of infrastructure project development in their discretion as CEQA lead agency and as Tidelands trustees.

HH-8

We strongly believe that the voluntary and cooperative CAAP process established by the Ports remains the most appropriate forum for the Ports and the air regulatory agencies to discuss technical and policy issues related to reducing emissions from port-related sources. As stated above, we remain committed to achieving the clean air goals identified in the CAAP and working with port industry and the air regulatory agencies on implementation of appropriate strategies.

For your reference, attached is our comment letter dated July 10, 2012, expressing our preliminary concerns related to the proposed Measure IND-01 and a comment letter dated May 4, 2010, in which the Ports initially expressed concerns regarding backstop rules.

**Proposed Off-Road Mobile Source and Advanced Control Technology Measures**

The Draft 2012 AQMP also identifies the San Pedro Bay Ports as "Implementing Agencies" for several of the proposed Off-Road measures (OFFRD-02, OFFRD-04, and OFFRD-05) and Advanced Control Technology measures (ADV-01, ADV-02, ADV-03, ADV-04, and ADV-05). The Ports should not be listed as Implementing Agencies, which the AQMP Appendix IV-A defines as "the agency(ies) responsible for implementing the control measure." While the Ports have been moving forward with voluntary efforts in these areas, as mentioned above, the Ports are not air agency regulators. We also do not own or operate the equipment identified in the proposed measures, and therefore we do not have direct control over any of the sources listed. During the Advisory Committee meetings, AQMD staff has provided clarification that the Ports are listed as Implementing Agencies because of our voluntary commitments to work on these

HH-9

<sup>1</sup> The Ports' experience with the first phase of the 2006-2010 CAAP showed that in actual implementation, many CAAP measures were carried out in a different manner than originally conceptualized, or not carried out at all, based on limitations on the Boards' opportunities and their exercise of their discretion to manage Tidelands assets and funds under real-world circumstances. Some of the CAAP measures can only be implemented if businesses apply to the Ports for permits to build or expand their lease premises and CEQA mitigation required by law or lease conditions that can be negotiated with a Port tenant. Other CAAP measures involve emissions sources (rail or ocean vessels) that may assert federal preemption against efforts to compel use of specific technology, so the CAAP goals involve the Ports offering economic incentives in voluntary compliance programs, such as the Ocean Vessel incentive programs. However, only the Boards have the legal authority to fund such incentives or impose CEQA mitigation or lease conditions to project approval, which decisions also fall within the Boards' sole discretion regarding their respective Port's properties and their individual Harbor Revenue Fund budgets, which may be affected by the global economy.

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efforts, and that being listed as an implementation agency does not obligate the Ports to any specific requirement, however, this is contrary to the language of the AQMP that implementing agencies are "responsible for implementing the control measure." We believe that listing the Ports, and not including all of the other public and private partners that are also working on these efforts, gives the impression that the Ports do have an assigned obligation, or that the Ports must bear a larger burden in the effort to implement these programs. We also repeat our comment stated above that the AQMD cannot mandate in the AQMP that the Ports must expend monies in these voluntary efforts, since most of these Off-Road and Advanced Control Technology measures require incentive monies to fund demonstration projects or accelerated use of new technology.

HH-9

We believe that the appropriate Implementing Agencies for these measures are the United States Environmental Protection Agency and the California Air Resources Board.

The Ports urge AQMD to make all of the above-requested changes to the draft 2012 AQMP, in particular, to eliminate Measure IND-01 Port Backstop Rule as a legally unnecessary measure exceeding AQMD's authority and violating the State Tidelands Trust. We believe it is much more effective to advance our mutual clean air goals for our agencies to continue working cooperatively together, but if the AQMD takes the above 2012 AQMP measures forward, the Ports will have no choice but to vigorously oppose such action through the administrative and legal process.

Sincerely,



Chris Lytle  
Executive Director  
Port of Long Beach



Geraldine Knatz  
Executive Director  
Port of Los Angeles

HAT:s

cc: Peter Greenwald, South Coast Air Quality Management District  
Elaine Chang, South Coast Air Quality Management District  
Henry Hogo, South Coast Air Quality Management District  
Susan Nakamura, South Coast Air Quality Management District  
Cynthia Marvin, California Air Resources Board  
Roxanne Johnson, Environmental Protection Agency, Region 9  
Port of Long Beach Harbor Commission  
Port of Los Angeles Harbor Commission  
Robert Kanter, Port of Long Beach  
Rick Cameron, Port of Long Beach  
Dominic Holzhaus, Deputy City Attorney, City of Long Beach  
Chris Cannon, Port of Los Angeles  
Joy Crose, Assistant General Counsel, City of Los Angeles  
David Reich, Los Angeles City Mayor's Office

**Responses to Comment Letter HH**  
**Ports of Long Beach and Los Angeles**

**Response to Comment HH-1:**

The AQMD staff acknowledges the Ports efforts in reducing emissions from port related sources through the CAAP and other efforts. Responses to specific concerns are presented in Responses to Comments HH-2 through HH-8.

**Response to Comment HH-2:**

The AQMD staff acknowledges that inclusion of IND-01 – Backstop Measure for Indirect Sources of Emissions from Ports and Port-related Facilities in the 2012 AQMP would be a mandatory regulation enforced under the AQMD’s indirect source authority. However, IND-01 does not affect any potential grant funding for equipment replacement or modernization since it does not prescribe specific controls or equipment similar to state regulations on port-related sources. This control measure is based on an overall emission reduction targets from port-related sources, and “backstops” those emission targets already expected from existing air quality rules, regulations, and commitments. In addition, the cooperative relationship between the AQMD and the Ports will not change with the adoption of IND-01 in the 2012 AQMP. The AQMD staff is committed to continue our existing relationship with the Ports in order to facilitate our mutual efforts on demonstrating and introducing lower-emitting port-related equipment and vehicles. As previously mentioned above, this control measure is based on emission targets from port-related sources expected from existing air quality rules, regulations, and commitments. Under IND-01, the Ports will not be responsible for reducing emissions beyond their “fair share” original targets. In the situation where the original basin-wide carrying capacity is amended, the District will seek additional reductions from all available sources, including port-related sources. Under this scenario, all sources (including stationary sources) will have a new “fair share” reduction target. Various legal arguments are made in this general comment. We respond to these comments more specifically in response to the individual comments below. Although the commenter claims that including IND-01 in the Draft 2012 AQMP may violate the State Tidelands Trust, no explanation was provided regarding how this control measure could violate the State Tidelands Trust.

The comment reasserts the commenters’ position that the District lacks legal authority to adopt Control Measure IND-01. In brief, the District has authority to regulate indirect sources under existing law. Health & Safety Code §§40716(a)(1); 40440(b)(3). The Ports satisfy the definition of indirect source because they are a “facility, ...installation...[or] real property...which attracts, or may attract, mobile sources of air pollution. 42 U.S.C. §7410(a)(5)(C). Air districts may regulate indirect sources even though the regulation is intended to reduce emissions from the mobile sources associated with the indirect source, and although the district would be preempted from

setting emission standards for those mobile sources. See *Nat'l Ass'n of Home Builders v. San Joaquin Valley APCD*, 627 F. 3d 730 (9<sup>th</sup> Cir. 2010)

**Response to Comment HH-3:**

The commenter is correct in that IND-01 only requires additional action by the Ports if their “fair share” reduction is not met or is amended due to the original basin-wide carrying capacity being changed. Furthermore, the AQMD staff considers this control measure to be necessary to ensure that the Basin achieves the federal 24-hour PM<sub>2.5</sub> ambient air quality standard by 2014. Since IND-01 is included in the Draft 2012 AQMP in order to provide an “insurance policy” or backstop measure to ensure that the needed emission reductions from port-related sources assumed in the plan are met, it does not conflict with Section 39602 of the California Health and Safety Code. Other State Implementation Plan measures have been adopted and approved by EPA which do not themselves provide additional emission reductions, but provide additional assurance that the emission reductions will be achieved, such as monitoring and recordkeeping requirements in Rule 109 and RECLAIM. In addition, the federal CAA, 42 USC sect. 7410 a(5)(a)(i) expressly allows a SIP to include an indirect source review program, such as IND-01.

**Response to Comment HH-4:**

The AQMD can regulate Port sources under its existing authority under state law. As stated in control Measure IND-01, the District has the authority to adopt rules to control emissions from “indirect sources” under existing law. The Clean Air Act defines an indirect source as a “facility, building, structure, installation, real property, road or highway which attracts, or may attract, mobile sources of pollution,” 42 U.S.C. § 7410(a)(5)(C); CAA § 110(a)(5)(C). Under this definition, the Ports are an indirect source. Specified in the California State Air Pollution Control Laws, as codified in the California Health & Safety Code, districts are further authorized to adopt rules to “reduce or mitigate emissions from indirect sources” of pollution. (Health & Safety Code § 40716(a)(1)). The AQMD is also required to adopt indirect source rules for areas where there are “high-level, localized concentrations of pollutants or with respect to any new source that will have a significant impact on air quality in the South Coast Air Basin,” (Health & Safety Code § 40440(b)(3)). We believe that the Ports fit within the definition of an indirect source. The comment does not explain what it means when it contends that AQMD has not complied with requirements of the Clean Air Act for indirect source regulations. We are not aware of any such deficiency. Also, there is no authority that we are aware of saying that an indirect source measure may only affect mobile sources that are owned or operated by the indirect source. For example, Rule 2202 applies to employers of 250 or more but is intended to reduce emissions from vehicles owned by the employees of the regulated indirect source. An indirect source measure may be valid even though it affects mobile sources for which the Clean Air Act preempts the agency from requiring emission standards. See National Assn of

Home Builders vs. San Joaquin Valley APCD, 627 F. 3d 730 (9<sup>th</sup> Cir. 2010). In comment HH-2, the Port concedes there are Port-related mobile source emissions, which would otherwise not exist except for the Port.

**Response to Comment HH-5:**

The justification to include this control measure in the draft Plan is that if the need arises for additional emission reductions due to a shortfall in the original target or to a change in the Basin-wide carrying capacity for 2014 federal 24-hr PM<sub>2.5</sub> ambient air quality standard, the mechanism for further emission reductions from port-related sources is included as a control measure in the AQMP and staff can proceed with rule development if needed. The measure is not unconstitutionally vague since during the rule development process the emissions reduction target will be set, and if it is later required to be changed, there will be an open and public process before any new target is established and becomes enforceable. The AQMD staff does not think the Ports are unfairly targeted since the emissions from port-related sources are a significant portion of the overall emissions inventory and other sources, including stationary sources are extensively regulated. The Ports have misunderstood the measure. IND-01 does not require them to make up the shortfall from other non port-related sources. The AQMD staff considers IND-01 to be the most appropriate method of addressing any shortfall in port-related source emission reductions or changes to the Basin-wide carrying capacity.

The doctrine against unconstitutionally vague laws is designed to assure that a penal statute defines “the criminal offense with sufficient definitiveness that ordinary people can understand what conduct is prohibited “, and to ensure that the statute establishes “minimal guidelines to govern law enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357-58 (1983). Control Measure IND-01 does not violate this doctrine because it has not yet been developed into a rule and hence cannot subject anyone to criminal enforcement.

**Response to Comment HH-6:**

Control Measure IND-01 is based on emission targets from port-related sources, and “backstops” those emissions assumed in the 2012 emission inventory, such as rate of participation of vessel speed reduction, penetration of new clean vessels, as well as existing air quality rules, regulations, and railroad MOUs.

**Response to Comment HH-7:**

As previously mentioned above, the emission targets in Control Measure IND-01 are based on those emission reductions already expected from existing air quality rules, regulations, and commitments. These reductions are currently assumed in the existing and future baselines emissions from port-related sources. Since no additional emission reductions are needed to meet the 2014 emission target, none were provided in the control measure write-up. We apologize for any confusion this may have caused, but it



is common practice in emission inventory development to project future emissions using “on-going” emission reductions which are codified into existing law and expected to occur in future years. The AQMD staff is aware of the relative differences in emission inventories developed by the Ports and CARB (used for developing the 2012 AQMP). These differences were taken into account when developing the emissions presented in the control measure write-up. Future refinements in emission targets for IND-01 will take into account any additional differences between the two inventories. The “backstop” requirements of IND-01 only will be triggered if the reported emissions for 2014 for port-related sources exceed the 2014 target milestone, or the Basin fails to meet the federal 2014-hr PM<sub>2.5</sub> standard due to change in the Basin-wide carrying capacity and further emission reductions are needed. This trigger is not discretionary because it is based on objective results. No control costs are provided in Control Measure IND-01 because there are no additional controls placed on the Ports, except for those already existing in state and federal laws, and existing commitments. Any future changes to the emission targets which would require additional controls beyond existing regulations and commitments are unknown at this time. Providing control costs for these unknowns at this time is speculative at best, and as such are not included. Furthermore, the ports will have the flexibility to design the most effective controls they deem feasible and necessary.

#### **Response to Comment HH-8:**

The AQMD staff is unsure of what control measures the commenter is referring to as “CAAP measures listed in the Draft 2012 AQMP.” Further clarification is needed for staff to respond to this comment. However, the commenter is referred to the response to comment HH-4 for our rationale in regulating the Ports under existing statute. AQMD staff was unable to locate any legal prohibitions in the Tidelands Trust doctrine that would preclude implementation of this control measure.

The comment asserts that there are serious legal feasibility questions regarding Measure IND-01, including federal preemption because the ports do not own or operate the sources.

The District recognizes the preemption arguments raised by various industries but does not believe that these arguments establish that there can never in any case be a state or local rule affecting such sources. For example, a state rule affecting foreign-flagged vessels, even outside the 3-mile state boundary, was upheld by the Ninth Circuit, and the US Supreme Court declined to review the case. *Pacific Merchant Shipping Ass’n. v. Goldstene*, 639 F. 3d 1154 (9<sup>th</sup> Cir. 2011). And the Ninth Circuit has held that when a state or local air pollution rule affecting railroads has been approved by EPA into the State Implementation Plan, the courts will harmonize the purposes of the Clean Air Act with the Interstate Commerce Commission Termination Act to determine whether the state or local rule is preempted. Preemption is not automatic. *Ass’n. of American Railroads v. South Coast AQMD*, 662 F. 3d 1094(9<sup>th</sup> Cir. 2010)

**Response to Comment HH-9:**

The definition will be expanded to describe agencies that have an ability to implement such measures. Relative to measures involving incentives programs, the definition will be expanded to cover agencies that have historically implemented such programs and are envisioned to implement such programs if funding is available to the agency.

The comment asserts that Measure IND-01 violates constitutional limits requiring that exactions imposed on a party be proportional to the party's contribution, because the ports do not own, operate, or control the emissions sources, when it fails to include all parties involved in the CAAP, including the actual emissions sources.

The basic concept of indirect source contemplates that the emissions to be controlled are from sources not owned or operated by the indirect source. For example, Rule 2202 applies to employers of 250 or more and focuses on emissions from employee vehicles which are not owned or operated by the source. The concept of an "exaction" generally refers to a requirement that, as a condition of a development approval, a developer must dedicate sites for public or common facilities, or make payments to defray the costs of land or facilities or otherwise provide public amenities. Abbott, et al. *"Exactions and Impact Fees In California"* (Solano Press 2001), p. 15. Therefore, a regulation to reduce air pollution would not normally be considered an exaction. Moreover, the principle of proportionality referred to by the commenter was established by the United States Supreme Court which decided that a land dedication requirement must bear a "rough proportionality" to project impacts. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). In this case, all of the impacts of concern are ultimately the result of the fact that the two major ports operate here in the District, so the concept of proportionality to impacts is not violated. Finally, the state and the District are also seeking to impose all feasible emission reduction measures on all types of mobile sources found within the ports, so the regulatory program does not fail to include all parties.

## II. International Fragrance Association North America (IFRANA), August 31, 2012



August 31, 2012

Dr. Elaine Chang  
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via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

RE: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The International Fragrance Association North America (IFRANA) appreciates the opportunity to offer initial comments on the South Coast Air Quality Management District's (AQMD's) Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. These comments focus on Section CTS-04 of that proposal. IFRANA strongly objects to the inclusion of this measure in the draft AQMP, and urges that CTS-04 not be included in the final 2012 AQMP. In addition to the comments outlined below, we fully support those submitted by the Consumer Specialty Products Association on this issue.

} II-1

IFRANA represents the fragrance materials industry in the United States and Canada. Our member companies create and manufacture perfumes and fragrances for personal care, home care, and industrial and institutional uses. IFRA North America also represents companies that supply fragrance ingredients, such as essential oils and other raw materials.

### Publication of Evaporation Study is Crucial to Provide Adequate Comments to AQMP

In the draft AQMP, section CTS-04 (pages 4-25) states:

"This measure seeks to eliminate or revise the exemption for low vapor pressure solvents in CARB's consumer products regulation, which exempts low vapor pressure volatile organic compounds (LVP-VOC) from counting towards the compliance obligation for consumer product VOC limits. Recent testing conducted by the District on institutional cleaners found that traditionally formulated consumer products may contain significant amounts of LVP-VOC solvents. In some cases, such as certain multipurpose solvents, the products were 100

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percent LVP-VOC solvents. Further testing indicated that many of the LVP-VOC solvents evaporate nearly as quickly as the traditional solvents they were meant to replace and have Maximum Incremental Reactivity (MIR) values well above the threshold considered to be non-reactive, currently based on ethane. Therefore, an evaluation of the continued need for use of LVP-VOC solvents in certain categories is warranted.”

In addition to the referenced AQMP, IFRANA has obtained a SCAQMD document dated June 21, 2012 and titled “Non-volatile, Semi-volatile or Volatile: Redefining Volatile for Volatile Organic Compounds”. This document contains suggestions of technical data that relate to evaporation rate studies which are apparently being used to support the proposals being made by SCAQMD on the matter of the Low Vapor Pressure material exemption. Despite repeated inquiries by industry representatives to obtain the original technical report upon which this document was based—a report that was promised to be shared with the Ozone Transport Commission in November 2011 and to the public several times in the recent weeks—it has not yet been released, so we are still unable to review the technical basis for the SCAQMD recommendations, yet comments on the proposal are due by August 31, 2012. The lack of availability of this report makes it impossible for interested stakeholders to provide meaningful comments in several key areas that are under review. Therefore, we ask that no decisions be taken until adequate time has been allowed for the public to thoroughly analyze and review this technical report.

II-2

**Proposal to Remove LVP Exemption Would be Devastating to Consumer Products Industry**

The main focus of the SCAQMD initiative appears to concentrate on cleaning and related products having a defined ‘solvent’ component and effect. However, removal of the existing exemption for low vapor pressure “solvents” threatens the existence of entire classes of consumer products without regard for differential contribution to VOC burden. In particular, those consumer product categories that may contain fragrance as an ingredient would be unduly impacted.

As suppliers of fragrance to major consumer product companies across the country, IFRANA (formerly the Fragrance Materials Association of the United States) has worked diligently with California regulators since the inception of the California Air Resources Board (ARB). Our representatives have visited California numerous times and met with ARB staff to provide background information on our products, our business practices, and the technical criteria that must be fulfilled in order to achieve consumer expectations for marketplace products containing fragrance. Those consumer products, particularly in the air care category, have been carefully constructed in order to comply with air quality regulations and also to deliver the consumer benefit stated by the manufacturer. While the SCAQMD proposal seems to focus on a narrow product segment (i.e., solvent-based cleaners) IFRANA’s concern is the potential for broad sweeping impacts across many consumer product categories, gravely damaging whole industry segments.

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**Conclusion**

IFRANA appreciates the opportunity to comment on the 2012 AQMP. We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry

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and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Additionally, IFRANA believes that the process for review of SCAQMD proposals, particularly relating to the exemption for Low Vapor Pressure materials in current law, cannot proceed without the availability to interested stakeholders, of the technical report that apparently forms the basis for the AQMD recommendations. After a thorough review of this technical report, IFRANA will provide more in depth comments on the proposal to the AQMD.

If you should have any questions regarding these comments, please do not hesitate to contact me at [jwishneff@ifrana.org](mailto:jwishneff@ifrana.org) or 571-346-7584.

Sincerely,



Jane E. Wishneff  
Director, Government Affairs & Counsel

cc: James Goldstene, Executive Officer, California Air Resources Board  
via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, California Air Resources Board  
via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

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**Responses to Comment Letter II**  
**IFRANA**

**Response to Comment II-1:**

Staff acknowledges IFRANA's support of the Consumer Specialty Products Association (CSPA) earlier comments and has addressed CSPA's comments elsewhere in the document.

**Response to Comment II-2:**

Staff has not received a previous request for this paper from IFRANA until this comment letter. Staff had a preliminary discussion regarding this ambient evaporation study with staff from Ozone Transport Commission (OTC) in the fall of 2011, but did not 'promise' a final report to the OTC or any other entity or member of the public.

The paper, "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds" U. Vö and M. Morris, August 2012, has recently been released and may be accessed from <http://aqmddev/prdas/Coatings/VOCs/vocsMainPage.htm>. The paper contains detailed analysis of an ambient evaporation study, which is the document dated June 21, 2012 that the commenter refers to, and compares the results to established VOC content test methods. While the paper is likely to be important in the determination of appropriate LVP-VOC criteria, the control measure is recognizing the necessity and prudence of reevaluating the LVP-VOC criteria. While staff recognizes that the paper provides additional discussion, the document you already have includes data necessary to highlight the need to re-evaluate the LVP-VOC criteria. However, any potential amendments to the Consumer Products Regulation will involve a public process, providing ample opportunity for stakeholders to provide detailed input.

**Response to Comment II-3:**

The proposed control measure recognizes the necessity and prudence of reevaluating current LVP-VOC criteria. The reevaluation does not necessarily include the removal of the LVP-VOC exemption as the 'only' option. The paper identifies non-volatile organic compounds that do not evaporate under ambient conditions and therefore are not available for ozone formation. The paper recommends establishing criteria for an LVP-VOC exemption that better represent compounds that do not contribute to ozone formation. Currently, the Consumer Products Regulation contains special provisions for products containing two percent or less VOC-containing fragrance. It is possible that the proposed control measure may impact products (excluding Personal Fragrance Products) that contain more than two percent fragrance. However, the inclusion of fragrances that readily evaporate and are available for ozone formation should be acknowledged in the products' overall VOC content.

Proposed Control Measure CTS-04 calls for a phased in approach, starting with the most volatile and reactive compounds that may have the greatest emission impacts. To date, staff has identified multi-purpose solvents and institutional cleaners as two such categories of interest, but is also calling for CARB staff to conduct detailed surveys of LVP-VOC content currently found in different categories of Consumer Products in an effort to develop a revised inventory and assess potential additional impacts from the use of LVP-VOCs.

**Response to Comment II-4:**

The availability of the paper has been addressed in response to comment II-2.

JJ. Natural Resources Defense Council (NRDC), September 5, 2012



NATURAL RESOURCES DEFENSE COUNCIL

September 5, 2012

Dr. Phillip Fine  
South Coast Air Quality Management District  
21865 Copley Dr.  
Diamond Bar, CA 91765

Re: Initial Comments on 2012 Draft AQMP

Dear Dr. Fine:

On behalf of the Natural Resources Defense Council ("NRDC"), I submit these comments on the 2012 Draft Air Quality Management Plan ("AQMP"). NRDC appreciates the opportunity to provide these comments. The comments specifically focus on some of the proposed control measures.

I. DISTRICT'S STATIONARY SOURCE CONTROL MEASURES

*IND-01: Backstop Measure for Indirect Sources of Emissions from Ports and Port-Related Activities [NOx, SOx, PM2.5]*

We appreciate AQMD's on-going recognition that the Ports are the largest single fixed source of air pollution in Southern California, and that emissions from these facilities must be controlled in order for the region to attain the PM2.5 and ozone standards. See AQMP at IV-A-35. As the District is also aware, we have been a long time supporter of a "back-stop" rule for the Ports ever since the concept of the rule was articulated by the Chairman of the Board within the District's "Clean Port Initiative Workplan" in January 2006.

With that said, however, we must communicate some frustration on our part that *over six years* have gone by since AQMD first announced its intentions of adopting a back stop rule, and yet the rule has yet to be fully developed, let alone adopted. Moreover, the measure—as drafted in the 2012 AQMP—lacks any meaningful detail, and is in fact, far less detailed than the drafts of the proposed rule that the District circulated back in Spring/Summer of 2010. Our specific comments on the proposed measure within the 2012 AQMP are as follows:

- We appreciate that the back stop rule will be implemented through a District "rule" as opposed to through another implementation mechanism (e.g., a voluntary, incentive program).

JJ-1

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- The rule will require the Ports to meet emissions targets for 2014. If these targets are not met, then the requirements of the rule will kick-in. Whether the targets are met will be based on the Ports' annual emission inventory. Given that emissions inventories are conducted after the close of every year, this means that no one will know if 2014 emissions targets have been met until 2015, *and after* the 2014 attainment demonstration deadline. Although the District believes, based on the Ports' latest inventories, that the Ports will meet the 2012 AQMP targets necessary for meeting the 24-hr PM2.5 ambient air quality standard, AQMP at IV-A-35, we nevertheless request that adopting the back-stop measure be given priority by the Board and District staff given that 2014 is fast approaching, and the dominance of port emissions in regional air pollution estimates. Further, efforts to develop this rule should resume where they left off two years ago so that resources and stakeholder input is not wasted.
- Important details are omitted from the measure's description, which must be filled-in including:
  - What the 2014 emissions targets will be (e.g., what levels of NOx, SOx and PM2.5 must the Ports achieve).
  - Deadlines for when the Ports' Emission Control Plans will be to be submitted and implemented if the rule is triggered. These deadlines must be extremely short since they will only be required if emissions milestones are exceeded. In other words, the Ports cannot be permitted to emit excessive levels of pollution for months or years as Emission Control Plans are developed, approved and implemented.
  - Details on how the District would enforce the rule (e.g., civil penalties, etc.). We request that the District consider penalties that could mitigate for the excess emissions that will result after milestones are exceeded, and before Emissions Control Plans are implemented. For instance, are there operational limits the District could place on the Ports if milestones are not met and there is a significant delay before the necessary reductions can be achieved?
  - Emissions targets beyond 2014. As the District is aware, Port emissions will not remain flat after 2014, and in fact, according to the control measure's summary, AQMP at IV-A-34, are expected to increase between 2014 and 2019 for both NOx and PM2.5. Accordingly, the District should devise emissions targets for 2014 and beyond.
  - Assuming that the District sets "triennial" emissions targets, as it did in previous iterations of the measure (see 2007 AQMP), we request that the District also set annual milestones to ensure the Ports are on schedule for meeting the emissions targets.
  - Health risk targets with milestones should be added. Previous versions of the rule from 2010 included not only emissions targets but also health risk targets.

JJ-2

JJ-3

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However, there is no discussion of the latter in the current description of the control measure. Given the District's acknowledgement that Port sources contribute to cancer risk, *see* AQMP at IV-A-35, and its compelling research on this issue (MATES I, II, III), we urge the District to include health risk targets within its rule.

- o BACT requirements should be included. In AQMD's "Clean Port Initiative Workplan," the Chairman envisioned that the back stop measure would "prohibit emission increases from new or expanded terminals or other port-related facilities unless best available controls are employed and emissions increases are offset." While the District has been a strong advocate for the implementation for BACT within its CEQA and NEPA comment letters with respect to major port expansion projects, including a BACT requirement within an enforceable regulation would amplify the District's abilities to require BACT. Such authority is especially critical given the upcoming Pier S and BNSF SCIG projects which are expected to increase health risks for local communities.

JJ-3

*IND-02: Expedited Permitting and CEQA Preparation Facilitating the Manufacturing of Zero and Near-Zero Technologies [All Pollutants]*

We support this measure and appreciate the District's attempts to accelerate the manufacturing and deployment of zero-emissions technologies in the region. As the District mentions in the AQMP, this control measure will not only benefit air quality, but also result in local job creation. We also appreciate the District's reassurances that

By agreeing to manufacture and distribute zero and near-zero emission technologies, a proponent would be rewarded with a streamlined administrative review by the SCAQMD . . . . *The expedited permitting and review program would only accelerate the processing of applications, which would still need to comply with all applicable rules, regulations, and guidelines.*

JJ-4

AQMP at IV-A-89 (emphasis added). In other words, while we support the District moving forward expeditiously on permits that would enable the manufacturing of zero-emission technologies in the region, we do not support any broader efforts to streamline CEQA. Along those same lines, while we support AQMD elevating or prioritizing the subject permits for administrative review, we would oppose any curtailment of public participation opportunities with respect these permits.

**II. PROPOSED SECTION 182(E)(5) IMPLEMENTATION MEASURES**

We appreciate the urgency in which the AQMD discusses closing the black box to meet the 80 ppb ozone standard by 2023. AQMP, at IV-B-4. However, we provide the following input on some of the specific measures.

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**Group 1: On-Road Mobile Sources\**

*ONRD-04: Accelerated Retirement of Older On-Road Heavy-Duty Vehicles [NOx, PM]*

We support this measure in concept, including its attempts to prioritize public funding towards the retirement of older trucks serving warehouse and distribution centers. However, the District does not identify where the additional "\$50 million per year" will come from to incentivize the turnover of older diesel trucks; it merely states that "CARB, SCAQMD, or U.S. EPA could jointly or separately implement incentive programs" to offset the costs associated with the replacement, repower or retrofit of older trucks.

JJ-5

*ONRD-05: Further Emissions Reductions from Heavy-Duty Vehicles Serving Near-Dock Railyards [NOx, PM]*

This measure seeks to accelerate the replacement of up to 1,000 existing heavy-duty vehicles with zero-emission vehicles or a zero-emissions container movement system. This measure would be accomplished by convincing CARB to adopt a regulation by 2015 that would require, by 2020, all containers transported between the Ports and near-dock railyards (e.g., UP ICTF and proposed BNSF SCIG) to use zero-emissions technologies. We support the deployment of zero-emission technologies generally, and particularly with respect to reducing health risks near the UP ICTF and proposed BNSF SCIG.

JJ-6

We encourage the District to provide greater specificity in how this regulation would work, including identifying the regulated party (would it be the Ports, the railroads or both?). Given CARB's historical reluctance to regulate the rail industry, the District should be abundantly clear about how this measure would be implemented, against whom it will be enforced, and how the State has authority to adopt the measure.

**Group 2: Off-Road Mobile Sources**

*Offrd-02: Further Emission Reductions from Freight Locomotives [NOx, PM]*

The measure seeks to accelerate replacement of existing freight locomotive engines with engines meeting tier 4 or cleaner exhaust standards. Again, while we are very supportive of measures that seek to require clean up of rail operations, we can't help but point to CARB's historical reluctance to regulate the rail industry. In fact the "2010 Commitments" that CARB entered into with UP and BNSF suggest that CARB will be taking a "hands off approach" with respect to rail emissions so long as the railroads meet set emissions caps by certain dates with respect to four railyards. Accordingly, to increase the chances of this measure being adopted by CARB, the District may want to provide greater specificity on how this measure would be implemented by CARB, how it would be enforced, and how the State has legal authority to adopt

JJ-7

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the measure. The District should also describe how this measure intersects with the 2010 Commitments, and in particular, if the terms of the Commitments impose limitations on CARB's ability to regulate BNSF and UP.

JJ-7

*Offrd-04: Further Emissions Reductions from Ocean-going Vessels While at Berth [All Pollutants] and Offrd-05: Emissions Reductions from Ocean-going Marine Vessels [NOx, PM]*

These two measures seek to incentivize (a) emissions reductions from vessels for which shoreside power is not a viable option; and (b) early introduction and deployment of vessels to the San Pedro Bay ports that have cleaner/newer engines. We support measures that aim to reduce emissions from ocean-going vessels. To improve the strength of these measures, the District should provide details on how much these incentive programs will cost and who will be funding them. The District should also specify when the incentive programs would need to be adopted in order to ensure all of the necessary reductions are timely achieved.

JJ-8

**III. SCAG AND AQMD SHOULD MORE EFFECTIVELY USE TRANSPORTATION CONTROL MEASURES ("TCM").**

NRDC remains concerned that the 2012 AQMP does not effectively incorporate a range of Transportation Control Measures ("TCM") commensurate with the air quality challenges this region faces. Accordingly, we suggest that the agencies cooperating on this air plan reevaluate the potential for additional TCMs that can enhance mobility while helping tackle the region's persistent air quality challenges.

**A. Elements of SCAG's RTP Should Be Included in the AQMP as TCMs.**

JJ-9

SCAG's excellent work to adopt its RTP/SCS in April, 2012 resulted in a plan with many useful elements, some of which should be adopted into this plan as TCMs. We recommend:

1. Active Transportation Component, \$6.7B (AQMP, at IV-C-7);<sup>1</sup>
2. Transit Component (*id.*); and
3. Passenger and High Speed Rail Component.

**B. Expanding parking should not be included as a TCM without evidence that it will lead to real, cost-effective reductions in emissions**

JJ-10

Several projects propose to add hundreds of new parking spaces, either at park and rides or at transit facilities. Expanding parking at transit stations, unless priced appropriately to offset the cost of the spaces, increases costs for all transit system users, including the many who do not drive, and takes valuable land in the vicinity of transit stations off the market for what could be

<sup>1</sup> The current list of TCMs includes some bike projects, but it remains unclear what is the criteria for inclusion of these projects as TCMs. Overall, NRDC supports including a much more robust set of active transportation projects as TCMs.

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viable commercial or residential development. Please provide background documentation to suggest that such parking expansions lead to real, cost-effective, equitable reductions in vehicle use and emissions.

JJ-10

**C. Expansion of mixed-flow lanes should not be included as TCMs.**

Several projects propose to widen roads by adding mixed-flow lanes. Section 108(f)(1)(a) lists high occupancy vehicle (HOV) lanes as appropriate TCMs, but it is less clear that construction of new mixed-flow facilities will yield permanent reductions in vehicle use and emissions. More likely, such expansions—if intended to reduce bottlenecks—may have temporary emissions benefits, and in short order lead to new, induced trips, and potentially induced land development to take advantage of new capacity. The literature on induced demand is extensive and the Regional Transportation Plan guidelines adopted by the California Transportation Commission acknowledge this now broadly accepted planning phenomenon. We strongly recommend that SCAG, AQMD and its member CTCs reconsider whether capacity expansion projects belong on a list of Transportation Control Measures, or whether there are other projects that will more effectively achieve the worthy goals of reducing vehicle use and emissions.

JJ-11

**D. NRDC also Recommends Additional Efforts.**

Page IV-C-8 references the \$22.1 billion the RTP will invest in arterials. For such a significant investment of resources, we believe an additional goal of the program should be, to create a network of slow-speed streets that are safer for bicyclists and pedestrians. New bike lanes are critical, but even with lanes many riders, particularly women and children, will not ride when the bike lane is on a high-speed street. Low speed streets make these clean, healthy, non-polluting modes of transportation accessible to more SCAG residents and SCAG should work with its member cities and CTCs to identify the best streets for these networks.

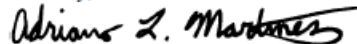
JJ-12

On page IV-C-7, we recommend that SCAG supplement its adopted list of TSM strategies with improved data sharing. A plethora of transit-user apps has sprung up since the 2007 AQMP. High quality, real-time, easily-accessible transit vehicle departure and arrival information can help to leverage significant new transit investments with higher ridership. Releasing data is a low-cost way to leverage outside talent to improve usability of transit, biking, and walking.

JJ-13

We appreciate your consideration of our comments. Please do not hesitate to contact Adriano Martinez at (310) 434-2300 if you have questions about these comments.

Sincerely,



Adriano L. Martinez  
Staff Attorney

**Responses to Comment Letter JJ**  
**NRDC**

**Response to Comment JJ-1:**

While the AQMD staff supports voluntary and other incentive-based efforts by the Ports to reduce emissions from port-related sources, Control Measure IND-01 is necessary to ensure that if additional emission reductions are needed to demonstrate attainment of the federal 24-hr PM<sub>2.5</sub> ambient air quality standard due to changes in the basin-wide carrying capacity, a mechanism for further emission reductions from port-related sources is included as a control measure in the AQMP. In addition, the AQMD staff thanks the commenter for their support of the measure.

**Response to Comment JJ-2:**

The AQMD staff acknowledges the importance of timely adoption of IND-01. The anticipated adoption date for the control measure is 2013 as specified in Chapter 4 and Appendix IV-A. Specific timing of rule adoption for control measures contained in the Final 2012 AQMP will be formalized in future rule adoption forecasts. The implementation period is going to take place 12 months after the current regulatory requirements and voluntary reduction strategies specified by the ports are not realized. Under IND-01, emission targets are based on future controlled baseline emission inventories and rely upon emission reductions already expected from existing air quality rules, regulations, and commitments. The AQMD staff will consider adequate enforcement mechanisms to ensure the timing of expected emission reductions during future rulemaking efforts.

**Response to Comment JJ-3:**

Specific details of the rule adoption for Control Measure IND-01 will be developed and presented during the rule development process. Previous rule development efforts will be used as a basis for future rule requirements, but the AQMD staff will address the commenter's concerns during the rule development process. For purposes of inclusion in the Draft 2012 AQMP, sufficient detail is provided in the current version of control measure write-up.

**Response to Comment JJ-4:**

Thank you for your support of INC-02 to incentivize the manufacturing of zero and near-zero emission technology through means of reducing the potential burden from the permitting and CEQA process. As noted by the commenter, it is our intent in this control measure to incentivize while maintaining compliance with established rules, regulations and guidelines. The incentive to streamline permitting or CEQA is strictly administrative. Although the program has not been fully developed, the incentive might, for example, advance the processing of an air quality permit or prioritize work

on a CEQA evaluation. It is not intended to bypass any legal requirements, shorten comment periods or avoid public participation.

**Response to Comment JJ-5:**

Staff appreciates the support for the measure. Funding for the program could come from existing programs such as Proposition 1B or Carl Moyer over the next two to three years. Future funding will depend on programs authorized at that time.

**Response to Comment JJ-6:**

The implementing agencies discussion has been expanded to include the San Pedro Bay Ports, CARB, and AQMD to the extent that the Ports could extend the Clean Truck Program or the AQMD may have potential funding. This could complement any efforts by CARB to adopt a regulation or amend existing regulations.

**Response to Comment JJ-7:**

Staff appreciates the comments regarding specificity on implementation approaches. The specifics on implementation will be further developed as stakeholders begin discussions on achieving the objectives of the control measure.

**Response to Comment JJ-8:**

At this time, the Ports are implementing incentives programs to bring cleaner ocean-going vessels into the Ports. However, it is not clear if the incentive levels are adequate. As such, the Ports will be monitoring the effectiveness of the program and may suggest revisions to the incentives levels. Given the uncertainty in the participation, emission reductions are not provided at this time. However, actual emission reductions from the existing programs will be incorporated in the backstop rule.

**Response to Comment JJ-9:**

The U.S. Environmental Protection Agency's (EPA) Transportation Conformity Regulations define transportation control measures (TCMs) as those projects and programs that reduce emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Note, SCAG facilitates interagency consultation regarding TCM related issues through SCAG's Transportation Conformity Working Group but SCAG does not have the discretion to expand this regulatory definition, for purposes of conformity.

The Clean Air Act requires TCMs to be included in SIPs only for "serious" and above ozone non-attainment areas. In the SCAG region, only the South Coast Air Basin and the Ventura County portion of the South Central Coast Air Basin are serious or above nonattainment areas and thus include TCMs in their ozone SIPs. To add new TCM

categories that are not in the applicable ozone SIPs, an ozone revision would be required. Nevertheless, TCM type projects are planned for and implemented throughout the six-county SCAG region irrespective of whether or not they are included in an applicable SIP. Specifically, the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (2012-2035 RTP/SCS) constitutes the transportation strategy and control measures portion of the 2012 AQMP (Appendix IV-C), inclusive of all TCMs and TCM type projects therein.

As discussed in the Appendix IV-C and also specified in the 2007 South Coast Ozone SIP, TCM type projects and programs in this plan include the following three main categories of transportation improvement projects and programs:

1. High occupancy vehicle (HOV) measures,
2. Transit and systems management measures (including capacity-expanding active transportation projects such as new bike lane projects), and
3. Information-based transportation strategies.

While all TCM type projects in the 2012-2035 RTP/SCS are included in the transportation strategy and control measures portion of the AQMP, only those TCM type projects which have funding programmed for right-of-way or construction in the first two years of the prevailing Federal Transportation Improvement Program (FTIP) developed by SCAG are considered committed for air quality planning purposes in the applicable SIP. As TCM type projects become committed TCMs through the biennial FTIP process, they are automatically rolled into the SIP as committed TCMs (the “TCM Rollover Process” as described in SCAG’s FTIP Guidelines and 2007 Ozone SIP). To add any new TCM projects that are not in the adopted 2012-2035 RTP/SCS, an RTP/FTIP amendment/update would be required.

**Response to Comment JJ-10:**

Comments noted. SCAG’s FTIP Guidelines include a Transportation Control Measures chapter with detailed information on the TCM development process including definitions and project categories of TCMs, addition of new TCMs, and the TCM “Rollover” Process.

In the SCAG region, new TCMs are identified by the FTIP process. Projects that meet the TCM criteria become committed TCMs and part of the applicable SIP after the following occurs: 1) funds are committed for right-of-way or construction in the first two years (the fiscally constrained portion) of the FTIP; 2) the FTIP is approved by the Regional Council; 3) state and federal approval of the FTIP; and 4) concurrence with regard to TCMs by US EPA and California Air Resources Board (ARB).

Park-n-ride lot expansion projects are TCMs because park-n-ride lots are intermodal transfer facilities that can increase usage of public transit services.



**Response to Comment JJ-11:**

As discussed in Appendix IV-C, TCMs for purposes of conformity are projects and programs that reduce emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. TCMs in this plan include the following three main categories of transportation improvement projects and programs:

- High occupancy vehicle (HOV) measures,
- Transit and systems management measures, and
- Information-based transportation strategies.

To facilitate TCM tracking, TCMs are listed by project ID and project description as specifically set forth in the FTIP since TCM project inclusion in the FTIP is the means to track timely implementation. To avoid confusion that may arise from the project descriptions listed in Appendix IV-C, Attachment A, a footnote will be included that clarifies that the TCM is only that portion of the project that meets the definition of the TCM. For example, for a project that adds both mixed flow lanes and HOV lanes, only the HOV portion of the project is considered a TCM.

**Response to Comment JJ-12:**

SCAG's 2012-2035 RTP/SCS identifies opportunities to increase funding for active transportation. SCAG will continue to work with the County Transportation Commissions in the region to develop new policy strategies that can generate funding for transportation projects that support the goals identified in the 2012-2035 RTP/SCS. Further, at its July 5, 2012, SCAG's Regional Council approved the development of an Active Transportation subcommittee, among 5 other subcommittees responsible for developing policy recommendations to implement the 2012-2035 RTP/SCS. This subcommittee will specifically be responsible for recommending to the SCAG's Transportation Committee (TC) policies which implement the 2012-2035 RTP/SCS as it relates to Active Transportation. Policy recommendations approved by the TC will be forwarded to SCAG's Regional Council for final review and approval. These anticipated, new SCAG policies may assist local jurisdictions and the County Transportation Commissions in initiating additional efforts and funding in support of active transportation.

**Response to Comment JJ-13:**

The 2012-2035 RTP/SCS was intended to reflect the most feasible, practical and effective TSM Strategies, including Transit Automatic Vehicle Location (AVL), universal transit fare media, next vehicle arrival display etc. SCAG will consider updating the TSM Strategies list in the future to reflect the most current technology applications to transit services in the future RTP/SCS updates as necessary and appropriate.

KK. Mesa Consolidated Water District, September 12, 2012



District Mission:  
Dedicated to Satisfying  
our Community's  
Water Needs

September 12, 2012

Dr. Barry Wallerstein  
Executive Officer  
South Coast Air Quality Management District  
21865 Copley Dr.  
Diamond Bar CA 91765

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Legal Counsel

RE: Comments to the 2012 Draft Air Quality Management Plan

Dear Dr. Wallerstein,

Mesa Consolidated Water District (Mesa Water) appreciates the opportunity to submit comments on the draft 2012 Air Quality Management Plan (AQMP).

Mesa Water provides water service to an 18-square-mile area that includes most of Costa Mesa, parts of Newport Beach, and portions of unincorporated Orange County, including John Wayne Airport. A coalition of Orange County water and wastewater agencies, lead by the Association of California Cities - Orange County (ACC-OC) has developed a list of common concerns and suggested improvements regarding the AQMP from the perspective of local governments.

In general, Mesa Water agrees with the issues and suggestions for improvement raised by the coalition regarding the draft AQMP and its potential negative impacts on the local government community and the economy as a whole. Some of the major points of concern are listed described below:

1. **Complete an economic analysis as part of the draft AQMP.** This multi-year, regional plan will cost hundreds of millions of dollars to implement and will have significant negative cost impacts on government agencies. At all times, and particularly when municipal budgets are being raided by the state and property and sales tax revenue is low, AQMD should make a concerted effort to identify the potential economic impacts of its plans prior to broad distribution.
2. **The comment period should reflect the significant delay of an economic study.** Due to a lack of an economic impact study, AQMD should significantly extend any comment period following the release of the full economic impact analysis. We understand the constraints imposed by state, federal and other timelines; nonetheless, it would be irresponsible of the AQMD to move forward with this plan without a complete economic analysis.
3. **Ozone Implementation Measures should be included as an appendix or removed from the draft AQMP.** Ozone targets are more than a decade away and implementation measures are not required as part of the 2012 AQMP.

KK-1

KK-2

KK-3

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September 12, 2012  
Dr. Wallerstein  
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- 4. **FUG-01 will unintentionally harm cities and local governments without realizing measurable results.** FUG-01 has a stated purpose of expanding AQMD's regulation of vacuum trucks into the petroleum industry. Numerous cities, water, and sanitation districts operate these trucks on a limited basis to comply with State Water Resources Control Board Order No. R3-2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Overflows (SSOs). These trucks are essential to preventing hazardous wastewater from overflowing onto public streets and into homes, businesses, natural habitats and eventually into the ocean. Additional regulation and required retrofits would add considerable costs to already heavily burdened local agencies and achieve limited emissions reductions due to the relatively limited operating hours of these vehicles. Therefore, we request that local governments be exempted from FUG-01.
- 5. **The AQMP ought to focus on a philosophy of "do no fiscal harm."** AQMD and other air quality districts have been tremendously successful over the past decades in reducing air pollution. The air in the South Coast Basin is cleaner now than it was 40 years ago and with many more people and cars (the major source of emissions that dwarfs all others.). Nevertheless, when cities and local governments are suffering through the reduced revenue results of the great recession, now is not the time to "tinker at the edges." Developing a cost per ton of pollutants removed measure would go a long way to providing clarity in rule making and long term planning.

KK-4

KK-5

Local governments are in a unique position to understand the dynamic and difficult task the AQMD has with the preparation of the AQMP, and we can appreciate your challenge. Building consensus around regional public policy is a difficult endeavor. Therefore, we believe that several steps could be taken to mitigate potential issues with the draft plan including an **unrelenting focus on economic impacts and the adoption of a "do no fiscal harm" philosophy.** Thank you again for the chance to provide comments and please feel free to contact us any time.

Sincerely,

Fred R. Bockmiller, Jr., P.E.  
Mesa Water Board President

Cc: Mesa Water Board of Directors  
Paul E. Shoenberger, P.E., Mesa Water General Manager  
Steve Greyshock, Vice President, 21Strat (on behalf of ACC-OC)

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**Responses to Comment Letter KK**  
**Mesa Consolidated Water District**

**Response to Comment KK-1:**

The socioeconomic report on the 2012 AQMP has been released on September 28, 2012 and provides an extensive analysis, including the cost of the control measures (e.g., capital, installation, operation and maintenance), benefits of clean air (e.g., health, visibility, congestion relief and material) and job impacts. The report is available online at <http://www.aqmd.gov/aqmp/2012aqmp/index.htm> and the public comment and review period is for 45 days.

**Response to Comment KK-2:**

As noted in Response to Comment KK-1, the socioeconomic analysis on the 2012 AQMP has been released on September 28, 2012, for a 45-day public comment and review period ending on November 12, 2012. Comments on the Revised Draft 2012 Plan can be received during this time. Commenters are encouraged to send in comments as expeditious as possible to ensure staff will be able to respond in a timely manner. As noted by the commenter, there are federal deadlines imposed on the District in the submittal of the Plan into the State Implementation Plan, however, staff is accommodating the request for an extended comment period.

**Response to Comment KK-3:**

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NOX emissions reductions, beyond already adopted rules and measures, will be needed to meet the 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the development of new technologies or improving of existing control technologies. This CAA provision requires that these long-term measures be specifically identified and adopted at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called “black box” emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed, assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the

adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are at least 2015 and beyond.

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “commitments” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NOx and VOC emission reduction commitments contained in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs will need to further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.

#### **Response to Comment KK-4:**

Although FUG-01 does not currently intend to expressly exempt local governments, including cities, special districts, county governments, and others from this measure, because of their limited emissions contribution, the District does not expect the control measure to have a significant financial impact on them. This control measure is based on Bay Area AQMD Regulation 8, Rule 53: Vacuum Trucks Operations, which is limited to emissions of organic compounds from the use of vacuum trucks to move materials that are typically handled at petroleum refineries, bulk plants, bulk terminals, marine terminals, and organic liquid pipeline facilities. Because local governments, cities, special districts, county governments primarily use vacuum trucks to remove trash from parking lots, clean out sewers and water mains for maintenance work, and remove waste from septic tanks and portable toilets, they would typically be outside the intended scope. The Bay Area AQMD regulation does provide an exemption for emergencies that would be applicable to both private and public agencies under defined

circumstances (e.g., a petroleum product spill) where the delay in acquiring and using equipment to comply with the rule would result in a risk of significant harm to facility equipment, personnel, the public, or the environment, and District staff expects to include similar provisions in any rulemaking efforts. Any other use of vacuum trucks that would otherwise be subject to the proposed control measure would be assessed during the rulemaking process with appropriate stakeholder input, along with an evaluation of cost impact and effectiveness to determine the requisite level of inclusion in the control requirements.

**Response to Comment KK-5:**

Most of the stationary source control measures in the 2012 AQMP have a cost-effectiveness values assigned in dollars per tons of pollutant reduction (see Appendix IV-A and IV-B). The mobile source control measures also provide a value typically based on the annual cost to fund incentives to encourage advancement of zero and near-zero emission technologies. Staff has released cost and cost-effectiveness data for the AQMP control measures that are available online at

[http://www.aqmd.gov/gb\\_comit/aqmpadvgrp/2012AQMP/meetings/2012/july26/CostSummary.pdf](http://www.aqmd.gov/gb_comit/aqmpadvgrp/2012AQMP/meetings/2012/july26/CostSummary.pdf)

and

[http://www.aqmd.gov/gb\\_comit/aqmpadvgrp/2012AQMP/meetings/2012/july26/DetailCost.xls](http://www.aqmd.gov/gb_comit/aqmpadvgrp/2012AQMP/meetings/2012/july26/DetailCost.xls). The control measures have been ranked (see Chapter 6) in the order to the cost effectiveness to assist in prioritizing adoption and implementation. Also, the District is proposing to establish a cost effectiveness threshold (see Chapter 4) of \$16,500 per ton of VOC emissions, and \$22,500 per ton of NOx emissions. The threshold would not prohibit rule adoption, but trigger additional analysis of economic impacts. Only one control measure, CTS-01 (Architectural Coatings) on the high range exceed the cost effectiveness threshold. During rule development, staff with input from stakeholders can develop viable alternative controls. Finally, as noted in Response to comment KK-1 and MM-2, the full socioeconomic analysis was released late September and includes discussions on the distribution of costs and benefits to 21 sub-regions within the AQMD and presents the resulting regional employment and competitiveness impacts.

Moreover, the AQMD is obligated to submit an attainment plan for PM2.5 which demonstrates attainment by 2014 or face the possibility of sanctions, which include the possibility of losing federal highway funding for regional transportation projects. Maintaining regional transportation infrastructure is an important element of the region's economic vitality.

**LL. Joint Orange County Coalition, September 12, 2012**



September 12, 2012

Dr. Barry Wallerstein  
Executive Officer  
South Coast Air Quality Management District  
21865 Copley Dr.  
Diamond Bar CA 91765

**RE: Comments to the 2012 Draft Air Quality Management Plan**

Dear Mr. Wallerstein -

Thank you for this opportunity to comment on the 2012 draft Air Quality Management Plan (AQMP). The Association of California Cities – Orange County (ACC-OC), the Costa Mesa Sanitary District, Independent Special Districts of Orange County, Mesa Consolidated Water District and the Municipal Water District of Orange County, have reviewed the draft AQMP and respectfully submit the following comments.

Combined, the undersigned agencies and organizations represent the interests of Orange County's hundreds of thousands of residents and tens of thousands of businesses across the region. The mission of each agency and organization is unique, but we are strong in our agreement on the issues presented hereafter concerning the draft AQMP and its potential impacts on the local government community and the economy as a whole.

Many of the agencies will prepare individual comment letters. However, the intent of this letter is to articulate the several areas of common concern.

*AQMP Comments*  
*ACC-OC, CMSD, ISDOC, Mesa Water, MWDOC*

- **An economic analysis must be completed as part of the draft AQMP.** The lack of an economic study to accompany the control and implementation measures of the AQMP is paramount to our concerns. This multi-year, regional plan will cost hundreds of millions of dollars to implement, which will have significant impacts on government agencies. At a time when municipal budgets are being raided by the state and property and sales tax revenue is low, AQMD should make a more concerted effort to identify the potential economic impacts of its plans prior to broad distribution.

} LL-1
- **The comment period should reflect the significant delay of an economic study.** Due to a lack of an economic impact study, AQMD should significantly extend any comment period, official or otherwise following the release of the full economic impact analysis. We understand the constraints imposed by state, federal and other timelines. However, it would be irresponsible of the AQMD to move forward with this plan without a complete economic analysis.

} LL-2
- **Ozone Implementation Measures should be included as an appendix or removed from the draft AQMP.** Ozone targets are more than a decade away and implementation measures are not required as part of the 2012 AQMP. Implementation and control measures dealing with ozone should be removed from this draft or included as an appendix.

} LL-3
- **FUG-01 will unintentionally harm cities and local governments without realizing measurable results.** FUG-01 has a stated purpose of expanding AQMD’s regulation of vacuum trucks into the petroleum industry. However, numerous cities, water and sanitation districts operate these trucks on a limited basis to comply with State Water Resources Control Board Order No. R3-2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Overflows (SSOs). These trucks are essential to preventing hazardous wastewater from overflowing onto public streets and into homes, businesses, natural habitats and eventually into the ocean. Additional regulation and required retrofits would add considerable cost and achieve limited emission reduction. Therefore, we request that local governments be exempted from FUG-01.

} LL-4
- **The AQMP should focus on a philosophy of “do no fiscal harm.”** AQMD and other air quality districts have been tremendously successful over the past decade reducing air pollution. By AQMD’s estimates, air pollution has been drastically reduced. We do not dispute the merits of air quality improvement. However, we do question its timing. When cities and local governments are suffering through the worst economic recession since the great depression, now is not the time to “tinker at the edges.” This will continue to thrust unworkable mandates on local jurisdictions, while also driving job- and sales-tax producing companies out of our region.

} LL-5



*AQMP Comments*  
*ACC-OC, CMSD, ISDOC, Mesa Water, MWDOC*

Local governments are in a unique position to understand the dynamic and difficult task the AQMD has with the preparation of the AQMP, and we can appreciate your challenge. Building consensus around regional public policy is a difficult endeavor. However, we believe that several steps could have been taken to mitigate potential issues with staff's draft plan including an **unrelenting focus on economic impacts and the adoption of a "do no fiscal harm" philosophy.**

We look forward to discussing these comments with you in the future. Please do not hesitate to contact us in the meantime.

Sincerely,



Lacy Kelly  
CEO  
ACC-OC



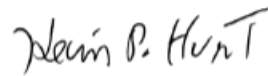
Scott Carroll  
General Manager  
Costa Mesa Sanitary District



Rich Freschi  
President  
ISDOC



Paul E. Shoenberger, P.E.  
Mesa Water General Manager



Kevin Hunt  
General Manager  
MWDOC

**Responses to Comment Letter LL**  
**Joint Orange County Alliance**

**Response to Comment LL-1:**

The Draft 2012 AQMP Socioeconomic report was released in late September and is available on <http://www.aqmd.gov/aqmp/2012aqmp/DraftSocioeconomicReport.pdf>. The socioeconomic analysis shows that the Draft 2012 AQMP is not expected to result in dramatic impacts on the region's competitiveness. The estimated benefits of the Plan are projected to exceed its implementation costs, resulting in a modest job gain.

**Response to Comment LL-2:**

The Socioeconomic Report was released on September 28, 2012 with a 45-day comment period ending on November 12, 2012. Staff recognizes that the 2012 AQMP development schedule has been compressed. The attainment demonstration modeling could not begin until input data from SCAG's 2012 RTP and CARB's emissions inventories were available. AQMD staff has made every effort to provide all data and information to the public as soon as it became available in an open and transparent process. The review period for many of the documents has also been extended, additional workshops and regional public hearings have been added, and the Governing Board adoption hearing date has been delayed to December. The AQMD staff is committed to providing sufficient time for public comment, and continues the enhanced outreach efforts to all stakeholders, while keeping the U.S. EPA submittal deadline in December of 2012 in mind.

**Response to Comment LL-3:**

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NOX emissions reductions, beyond already adopted rules and measures, will be needed to meet the 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the development of new technologies or improving of existing control technologies. This CAA provision requires that these long-term measures be specifically identified and adopted at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called "black box" emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed,

assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are fully achieved by at least 2015 and beyond.

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “commitments” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NOx and VOC emission reduction commitments contained in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs should further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.

**Response to Comment LL-4:**

Although FUG-01 does not currently intend to expressly exempt local governments, including cities, special districts, county governments, and others from this measure, because of their limited emissions contribution, the District does not expect the control measure to have a significant financial impact on them. This control measure is based on Bay Area AQMD Regulation 8, Rule 53: Vacuum Trucks Operations, which is limited to emissions of organic compounds from the use of vacuum trucks to move materials that are typically handled at petroleum refineries, bulk plants, bulk terminals, marine terminals, and organic liquid pipeline facilities. Because local governments, cities, special districts, county governments primarily use vacuum trucks to remove trash from parking lots, clean out sewers and water mains for maintenance work, and remove waste from septic tanks and portable toilets, they would typically be outside the

intended scope. The Bay Area AQMD regulation does provide an exemption for emergencies that would be applicable to both private and public agencies under defined circumstances (e.g., a petroleum product spill) where the delay in acquiring and using equipment to comply with the rule would result in a risk of significant harm to facility equipment, personnel, the public, or the environment, and District staff expects to include similar provisions in any rulemaking efforts. Any other use of vacuum trucks that would otherwise be subject to the proposed control measure would be assessed during the rulemaking process with appropriate stakeholder input, along with an evaluation of cost impact and effectiveness to determine the requisite level of inclusion in the control requirements.

**Response to Comment LL-5:**

Please see the response to Comment LL-1. Moreover, the AQMD is obligated to submit an attainment plan for PM<sub>2.5</sub> which demonstrates attainment by 2014 or face the possibility of sanctions, which include the possibility of losing federal highway funding for regional transportation projects. Maintaining regional transportation infrastructure is an important element of the region's economic vitality. See also response to comment KK-5.

MM. The Adhesive and Sealant Council (ASC), September 17, 2012



September 17, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
Planning, Rules and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4182

Dear Dr. Chang:

The Adhesive and Sealant Council (ASC) is a North American trade association representing 121 manufacturers of adhesives, sealants and suppliers of raw materials to the industry. As director of government relations for ASC, I appreciate the opportunity to offer comments on the South Coast Air Quality Management District's (SCAQMD) Draft 2012 Air Quality Management Plan (AQMP) which includes an expressed consideration of removing the exemption for low vapor pressure (LVP) solvents.

ASC strongly objects to any consideration of the removal of the LVP exclusion as it would have a significant cost impact to ASC members who have taken the opportunity to reformulate their products when the exemption was first included in SCAQMD Rule 1168.

Removal of the exemption would force companies to reformulate many of their products specifically for the South Coast Basin. One ASC member has estimated that to simply develop packaging artwork for a line of products to be sold in a single air district would cost in the range of \$48,000. Taking into consideration that companies would have to develop unique product formulations as well as the maintain a complicated inventory and distribution system that would market parallel product lines within the State of California, it is clear that the loss of the LVP exemption would result in millions of dollars in additional costs for manufacturers with little or no impact in VOC emissions or ozone formation in the South Coast.

ASC and its members have constructively and cooperatively worked with ARB staff for more than 20 years to assure that our products have the lowest possible VOC content while maintaining the product efficacy that residents of the South Coast have come to expect. We plan to continue to work in a cooperative manner to improve the air quality in California while maintaining our industry's ability to supply effective products that the California consumer can rely upon to contribute positively to their health, safety and quality of life.

If you have any questions, please contact me at 301/986-9700 ext. 112

Respectfully submitted,

A handwritten signature in black ink that reads 'Mark Collatz'. The signature is written in a cursive style with a large, prominent 'M' and 'C'.

Mark Collatz  
Director of Government Relations

MM-1

**Responses to Comment Letter MM**  
**ASC**

**Response to Comment MM-1:**

Staff appreciates the efforts of the Adhesive and Sealant Council's (ASC) efforts to improve the air quality in California. For clarification, the proposed control measure is not intended to establish a separate consumer product regulation for the South Coast Air Basin. The proposed control measure calls for re-evaluation of LVP definition and depending on the outcome of this effort, the CARB LVP-VOC criteria may be revised based on scientific data which may include MIR and similar photochemical reactivity parameters. The purpose of this measure is to ensure anticipated reductions and air quality improvements from the existing consumer product regulations are actually achieved. District staff will work with CARB staff to identify categories where it may be appropriate to revise the LVP-VOC exemption. Staff will also work with CARB staff to review emission inventory data to ensure that the total organic emissions reflected in the inventory, in addition to VOC emissions, accurately capture VOC-exempt solvents and LVP-VOC emissions as well. Any proposed amendments to the Consumer Products Regulations to revise LVP-VOC exemption would be vetted through a full public process. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the rule development process to ensure overall efforts are feasible, productive and cost-effective.

**NN. James Enstrom handout, September 20, 2012**

**Misrepresentation and Exaggeration of Health Impacts  
in South Coast Air Quality Management District  
Revised Draft 2012 Air Quality Management Plan Appendix I Health Effects  
and  
Request for California Health and Safety Code Section 40471 (b) Hearing on  
Health Impacts of Particulate Matter Air Pollution in South Coast Air Basin**

James E. Enstrom, Ph.D., M.P.H.  
UCLA School of Public Health  
Los Angeles, CA 90095-1772  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)  
(310) 825-2048

September 20, 2012

1) In spite of my repeated submissions to AQMD since 2008 of overwhelming evidence of no mortality impacts, including the evidence in my August 30, 2012 Criticism of the Draft 2012 AQMP (<http://scientificintegrityinstitute.org/AQMP083012.pdf>), the September 7, 2012 Revised Draft AQMP Appendix I Health Effects continues to seriously misrepresent and exaggerate the mortality impacts of criteria pollutants, like particulate matter, in the South Coast Air Basin (<http://www.aqmd.gov/aqmp/2012aqmp/RevisedDraft/AppI.pdf>).

2) Since 2000, overwhelming epidemiologic evidence that fine particulate matter is not killing Californians has been published by 26 accomplished doctoral level scientists (Ph.D. or M.D.), including myself. Since 2008, extensive written and/or verbal comments by 16 doctoral level critics, including myself, have been submitted to US EPA, CARB, and/or AQMD and these comments strongly criticize the way the California-specific evidence has been characterized by the three regulatory agencies. The names of the scientists and critics are listed on the next page.

3) The 2012 AQMP (<http://www.aqmd.gov/aqmp/2012aqmp/index.htm>) does not comply with California Health and Safety Code (CHSC) Section 40471 (b): "On or before December 31, 2001, and every three years thereafter, as part of the preparation of the air quality management plan revisions, the south coast district board, in conjunction with a public health organization or agency, shall prepare a report on the health impacts of particulate matter air pollution in the South Coast Air Basin. The south coast district board shall submit its report to the advisory council appointed pursuant to Section 40428 for review and comment. The advisory council shall undertake peer review concerning the report prior to its finalization and public release. The south coast district board shall hold public hearings concerning the report and the peer review, and shall append to the report any additional material or information that results from the peer review and public hearings." (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=40001-41000&file=40460-40471>).

4) Before the 2012 AQMP is finalized and approved, the AQMD Governing Board must hold a public hearing on "the report and the peer review" regarding "the health impacts of particulate matter air pollution in the South Coast Air Basin," as required by CHSC Section 40471 (b).

NN-1

NN-2

NN-3

Twenty-Six Doctoral Level Scientists Who Have Published Epidemiologic Findings Since 2000 That Show NO Relationship Between PM2.5 and Total Mortality in California

David E. Abbey, Ph.D., Loma Linda University (2000)  
Michal Abrahamowicz, Ph.D., McGill University (2000)  
Leslie Bernstein, Ph.D., City of Hope National Medical Center (2011)  
Richard T. Burnett, Ph.D., Health Canada, Canada (2000, 2011)  
Ellen T. Chang, Sc.D., Cancer Prevention Institute of California (2011)  
George Christakos, Ph.D., San Diego State University (2011)  
Francesca Dominici, Ph.D., Harvard University (2008)  
James E. Enstrom, Ph.D., University of California, Los Angeles (2005, 2006, 2010)  
Mark S. Goldberg, Ph.D., University of Quebec (2000)  
Katherine D. Henderson, Ph.D., Cancer Prevention Institute of California (2011)  
Edward Hughes, Ph.D., Edward Hughes Consulting, Canada (2011)  
Michael Jerrett, Ph.D., University of California Berkeley (2010, 2011)  
Daniel Krewski, Ph.D., University of Ottawa, Canada (2000, 2010, 2011)  
Michael J. Lipsett, M.D., California Department of Public Health (2011)  
Aidan McDermott, Ph.D., Johns Hopkins University (2008)  
William F. McDonnell, Ph.D., US Environmental Protection Agency (2000)  
Bart D. Ostro, Ph.D., California Office of Environmental Health Hazard Assessment (2011)  
C. Arden Pope III, Ph.D., Brigham Young University (2011)  
Peggy J. Reynolds, Ph.D., Cancer Prevention Institute of California (2011)  
Jonathan M. Samet, M.D., University of Southern California (2008)  
Yuanli Shi, M.D., University of Ottawa, Canada (2011)  
Jack Siemiatyck, Ph.D., University of Quebec (2000)  
Michael J. Thun, M.D., American Cancer Society (2011)  
George D. Thurston, Ph.D., New York University (2011)  
Warren H. White, Ph.D., Washington University (2000)  
Scott L. Zeger, Ph.D., Johns Hopkins University (2008)

Sixteen Doctoral Level Critics Who Have Criticized Since 2008 the Relationship Between PM2.5 and Total Mortality in California as Characterized by US EPA, CARB, and AQMD

William M. Briggs, Ph.D., Statistician, New York City & Cornell University  
John D. Dunn, M.D., J.D., Physician & Attorney, Darnall Army Medical Center, Texas  
James E. Enstrom, Ph.D., Epidemiologist, University of California, Los Angeles  
Anthony Fucaloro, Ph.D., Chemist, Claremont McKenna College, California  
Gordon J. Fulks, Ph.D., Astrophysicist, Oregon  
Michael E. Ginevan, Ph.D., Statistician, M.E. Ginevan & Associates, Maryland  
Thomas W. Hesterberg, Ph.D., Toxicologist, Navistar, Illinois  
Frederick W. Lipfert, Ph.D., Environmental Scientist, New York  
Geoffrey C. Kabat, Ph.D., Epidemiologist, Einstein College of Medicine, New York  
Matthew A. Malkan, Ph.D., Astrophysicist, University of California, Los Angeles  
Roger O. McClellan, D.V.M., Toxicologist, New Mexico  
Henry I. Miller, M.D., Physician, Hoover Institution, Stanford University  
Suresh H. Moolgavkar, M.D., Ph.D., Epidemiologist, University of Washington  
D. Warner North, Ph.D., Risk Analyst, NorthWorks & Stanford University  
Robert F. Phalen, Ph.D., Toxicologist, University of California, Irvine  
S. Stanley Young, Ph.D., Statistician, National Institute of Statistical Sciences



**Responses to Comment Letter NN**  
**James Enstrom**

**Response to Comment NN-1:**

Appendix I discusses a number of health effects studies, and also presents the conclusions of EPA's review of the criteria pollutants health effects. Staff will include additional discussion on the range of effects found in the studies referenced.

Commenter also refers to criticisms of the health effects conclusions of EPA, CARB, and AQMD. Appendix I relies heavily on the conclusions of EPA and CARB in summarizing the health effects of PM<sub>2.5</sub> and other criteria pollutants. The AQMD Advisory Committee peer review also supported significant health effects from PM<sub>2.5</sub>. In staff's view, Appendix I is not an appropriate forum to critique the NAAQS or the federal and state reviews. Such criticisms are best directed to the EPA and CARB. Staff notes that the EPA reviews of air pollution health effects are open to public review, and are also reviewed by the EPA Clean Air Scientific Advisory Committee, which was established pursuant to requirements in the Clean Air Act. Also, the review in Appendix I does not establish the underpinning of the draft 2012 AQMP. The purpose of the AQMP is to provide a plan to attain the NAAQS by statutorily required deadlines.

**Response to Comment NN-2:**

The purpose of the AQMP is to provide a plan to attain the National Ambient Air Quality Standards as required by the Clean Air Act and amendments. In terms of the California Health and Safety code section 40471(b), Staff believes it is in compliance with all the requirements regarding the report of the health impacts of particulate matter air pollution in the South Coast Air Basin. It is staff's opinion that the purpose of the requirement is to provide a thoughtful overview of health effects on PM<sub>2.5</sub>, and not to provide a forum to advocate for a waiver of the PM 2.5 standard. See response to comment U-1.

**Response to Comment NN-3:**

The Governing Board will hold an adoption hearing in December on both the 2012 AQMP and Appendix I.

**OO. John Dale Dunn, Darnall Army Medical Center, September 28, 2012**

**Request for a Comprehensive hearing on the Health Impacts of Particulate Matter in the South Coast Basin area in compliance with Section 40471 (b) of the CA Health and Safety Code.**

John Dale Dunn MD JD  
Emergency Physician Brownwood TX  
Policy advisor Heartland Institute, Chicago  
Policy advisor, American Council on Science and Health, New York City.  
Civilian Contract Faculty, Emergency Medicine, Carl R Damall Army Medical Center, Fort Hood, TX

Members of the South Coast Air Quality Management District Board of Directors:

The recently released draft for Air Quality Management by the Southern California Air Quality Management District (AQMD) proposes very significant regulatory changes for more than 15 million residents of the area, however the South Coast AQMD proposes these changes without benefit of the prescribed triennial Air quality management plan revisions announcements. In conjunction with an effort to elicit public comments. Draft 2012 is, like so many drafts before, the product of a black box project at the South Coast AQMD, the precautionary principle and acceptance of science that has been effectively challenged in public in the past 4 years.

That is not according to Federal or State Clean Air Act law or the intent of environmental compliance provisions.

The Air Quality Management Plan (AQMP) (<http://www.aqmd.gov/aqmp/2012aqmp/index.htm>) proposes aggressive and draconian provisions that would have major impacts on the residents of the South Coast Basin Area.

I have included previous submissions to CARB on air regulations that were the product of the 2008-2010 activities and proposals and public comments made by prominent experts opposed to the new CARB air pollution measures. The South Coast Air Management Plan process should include close review and evaluations of those public comments that criticize and conflict with the studies relied on by the District planners.

The economic impact of the Management plan will kill or harm business, industry, transportation, and agricultural activity for now good reason, since air pollution is not killing anyone in South Coast. The proposed AQM Plan will cause hardship and shorten lives for the residents of the area in addition to depressing the economy with the well-known effect that can be expected, higher unemployment, stress and hardship, resulting in shortened life expectancies and misery—all for AQMD chasing a phantom menace—small particle pollution, that by evidence of the studies, causes no harm or deaths.

AQMP also should follow the law, that specifically states at Section 40471 of the Health and Safety Code “On or before December 31, 2001, and every three years thereafter, as part of the

OO-1

OO-2

OO-3

preparation of the air quality management plan revisions, the south coast district board, in conjunction with a public health organization or agency, shall prepare a report on the health impacts of particulate matter air pollution in the South Coast Air Basin. The south coast district board shall submit its report to the advisory council appointed pursuant to Section 40428 for review and comment. The advisory council shall undertake peer review concerning the report prior to its finalization and public release. The south coast district board shall hold public hearings concerning the report and the peer review, and shall append to the report any additional material or information that results from the peer review and public hearings.” (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=40001-41000&file=40460-40471>).

OO-3

The district has failed to comply. Therefore they should correct their failure and stand down from pursuing the Plan proposed until the review and hearing process is complete.

For 4 years 2008-2012, the California Air Resources Board (CARB) has attempted to push through air pollution/small particle control regulations that the CARB claimed were based on evidence of human health effects that included deaths from small particles.

Here are the links, which include my previous submissions protesting the inadequacy of the human health effects science relied on by CARB.

**Public Comments by experts on the 2008 CARB "Tran" Report**

October 24, 2008 CARB Public Comments on Fine PM and Premature Deaths in CA submitted by July 11, 2008

([http://www.arb.ca.gov/research/health/pm-mort/pm-mort\\_supp.pdf](http://www.arb.ca.gov/research/health/pm-mort/pm-mort_supp.pdf))  
(<http://www.scientificintegrityinstitute.org/CARBPMComments102408.pdf>)

OO-4

July 11, 2008 CARB PM2.5 Premature Mortality Teleconference Transcript 071108  
(<http://www.scientificintegrityinstitute.org/CARB071108.pdf>)

**February 26, 2010 CARB Symposium on PM2.5 & Deaths in CA**

February 26, 2010 CARB Symposium on PM2.5 & Deaths Home Page Link  
([http://www.arb.ca.gov/research/health/pm-mort/pm-mort-ws\\_02-26-10.htm](http://www.arb.ca.gov/research/health/pm-mort/pm-mort-ws_02-26-10.htm))

February 26, 2010 CARB Symposium on PM2.5 & Deaths Agenda & Panel  
([http://www.arb.ca.gov/research/health/pm-mort/pm\\_symposium\\_agenda.pdf](http://www.arb.ca.gov/research/health/pm-mort/pm_symposium_agenda.pdf))

OO-5

February 26, 2010 CARB Symposium on PM2.5 & Deaths Webcast  
(<http://www.cal-span.org/cgi-bin/archive.php?owner=CARB&date=2010-02-26>)

February 26, 2010 CARB Symposium on PM2.5 & Deaths Transcript  
([http://www.arb.ca.gov/research/health/pm-mort/symposium\\_transcript\\_2-26-10.pdf](http://www.arb.ca.gov/research/health/pm-mort/symposium_transcript_2-26-10.pdf))

**Criticism of June 9, 2011 Draft and October 28, 2011 Final Jarrett Report on PM2.5 Deaths in CA**

October 28, 2011 Compilation of All Criticism since June 9, 2011 of Jarrett Report on CA PM2.5 Deaths  
(<http://www.scientificintegrityinstitute.org/JarrettCriticism102811.pdf>)

Careful review of the submissions above by previous commenters would justify a stand down from the proposed AQMP outlined by the South Coast MD. Research shows that current ambient air pollution in California is not harmful and doesn't justify aggressive new AQMP plans.

Reputable scientists repeatedly raised important issues and Michael Jarrett's joke of a research project based on his selection of the "conurbation" model data, confirms that the CARB claims of thousands of lives saved by air regs is a house of cards built by CARB on small particle research data dredges to find poorly defined "premature deaths" supposed associated with poorly defined small particle pollution. Such uncertainties certainly cannot justify the extreme elements of the South Coast AMP.

The CARB never was able to properly dispel the objections raised in 2008-2010, and in February of 2010 lost the major face to face debate in a knockout when Dr. Michael Jarrett's project came a cropper and Dr. Jarrett admitted he couldn't find any current air pollution health effects.

Then Dr. Jarrett went back to his computer tricks and decided to redo his research with modeling that is risible, then 9 models showed no effect but one of his ten models finally gave him the results that allowed him to do what CARB asked—support their position that small particles are killers.

Dr. Jarrett's co-authors, an impressive array of fellow travelers in the small particle hunting research community, never excused or explained the decision to rely on the "conurbation" model as more reliable than the 9 models that showed no effect. Although conurbation sounds exotic, it is the game played by researchers called torturing the data, and in this case Dr. Jarrett found a way to dice and chop the geography of California to find populations that had the "associations" of air pollution and deaths he was looking for.

That is called the outcome based research fallacy and is fueled by the fact that Jarrett and his coauthors knew who funded their research, an agency that had a stake in promoting the public perception that small particles are killers.

South Coast Air Management District should comply with California Health and Safety Code Section 40471 (b) and schedule a Hearing for a full vetting of the small particle research issues before implementing the proposed AQMP and then act reasonably and discard the Plan.

There are no impact studies for the past decade, and the AQMD has no reports on health impacts

OO-6

OO-7

OO-8

on record for 2001 through 2010 when there should have been at least 3 reports filed, and at one point an AQMD report said, ignoring its responsibility in reporting. "The purpose of this appendix is to provide an overview of air pollution health effects, rather than to provide estimates of health risk from current ambient levels of pollutants in specific areas of the SCAB." ([http://www.aqmd.gov/aqmp/docs/2003AQMP\\_AppI.pdf](http://www.aqmd.gov/aqmp/docs/2003AQMP_AppI.pdf)).

The health effects studies are the foundation for any management plan and have been discarded in favor of aggressive regulatory proposals based on the precautionary principle or good intentions, but not on the science demanded in the Clean Air Act and its corresponding California Statutes. The research presented to the CARB and the public comments provided make a strong case for no effect from current ambient air pollution. No death effect, no measurable health effect from the criteria air pollutants.

Please consider the comments from 2008 on the proposed CARB Tran report, the submissions made for the debate in February of 2010, and the comments by experts on the final version of the Jerrett study that asserted the "conurbation" model justified the CARB pursuit of new and aggressive small particle regulations.

Many studies have found no PM 2.5 health effect and yet the CARB and the South Coast Management district continue to press forward to the detriment of the California economy. California cohorts have found no relationship between PM2.5 and total mortality. Indeed, detailed analyses of two of these cohorts funded by AQMD and completed in 2011, have found no relationship between any criteria pollutant and total mortality in California ([www.scientificintegrityinstitute.org/Enstrom081512.pdf](http://www.scientificintegrityinstitute.org/Enstrom081512.pdf)).

The CARB and US EPA human health effects research on small particles and other criteria pollutants have been depended on the questionable methodology of data dredging for "premature deaths. The problem is defining premature deaths, and the studies in fact do not count premature deaths as in a medical investigation, but the noise of variation in death rates. That is an opportunity for irresponsible data torturing to find air pollution and daily variation in death rates to call "premature deaths" that are not. The premature deaths projected by researchers, the USEPA and CARB to thousands in the state or nation are projections of deaths that are more than the daily average, not premature deaths of individuals who have been assessed for confounders and found to die short of life expectancy.

The research is unreliable, and misleading, and projections of hundreds of thousands of lives saved is deceitful nonsense. There are no deaths from small particles, the research is deceptive desk top death certificate data dredging that harvests the noise from day to day death rate variations and calls it signal, then projects the "correlations" the population to make impressive scare numbers of "premature deaths."

These data dredged mortalities are the primary health impact used to justify the NAAQS. So the number is the product of data torturing and deception but even if the AQMD accepts the unreliable counting and methodology, the national standards are not based on health effects or mortality in California or the SCAB. In 2009 the SCAB had an age-adjusted total death rate lower than the death rate in every state in the continental US. (<http://www.scientificintegrityinstitute.org/NCHSRR070811.pdf>).

The AQMD is obligated to evaluate the reliability of the research and another consideration is the already mentioned Krewski map that shows no California air pollution effects. That alone should give California policy makers pause before initiating another aggressive regulatory regime.

A good faith effort to review the human health effects science should convince the SC AMD policy makers to reconsider the proposed aggressive Management Plan.

Cordially,

John Dale Dunn MD JD

OO-8

OO-9

**Supplemental to the Original Letter**

**John Dale Dunn MD JD**

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10-10-12

Supplemental submission on the AQMP

Members of the Board of South Coast Air Management District,

I write to supplement my previous submission showing that there is no reliable evidence that human health effects in California and specifically in the South Coast District justify the proposed Management Plan.

I must reemphasize that I also believe that the South Coast District is not in compliance with the CA statutes that require a review of human health effects science on a regular basis and particularly when a new Management Plan is promulgated.

OO-10

**It is my understanding that before the Draft 2012 AQMP is finalized and approved, AQMD must hold a public hearing on the health impacts of air pollution in the SCAB, in accordance with CHSC Section 40471 (b).**

If the hearing is held, in compliance with statute, I am convinced that the policy makers and board will find overwhelming the lack of evidence to justify any proposed plan, particularly the aggressive plan as proposed by AQMD staff.

OO-11

The AQMP should not propose emission control measures necessary to comply with NAAQS that are not appropriate for California or the SCAB. Instead, AQMD should request a waiver from compliance with the NAAQS using the special waiver status granted to California in Section 209 of the Clean Air Act (<http://www.epa.gov/otaq/cafr.htm>).

To reiterate, and reemphasize, in January of 2007, the Air Resources Board and AQMD approved funding for two studies on the human health effects relationship to particle air pollution and the studies by Lipsett, and by Jarrett and others showed no human health effect, no association or relationship between PM and total mortality in California. The Jarrett Study found that total mortality during 1982-2000 among about 75,000 California adults was not related to either PM10 or PM2.5 in eight of nine models tested. He tortured the data to get one model to show an association, the model he called the conurbation model, which was nothing more than slicing the geographical pieces to find a small increase in deaths associated with Air Pollution. I have made fun of such nonsense and data dredging

OO-12

in my first submission. The Lipsett Study found that total mortality during 2000-2005 among about 75,000 female

California teachers was not related to either PM10 or PM2.5. The studies found some unexplained evidence of increased cardiovascular disease risk and decreased cancer risk, but there was no overall increased risk of death but in these studies there is no effort made to avoid the problem of noise in the small ranges of association. However that is the problem with epidemiology funded by government—the researchers know there will be no funds in the future for a study that fails to find what the government entity wants to justify a new regulatory regime.

These null results by Lipsett and Jarrett agree with the overwhelmingly null results for California that have been published since 2000, which include the study by Enstrom on 50,000 Californians. They also are coherent with the Krewski map mentioned before that shows a null California association of deaths and small particle pollution.

Thus, based on all the evidence described in my first submission and in this supplemental submission, I assert there is no health risk associated with PM in the South Coast regions, including the Coachella Valley. There is no evidence of death association in California as a whole and there will be no health risk from PM that would justify concern about the Sentinal power plant.

I urge that the AQMD Board and Staff review carefully review the evidence and consider the negative economic effects from draconian air management regulatory proposals. It is time to focus on the welfare of the public and the California economy is critical to people's well-being.

No human health effects research would justify more damage to the economy of the South Coast region or California as a whole.

Cordially,

OO-12

**Responses to Comment Letter OO**  
**John Dale Dunn, MD, JD**

**Response to Comment OO-1:**

The purpose of the 2012 AQMP is to develop a plan to attain the National Ambient Air Quality Standards for particulate matter, as required by the Clean Air Act. The AQMD has held advisory group meetings, and announced public hearings, regarding the draft 2012 AQMP. Commenter indicates the provisions proposed in the Draft 2012 AQMP would have major impacts on the residents of the South Coast Air Basin. However, the large majority of costs associated with the PM2.5 plan derives from transportation control measures. The plan represents staff's best proposals to attain the NAAQS for PM2.5. Staff would always welcome other proposals to evaluate that would result in meeting the standards by the statutorily required deadlines. Failure to submit a plan to attain the standards could also result in penalties that would result in economic impacts in the regions. These could include restrictions on federal transit and highway funds, additional emissions offset requirements, and imposition of a Federal Implementation Plan to attain the standards.

**Response to Comment OO-2:**

The economic and health impacts of the proposed draft AQMP have been estimated and are contained in the draft Socioeconomic Analysis released in September 28, 2012. As noted above, failure to timely attain the standards can also result in significant economic impacts to the region.

**Response to Comment OO-3:**

A draft Appendix I, which contains a summary of particulate matter health effects, is being prepared to comply with California Health & Safety Code 40471(b), and not the federal Clean Air Act. The provisions noted in the H&S Code require the report preparation as part of the AQMP updates. However, the DRAFT 2012 AQMP and its proposed provisions are designed to provide the plan for attaining the NAAQS for PM2.5, as required by the Clean Air Act.

**Response to Comment OO-4:**

Thank you for the links.

**Response to Comment OO-5:**

Thank you for the links.

**Response to Comment OO-6:**

The 2012 AQMD is being developed to provide a plan to demonstrate attainment of the National Ambient Air Quality Standard for Particulate Matter, as required by California and federal law. The research described by commenter is discussed in the draft Appendix I of the draft 2012 AQMP. Commenter also states that the AQMD should



“stand down” from the current draft AQMP. However, the purpose of the draft 2012 AQMP is to provide the plan to attain the NAAQS for PM2.5, as noted above.

**Response to Comment OO-7:**

The AQMD is holding public hearings on the draft AQMP and its Appendix I.

**Response to Comment OO-8:**

The draft Appendix I provide a summary of particulate matter health effects, which are generally applicable to the South Coast Air Basin. Based on relatively recent studies, additional discussion of health impacts of PM2.5 specifically looking at the South Coast Air Basin population have been added to the discussion. As noted previously, however, the main purpose of the Air Quality Management Plan is to provide a pathway to attain the National Ambient Air Quality Standards by statutory deadlines, as required by the Clean Air Act.

**Response to Comment OO-9:**

The study referenced in the commenter discussion is included in the Draft Appendix I of the Draft 2012 AQMP. Regarding the discussion of the commenter on whether the health effects of particulate matter justify the National Ambient Air Quality Standards, staff notes that under the Clean Air Act, the EPA Administrator adopts national air quality standards, not states or local districts. The District has no authority to adopt an air quality standard, nor is there any provision under the Clean Air Act to request a waiver from meeting the established NAAQs. The AQMD Draft 2012 AQMP is designed to attain these standards. It is staff’s opinion that the appropriate forum to review the NAAQS is during the EPA review of the standards, not in the development of the updated AQMP.

**Response to Comment OO-10:**

The Air Quality Management Plan updates have the required report on health effects of particulate matter in the South Coast Air Basin, which is included as Appendix I.

**Response to Comment OO-11:**

The Clean Air Act requires compliance with the National Ambient Air Quality Standards. The Clean Air Act also calls for severe economic penalties to the region for failure to comply with the National Ambient Air Quality Standards by statutory deadlines. There is no provision in the Clean Air Act to waive compliance with the National Ambient Air Quality Standards. The section 209 waiver that commenter refers to applies to mobile source emission controls, and provides procedures in which California may seek waiver from federal motor vehicle standards if they are replaced with at least equally protective standards. The section 209 waiver clearly does not apply to the NAAQS.

**Response to Comment OO-12:**

Staff appreciates the references. The two studies mentioned are included in the Appendix I discussion of particulate matter health effects.

**PP. Personal Care Products Council, September 28, 2012**



September 28, 2012

**Via Electronic Mail**

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
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[echang@aqmd.gov](mailto:echang@aqmd.gov)

**Re: 2012 Air Quality Management Plan**

Dear Dr. Chang:

The Personal Care Products Council (Council) appreciates the opportunity to provide comments to the South Coast Air Quality Management District's (SCAQMD) *revised* 2012 Air Quality Management Plan (AQMP), which was issued for comment on September 8, 2012. Our comments focus on the Stationary Source Control Measures for Coatings and Solvents, and specifically CTS-4 that would "revise" the low vapor pressure volatile organic compounds (LVP-VOC) exemption for certain categories of consumer products.

The Council strongly opposes revising the LVP-VOC exemption.

**Introduction**

Based in Washington, D.C., the Council is the leading national trade association representing the \$250 billion global cosmetic and personal care products industry. Founded in 1894, the Council's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. These include many products that have been reformulated – some multiple times – in order to foster the goals of SCAQMD and the California Air Resources Board (ARB) to reduce emissions from consumer products. Reformulated products include antiperspirants, deodorants, hairsprays, numerous other hair care products, nail polish removers, shaving creams, and personal fragrance products.

While the Council's member companies do not manufacture products that fall under the category of "coatings and solvents", and thus will not be directly impacted by the proposed control measure CTS-4, we have serious concerns that any revision of the LVP-VOC exemption for one category of consumer products could eventually lead to its revision, or possibly even elimination, for *all* consumer products – as one stakeholder verbally suggested at the September 12, 2012, ARB public hearing. Such a move would be

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PP - 2

Dr. Elaine Chang  
September 28, 2012  
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devastating to industry generally, and to our members particularly, while doing almost nothing to significantly reduce VOCs or improve air quality in the South Coast region.

Our member companies continue to innovate and develop personal care products while considering efficacy, consumer acceptance, cost, and a host of other factors. Most importantly, however, our companies focus on safety – both human health and environmental safety – and the products they make are recognized as the safest products regulated by the U.S. Food and Drug Administration. As our members continue to test and reformulate to improve personal care products, it is vitally important that they continue to have the flexibility to utilize the limited exemptions allowed under law; particularly, the current LVP-VOC exemption.

**Our Objections**

If SCAQMD decides to revise the LVP-VOC exemption for certain consumer product categories, as proposed in its revised 2012 AQMP, our members fear that it will lead to the revision or elimination of the exemption altogether. This fear is based on the following:

- Our member companies have invested significant resources over the years reformulating personal care products in reliance on the LVP-VOC exemption;
- Many personal care products have been optimally formulated to meet both consumer needs and VOC standards;
- Revising or eliminating the LVP-VOC exemption would potentially reduce product efficacy, causing consumers to use more of the product, and thus resulting in more emissions;
- Revising or eliminating the LVP-VOC exemption could result in the potential loss of products or entire product categories; and
- Unintended consequences are likely to occur, as companies are forced to quickly reformulate their products.

Our fear seems further justified in light of the recently proposed rule<sup>1</sup> by the U.S. Environmental Protection Agency, finding that California’s State Implementation Plan (SIP) for the South Coast Air Basin is “substantially inadequate” to comply with the federal one-hour ozone standard. If EPA finalizes this proposed rule, or “SIP call”, a new attainment demonstration for the one-hour ozone standard in the South Coast area will be required within 12 months.

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<sup>1</sup> 77 Fed. Reg. 58072-76 (Sept. 19, 2012).

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September 28, 2012  
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Even so, SCAQMD appears to believe that the proposed control measures for consumer products – CTS 1, 2, 3 and 4 – will somehow help with attaining the one-hour ozone standard. Yet, air modeling shows that further VOC reductions from consumer products will *not* significantly reduce ozone. In particular, LVPs have only the most minimal impact on VOC emissions, and thus ozone formation; as such, revising or eliminating the LVP-VOC exemption will not help SCAQMD meet its ozone attainment goals.

It would be illogical for SCAQMD to devastate an entire sector of the economy to achieve only incremental VOC reductions, which would be the result of implementing the proposed control measures. Instead, SCAQMD should focus on efforts that will result in substantial NOx and ozone reductions so that it can meet its attainment goals.

The consumer products industry in general has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions would result in even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products technologically and commercially infeasible. To that end, the Council asks that you consider our comments in the following context: while extraordinary progress has already been achieved in the reduction of emissions from personal care products, there is *not* an endless pool of VOCs in these products that can be eliminated. We are now at the point where the VOCs remaining in previously-regulated and unregulated products are essential to the function of the products, and/or present in such small amounts that reduction is not cost-effective for either the California or the industry.

**Conclusion**

The Council appreciates the opportunity to comment on the revised 2012 AQMP. We urge SCAQMD to seriously consider the impact of these control measures – and the revision or elimination of the LVP-VOC exemption in particular – on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the revised 2012 AQMP should not be included in the final 2012 AQMP.

Thank you, and please call me with any questions or concerns by phone at 202-466-0495 or email at [mverst@personalcarecouncil.org](mailto:mverst@personalcarecouncil.org).

Sincerely,



Thomas Myers  
Associate General Counsel

cc: Linda Murchison, Ph.D., PTSD, CARB, via email: [lmurchis@arb.ca.gov](mailto:lmurchis@arb.ca.gov)  
Kurt Karperos, PTSD, CARB, via email: [kkarpero@arb.ca.gov](mailto:kkarpero@arb.ca.gov)  
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PP - 3

**Responses to Comment Letter PP**  
**Personal Care Products Council**

**Response to Comment PP-1:**

Staff appreciates the efforts of the Council's more than 600 member companies to reformulate their products to foster the goals of AQMD and CARB.

**Response to Comment PP-2:**

The proposed control measure seeks to re-evaluate the LVP-VOC exemption in the Consumer Products Regulation that may lead to potential changes for applicable consumer product categories including personal care products.

CARB will conduct a technical and cost effectiveness feasibility analysis to demonstrate that products available to the consumer provide maximum ozone benefits, are cost-effective and are safe for the consumer. AQMD staff is also interested in reviewing any empirical comparative (side-by-side) studies conducted to assess efficacy of products with and without the use of LVP-VOCs. AQMD staff requests copies of any such studies conducted by members of the Personal Care Products Council or third parties to evaluate effectiveness and safety considering that some of the LVP-VOCs are not only highly reactive, but have some known health impacts.

**Response to Comment PP-3:**

The long term strategy achieves attainment of the ozone standards at all the air quality monitoring stations throughout the Basin by 2023. Modeling analysis shows that significant NO<sub>x</sub> emissions reductions are the only viable path to attain the 8-hour ozone standards in the Basin. Therefore, the ozone strategy focuses primarily on NO<sub>x</sub> reductions. However, VOC emissions reductions are also necessary in progressing towards attainment of the ozone standards, especially in the western portions of the Basin. Furthermore, there is a significant health benefit to meeting the ozone standards as soon as possible in as many areas of the Basin as possible. While the current 8-hour ozone design value site is at Crestline in the San Bernardino Mountains, projections in 2023 show that the design value site will be at Glendora in the San Gabriel Valley to the west. As shown in the 2023 baseline 8-hour ozone NO<sub>x</sub>/VOC isopleths for Glendora and other western sites presented in the attachment to Appendix V, VOC reductions will help to lower ozone concentrations in the San Gabriel Valley and Western portions of the Basin. This is true near the level of the 8-hour ozone standards, but is even more significant along the path to attainment. This is due to the higher VOC/NO<sub>x</sub> ratios projected to occur in future years, especially in the western Basin.

To this end, short-term VOC controls (through 2020) will help offset the impact of the increased VOC/NO<sub>x</sub> ratio in the impacted areas of the Basin, such as the San Gabriel

Valley, that are immediately downwind of the primary emissions source areas. As such, a nominal amount of VOC reductions are proposed in the Draft 2012 AQMP. The proposed VOC control measures in the Plan are based on implementing all feasible control measures through the application of available technologies and best management practices, while seeking a fair share reduction from both mobile and stationary sources. As zero and near-zero technologies are implemented for mobile sources to reduce NO<sub>x</sub> emissions, concurrent VOC reductions from mobile sources are expected. Thus, stationary sources must continue to achieve their fair share of VOC reductions in the future. This plan proposes a modest 6 tpd of VOC emissions reductions out of a total 21 tpd of VOC reductions needed for basin-wide attainment in 2023.

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NO<sub>x</sub> emissions reductions, beyond already adopted rules and measures, will be needed to meet the 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the development of new technologies or improving of existing control technologies. This CAA provision requires that these long-term measures be specifically identified at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called “black box” emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed, assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are at least 2015 and beyond.

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “black box” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious

attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NO<sub>x</sub> and VOC emission reduction commitments contained in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs should further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.



## QQ. IFRANA, September 28, 2012



September 28, 2012

Dr. Elaine Chang  
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via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

**RE: 2012 Air Quality Management Plan (AQMP)**

Dear Dr. Chang:

The International Fragrance Association North America (IFRA North America) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's (AQMD's) Revised Draft 2012 Air Quality Management Plan (AQMP). These comments focus on Section CTS-04 of that proposal. IFRANA strongly objects to the inclusion of this measure in the draft AQMP, and urges that CTS-04 *not be included* in the final 2012 AQMP. In addition to the comments outlined below, we fully support those submitted by the Consumer Specialty Products Association on this issue on behalf of the consumer product companies it represents.

### Overview

IFRA North America represents the fragrance industry in the United States. Our member companies create and manufacture fragrances and scents for personal care, home care, industrial and institutional use as well as home design products all of which are manufactured by consumer goods companies. IFRA North America also represents companies that supply individual fragrance ingredients, such as essential oils and other raw materials, which are used in perfumes and fragrance mixtures. Our member companies are responsible for over ninety percent of the fragrance market throughout the world and directly employ hundreds of California residents. This is in addition to innumerable indirect jobs and fragrance related economic activity through the sale and production of goods that utilize fragrance and fragrance technologies.

Indisputably, functional fragrance components are essential to achieving consumer-desired product performance across all categories of consumer products. While AQMD has before it a document with admirable objectives to create a workable, science-based program that benefits consumers and the environment, it would do so to the detriment of innovation, investment and functionality. IFRA North America has grave concerns that the proposed reductions in VOCs, and methods of achievement, are neither necessary nor cost effective in addition to being technologically infeasible. Further, we have misgivings that the proposed changes will ultimately harm California consumers and businesses in addition to the welfare of the fragrance industry as a whole.

We have outlined our specific concerns in the subsequent sections.

INTERNATIONAL FRAGRANCE ASSOCIATION  
NORTH AMERICA  
1001 19th Street North, Suite 1200  
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**Unnecessary and Infeasible Reductions**

IFRA North America is principally concerned with the proposal to include further reductions in VOCs from consumer products that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts overall on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

Over the past 20 years, the fragrance industry, as well as the consumer products industry, has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions would come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products unnecessary.

**Proposal to Remove LVP Exemption Would be Devastating to Consumer Products Industry**

Removal of the existing exemption for low vapor pressure "solvents" threatens the existence of entire classes of consumer products, well beyond the coatings and cleaner product categories that are suggested for attention by SCAQMD. The end result would be a disregard for differential contributions to VOC burden. In particular, those consumer product categories that may contain fragrance as an ingredient are not the main focus of the SCAQMD initiative, which appears to concentrate on cleaning and related products having a defined 'solvent' component and effect.

As suppliers of fragrance to major consumer product companies across the country, IFRA North America has worked diligently with California regulators since the inception of CARB. Our representatives have collaborated directly with CARB staff to provide background information on our products, our business practices, and the technical criteria that must be fulfilled for fragrances in order to achieve consumer expectations for marketplace products containing fragrance. Those consumer products, particularly in the air care category, have been carefully constructed in order to comply with air quality regulations and also to deliver the consumer benefit stated by the manufacturer. While the SCAQMD proposal seems to focus on a narrow product segment (i.e., solvent-based cleaners) IFRA North America's concern is for the potential of a broad sweeping impact across many consumer product categories, and this gravely damaging whole industry segments.

**Review of SCAQMD Technical Report Warrants Further Examination**

*Treatment of Chemical Boiling Points*

IFRA North America has obtained the SCAQMD technical report dated August 31, 2012 titled "Non-Volatile, Semi-Volatile or Volatile: Redefining Volatile for Volatile Organic Compounds". We believe that a closer examination of some of the hypotheses presented in this report is warranted. In particular, the treatment of chemical boiling points for establishing qualification for Low Vapor Pressure (LVP) status seems at odds with the statement that "[b]oiling point and number of carbon atoms do not appear to be a reliable indicator of volatility." Along these lines, the technical report addresses the role of boiling point in the determination of whether or not a material qualifies as a LVP material. While acknowledging that boiling point is one of the criteria cited by CARB for consideration in the definition of an LVP, the point must be made that potential atmospheric reactivity of a material is much more important than boiling point alone. Thus, the discussion of alternative boiling point criteria (e.g., Canada, Green Seal) is misplaced as it does not address the much more fundamental concern of ozone reactivity. In addition, the focus on mass calculations to achieve reductions in

QQ - 1

QQ - 2

QQ - 3

ozone-reactive components ignores a much more relevant factor which is Maximum Incremental Reactivity considerations.

QQ - 3

*Concerns with Room Temperature Evaporation Study*

In the SCAQMD study, a room temperature evaporation study is described for a number of individual materials. It must be recognized that the consumer products that SCAQMD is seeking to address are not single chemical entities, but rather complex formulas of multiple components. While the individual components undoubtedly possess their own boiling points, vapor pressures, etc., in isolation, it is well known that these individual materials behave much differently when present in a mixture, and evaporative loss to air, water and soil compartments is heavily influenced by interactions among these materials in the mixture.

QQ - 4

*Justification Behind New Categorization*

In the SCAQMD report, the authors propose a new scheme for categorization of materials as "Volatile", "Semi-Volatile" and "Non-Volatile" and they have assigned materials to these categories, apparently by arbitrary criteria (e.g., a material classed as "volatile" is said to evaporate to the extent of 95% within 6 months under ambient conditions). It is not clear what the precedent is for this new assignment scheme, and we must question the relevance of evaporation of single substances from a Petri dish to the evaporations of the same substances when present in a mixture (i.e., consumer product) that may be used for minutes (or less) at a time.

QQ - 5

**Conclusion**

IFRA North America appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP) and looks forward to collaborating to achieve an agreeable path forward. We point to the SCAQMD goal statement: "[w]e are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the Revised Draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

If you should have any questions regarding these comments, please do not hesitate to contact me at [jwishneff@ifrana.org](mailto:jwishneff@ifrana.org) or 571-346-7584.

Sincerely,



Jane E. Wishneff  
Director, Government Affairs & Counsel

cc: James Goldstene, Executive Officer, California ARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, California ARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter QQ**  
**IFRANA**

**Response to Comment QQ-1:**

The long term strategy achieves attainment of the ozone standards at all the air quality monitoring stations throughout the Basin by 2023. Modeling analysis shows that significant NO<sub>x</sub> emissions reductions are the only viable path to attain the 8-hour ozone standards in the Basin. Therefore, the ozone strategy focuses primarily on NO<sub>x</sub> reductions. However, VOC emissions reductions can also be cost-effective in progressing towards attainment of the ozone standards, especially in the western portions of the Basin. Furthermore, there is a significant health benefit to meeting the ozone standards as soon as possible in as many areas of the Basin as possible. While the current 8-hour ozone design value site is at Crestline in the San Bernardino Mountains, projections in 2023 show that the design value site will be at Glendora in the San Gabriel Valley to the west. As shown in the 2023 baseline 8-hour ozone NO<sub>x</sub>/VOC isopleths for Glendora and other western sites presented in the attachment to Appendix V, VOC reductions will help to lower ozone concentrations in the San Gabriel Valley and Western portions of the Basin. This is true near the level of the 8-hour ozone standards, but is even more significant along the path to attainment. This is due to the higher VOC/NO<sub>x</sub> ratios projected to occur in future years, especially in the western Basin.

To this end, short-term VOC controls (through 2020) will help offset the impact of the increased VOC/NO<sub>x</sub> ratio in the impacted areas of the Basin, such as the San Gabriel Valley, that are immediately downwind of the primary emissions source areas. As such, a nominal amount of VOC reductions are proposed in the Draft 2012 AQMP. The proposed VOC control measures in the Plan are based on implementing all feasible control measures through the application of available technologies and best management practices, while seeking a fair share reduction from both mobile and stationary sources. As zero and near-zero technologies are implemented for mobile sources to reduce NO<sub>x</sub> emissions, concurrent VOC reductions from mobile sources are expected. Thus, stationary sources must continue to achieve their fair share of VOC reductions in the future. This plan proposes a modest 6 tpd of VOC emissions reductions out of a total 21 tpd of VOC reductions needed for basin-wide attainment in 2023.

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NO<sub>x</sub> emissions reductions, beyond already adopted rules and measures, will be needed to meet the 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the development of new technologies or improving of existing control technologies. This

CAA provision requires that these long-term measures be specifically identified at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called “black box” emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed, assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are at least 2015 and beyond.

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “black box” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NO<sub>x</sub> and VOC emission reduction commitments contained in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA’s recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs will need to further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.

**Response to Comment QQ-2:**

Based on comments received, the Proposed Control Measure CTS-04 (CTS-04) has been revised to reevaluate the existing exemption for LVP-VOC solvents and does not include complete removal of the LVP-VOC exemption, unless technologically feasible. Further, the measure suggests incorporating additional parameters, such as maximum incremental reactivity (MIR) or volatility, to the existing exemption criteria. The proposed control measure aims to recognize the contribution of some LVP-VOC solvents, considering that over the past decade, consumer product manufacturers have increased the use of LVP-VOCs to meet the lower VOC requirements of the regulation. Reformulation of products by substituting fast-evaporating LVP-VOC solvents for other solvents considered to be VOCs may not achieve the ozone reduction benefits anticipated by reducing the VOC content limits. While staff appreciates the efforts made by your industry to carefully construct products that meet the current definition of LVP-VOC, AQMD studies (“Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds”, U. Vö and M. Morris, August 2012) indicate that the ozone reduction benefits sought during rule development may not be realized based on the evaporation rates exhibited by many of the LVP-VOCs. In addition to reevaluating the exemption for LVP-VOC solvents, it may also be necessary to reconsider the current limits in the consumer product category, especially if alternative products are unavailable. The proposed control measure would not necessarily impact the provisions in the current Consumer Products Regulation for products with 2% percent or less fragrance added. However, it is acknowledged that the proposal may impact products, excluding personal fragrance, that contain more than 2% fragrance. While there are many products that do not rely on LVP-VOC solvents to meet the current limits, there may be niche applications where changes to the rule limits are warranted. It is not the intention of the proposed control measure to gravely damage California consumer products industry but to accurately determine the VOC contribution made by consumer products. The proposed control measure further calls for CARB to collect speciated LVP-VOCs data by category in future surveys. This data will greatly assist CARB staff in further identifying overall potential additional VOC contribution from LVP-VOCs, as well as calculating the emission and ozone benefits. Lastly, the control approach calls for implementation in phases, beginning with products with the most reactive compounds that have the greatest emission impacts, such as multi-purpose solvents and institutional cleaners.

**Response to Comment QQ-3:**

Chemical boiling points are currently utilized by regulatory agencies and some certification programs to define volatility. The paper included an examination of currently used boiling points and compared the regulatory classification to various VOC test methods and ambient evaporation. Staff agrees that potential atmospheric reactivity coupled with volatility is a much better indicator of ozone contribution than boiling point alone. While the paper only compares the results, the control measure

seeks to reevaluate the LVP-VOC definition with scientifically supported criteria including MIR and ambient evaporation considerations.

**Response to Comment QQ-4:**

The AQMD study acknowledges that the study is a comparative review of pure analytes and may not reflect analyte behavior in complex blends or mixtures. Staff agrees that individual components may behave differently, including being less or even more volatile, when present in a mixture. The comparative review provides evidence for the need to reevaluate the current LVP-VOC definition. The conclusion of the paper describes VOC test method strategies (such as thermogravimetric analysis (TGA) or Gas Chromatography (GC) methods with a general accepted non-volatile endpoint) that could be further considered to better measure VOC content from complex mixtures. However, as indicated in the proposed control measure and response to comment #2, there are some categories that contain 100% LVPs and are not part of a complex mixture that may inhibit or accelerate the evaporation of LVP-VOCs, and therefore the proposed control measure calls for implementation in stages.

**Response to Comment QQ-5:**

As noted in the previous response, staff acknowledges that the study is a comparative review and may not reflect analyte behavior in complex mixtures. Staff plans to conduct further studies to analyze the volatility of complex mixtures. The categorization scheme presented in the paper is to illustrate the significant differences in volatility for compounds categorized under a single regulatory category (i.e. LVP-VOC). The overall time frame of the study is consistent with other efforts to determine volatility. The assertion by the commenter that consumer products “may be used for minutes (or less) at a time” is inconsistent with the actual use of most consumer products. While a consumer product such as a multi-purpose lubricant, contact adhesive, hairspray or brake cleaner may be discharged from the product container for minutes (or less), the product is likely to remain on an open surface and available to evaporate for an extended period of time. Even in the limited situations where the product is disposed soon after use, the methods of disposal, waste container or drain, are uncontrolled and evaporation into the atmosphere is still a likely possibility.

RR. John Wayne Airport, September 28, 2012



Alan L. Murphy  
Airport Director

September 28, 2012

South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765-4182  
2012aqmpcomments@aqmd.gov

Re: *Draft 2012 Air Quality Management Plan, The Integra Report*

To Whom It May Concern:

This letter is submitted on behalf of the County of Orange ("County") in its capacity as the owner and operator of John Wayne Airport, Orange County ("JWA" or "Airport"). This letter contains additional written comments from the Airport on the Draft 2012 Air Quality Management Plan ("2012 AQMP"), initially issued by the South Coast Air Quality Management District ("SCAQMD" or "District") in July 2012, with a Revised Draft 2012 AQMP issued in September 2012. Specifically, the Airport's additional comments concern the Aircraft Emissions Inventory For 2008 and 2035 (August 2012) prepared by Integra Environmental Consulting, Inc. ("Integra Report"), which provides the assumptions utilized in preparing the 2012 AQMP's emissions inventories relative to the aviation sector.

As indicated in our August 31 comment letter, it initially was difficult to discern whether the airport-specific data provided by JWA was utilized when preparing the aviation forecasts presented in the 2012 AQMP because (i) there is little information provided in the 2012 AQMP on the aviation forecasts, and (ii) JWA is not broken out in the forecasts as all aviation sector emissions are reported on a combined basis. As a result of the ambiguities concerning what aircraft activity data specific to JWA was utilized in preparing the emissions inventories presented in the 2012 AQMP, Fred Greve of Landrum & Brown (one of the Airport's consultants) contacted SCAQMD in order to request additional information regarding the emissions inventories' data inputs. On August 28, Mr. Greve received a copy of the Integra Report from District staff. Because Mr. Greve did not receive the Integra Report until three days before the close of the public comment period on the 2012 AQMP, JWA was not able to provide detailed comments on the assumptions utilized in preparing the 2012 AQMP's emissions inventories at that time. We have now had an opportunity to review the Integra Report and have the following additional comments.

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**A. Existing Operations at JWA**

Table 3.2.1 of the Integra Report presents the existing operations at JWA. The number of air carrier, air taxi and general aviation (GA) operations appears to be fairly consistent with the data previously provided to SCAQMD; however, the split between GA piston and jet aircraft at the Airport that is provided in Appendix B of the Report overestimates the percentage of GA jet aircraft at JWA. It appears that the split provided in the Report is based upon an FAA generic value of 27.5 percent jet aircraft and 72.5 percent piston aircraft. These percentages are not representative of the GA aircraft mix at JWA. Based on historical data from JWA operations for the period 2007-2009, the approximate split should reflect jet aircraft at 15 percent of operations and piston aircraft at 85 percent of operations. Appendix B should be revised to accurately reflect the enclosed information.

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**B. Aircraft Specific Data at JWA (2035)**

The Integra Report also provides data and analysis regarding the current and projected future fleet mix at JWA. There are a number of inaccuracies in this data/analysis, as provided below.

- (1) The B737-600 aircraft does not currently operate at the Airport and we do not anticipate that it will operate at the Airport at any time in the future;
- (2) FedEx is the only operator of the A300/310 aircraft type at the Airport and they currently operate with only one Average Daily Departure (ADD). Therefore, the total projected A300/A310 operations should not exceed 2 operations/day;
- (3) The F100 and F70 aircraft do not operate at the Airport;
- (4) The B737-900 aircraft is too long to operate at the Airport;
- (5) The MD80, MD90 and RJ200 aircraft no longer operate at the Airport; and
- (6) The B737-700 aircraft is the most common aircraft type currently operating at the Airport – forecasts suggest that the B737-700 aircraft will likely be phased out and replaced with the new generation aircraft coming on line such as the 737-MAX aircraft. The introduction of the A320 neo should also be considered.

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It is important for SCAQMD's forecasts to accurately reflect the current and projected future fleet mix at the Airport in order for the 2012 AQMP to contain reasonably accurate emissions inventories for 2035.

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**C. Number of Aircraft Operations by Airport (2035)**

Table 3.3 in the Integra Report presents the projected future operations by the Airport in 2035. This table indicates that there will be a forty-two (42) percent increase in the annual air carrier operations, an eighteen (18) percent increase in the annual air taxi operations, and a five (5) percent decrease in annual GA aircraft operations from 2008 through 2035. It is unclear from the Report whether the FAA's annual percentage growth factor of 2.08% or some other growth factor was used for purposes of determining the projected number of aircraft operations by airport in the Basin. Please confirm whether the FAA annual percentage growth factor was used for purposes of calculating the projected future aircraft operations.

In addition, it is important to note that the Airport has a currently authorized million annual passenger (MAP) capacity of 10.8 MAP. Any assumptions regarding a capacity increase at JWA beyond our currently authorized 10.8 MAP would be speculative in nature.

**D. Aircraft Emissions by Airport (2035)**

Table 2.4 provides the aircraft emissions by airport for the Basin. This Table indicates that the emissions for total organic gases (TOG) and volatile organic compounds (VOC) will more than double, the emissions for PM2.5 will almost double and the emissions for PM10 will increase by about 45%. In addition, the Table indicates that the emissions for nitrogen oxides (NOx) will decrease slightly (by approximately 12%). This pattern of large emissions increases is not the emission pattern that we would expect to see for JWA given that the Airport has a currently authorized MAP capacity of 10.8 MAP and given that the Airport anticipates that the fleet mix at the Airport will be converting to an aircraft fleet with more efficient, cleaner burning engines; thereby resulting in fewer emissions.

**E. CO2 Emissions for Airports with Commercial Air Carrier Operations**

Tables 2.7 and 2.8 provide the 2008 and 2035 CO2 emissions for airports in the Basin with Air Carrier operations. Based on our review of the emissions provided, it is difficult, if not impossible, to discern how the emissions calculations were performed and what data was utilized in connection with the analysis. Could you please provide us with additional information regarding the emissions inventories' data inputs that were utilized in connection with the greenhouse gas emissions calculations? We will not be able to provide additional comments on the assumptions utilized in preparing the 2012 AQMP's greenhouse gas emissions inventories until additional and more complete documentation is provided in connection with this analysis.

RR - 3

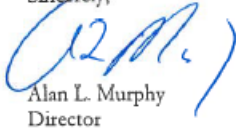
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September 28, 2012  
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In closing, JWA thanks the District again for providing the aircraft data specific to JWA that was utilized in preparing the emission inventories presented in the 2012 AQMP. We look forward to continuing to work with the District to ensure that the data utilized in connection with the 2012 AQMP is accurate. If you have any questions regarding the comments set forth in this letter and the additional data provided, please do not hesitate to contact me at your convenience.

Sincerely,



Alan L. Murphy  
Director

cc: Vice Chair, Shawn Nelson, Orange County Board of Supervisors  
Michael Krause, South Coast Air Quality Management District

**Responses to Comment Letter RR**  
**John Wayne Airport**

**Response to Comment RR-1:**

AQMD staff has revised the Integra Report to reflect the updated information provided by the airport authority.

**Response to Comment RR-2:**

The projected 2035 fleet mix was provided by Southern California Association of Governments (SCAG) and is included in their recently adopted Regional Transportation Plan. The estimates were generated by the Regional Airport Demand Allocation Model (RADAM) an approved model used by SCAG staff since 1994 to project growth in aircraft activity in the region. While staff recognizes that operations at the airport do not include some aircraft types today, there is nothing limiting the use of these types in the future and we believe it is appropriate to use information that is consistent with SCAG's 2012 RTP and other growth assumptions used in the AQMP. (The one exception would be a physical characteristic that would not allow operation of an aircraft type at the airport such as the B737-900 craft referenced as too long to operate at John Wayne Airport. However we note that the engine type is the same as the other B737 classes that would likely be used in lieu of the 900 series and we would expect the estimated emissions would be similar).

**Response to Comment RR-3:**

SCAG's growth information was used to estimate the future airport activity listed in Table 3.3 of the Integra Report and is further described in their Aviation and Ground Access Appendix of the 2012 Regional Transportation Plan – ([http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP\\_Aviation.pdf](http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP_Aviation.pdf)).

**Response to Comment RR-4:**

The emission estimates for 2035 listed in Table 2.4 of the Integra Report were generated using the airport activity as estimated by SCAG's RADAM model and FAA's Emissions and Dispersion Modeling System (EDMS) airport model. For JWA the activity was capped at the authorized limit of 10.8 MAP. The emission estimates for JWA are not inconsistent with the expected improvement in engine technology and growth in airport activity in that increased activity resulted in increased emissions with the exception of NO<sub>x</sub>, which has been and will continue to be the main focus of emissions improvements from aircraft engines.

**Response to Comment RR-5:**

The CO2 emissions listed in Tables 2-7 and 2-8 are generated using the airport specific data either provided by the airports or estimated from SCAG's RADAM model as inputs for FAA's EDMS model. The default CO2 emission rates in the EDMS model by aircraft type were used. More information about FAA's EDMS model can be found at:

[www.faa.gov/about/office\\_org/headquarters\\_offices/apl/research/models/edms\\_model/](http://www.faa.gov/about/office_org/headquarters_offices/apl/research/models/edms_model/).

SS. The Consumer Specialty Products Association (CSPA), October 9, 2012



October 9, 2012

via e-mail

Philip Fine, Ph.D.  
Planning and Rules Manager  
Planning, Rule Development, and area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4182  
[2012aqmpcomments@aqmd.gov](mailto:2012aqmpcomments@aqmd.gov)

Subject: Revised Draft 2012 Air Quality Management Plan (AQMP)<sup>1</sup>

Dear Dr. Fine:

The Consumer Specialty Products Association (CSPA)<sup>2</sup> appreciates the opportunity to offer additional comments on the South Coast Air Quality Management District's (South Coast's or AQMD's) draft 2012 Air Quality Management Plan (AQMP). CSPA filed initial comments on the AQMD's draft Program Environmental Impact Report (Program EIR) for the 2012 AQMP on July 19, 2012. See Attachment 1. This document is hereby incorporated by express reference in comments that CSPA files today.

CSPA reiterates our strong objection to the inclusion of the proposed Stationary Source Control Measures for Coatings and Solvents numbered CTS-01, CTS-02, CTS-03, and CTS-04 and urges the AQMD to withdraw these four measures when it issues the final 2012 AQMP<sup>3</sup> that will be included in further revisions to the California State Implementation Plan (SIP). CSPA remains extremely concerned to see that the AQMD is proposing to include further reductions in volatile organic compounds (VOCs) in the 2012 AQMP that are neither necessary nor cost effective. The AQMD's own data and overwhelming weight of credible scientific evidence demonstrates the South Coast Air Basin is NOx-limited and that further VOC reductions are not effective in reducing ground-level ozone.

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<sup>1</sup> The AQMD's revised draft 2012 AQMP was issued on September 7, 2012. The initial draft 2012 AQMP was issued on July 18, 2012. Both the initial and revised draft 2012 AQMPs are posted on the AQMD's website at: <http://www.aqmd.gov/aqmp/2012aqmp/RevisedDraft/index.html>.

<sup>2</sup> CSPA is a voluntary, non-profit national trade association representing approximately 230 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Through its product stewardship program Product Care<sup>®</sup>, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products.

<sup>3</sup> CTS-01 Further VOC Reductions from Architectural Coatings (Rule 1113); CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants; CTS-03 Further VOC Reductions from Mold Release Products; and CTS-04 Further VOC Reductions from Consumer Products. See Revised Draft 2012 AQMP at pp. 4-24 and 4-25 and Appendix IV-A at pp. 49-59.

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CSPA Comments on the Revised Draft 2012 AQMP  
October 9, 2012  
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In particular, CSPA strongly objects to the proposed CTS-04 measure that targets low vapor pressure compounds (LVPs), since scientific data indicate that these substances are likely to have insignificant contributions to ozone formation. Since CTS-04 is neither technologically and commercially feasible nor necessary as required by applicable California law,<sup>4</sup> it should not be included in the final 2012 AQMP and any future revisions to the California SIP.

In the following sections, we will outline our major concerns regarding the draft AQMP and strongly urge that various changes be made to this AQMP before it is adopted by the AQMD Board of Governors and considered by the ARB for adoption as the 2012 update to the California State Implementation Plan (SIP).

1. The Consumer Product VOC Control Measures are Unnecessary for Ozone Attainment and Therefore Are Not Required by EPA to Be Included in This or Any Future AQMP and SIP Updates.

As discussed more fully in CSPA's initial comments on the draft Program EIR, Sierra Research, Inc., conducted a modeling study demonstrating that the ozone attainment status of the region would be unchanged if the portion of the VOC reductions in the Section 182(e)(5)<sup>5</sup> "black box" were foregone.<sup>6</sup> This re-modeling of AQMD's ozone attainment study showed that the region remained in ozone attainment even if the low-reactivity VOCs from consumer products were added back into the emissions inventory. This clearly shows that these VOC reductions for consumer products are not necessary for ozone attainment, and therefore not required to be included in either the 2012 AQMP or future SIP revisions. A copy of the Sierra Research study report is attached. See Attachment 2.

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Applicable California law requires that state implementation plan for the air basin "...shall only include those provisions necessary to meet the requirements of the [federal] Clean Air Act (42 U.S.C. Sec. 7401 et seq.)."<sup>7</sup> Since consumer product VOC control measures would not materially impact ozone formation, they are not necessary for demonstrating compliance with the federal ozone in the South Coast Air Basin, these measures should not be included in the final 2012 AQMP.

2. In Addition to Being Unnecessary, the Proposed Consumer Product LVP Measure Is Counterproductive.

As articulated in our initial comments on the draft Program EIR, scientific data studies demonstrate that the LVP compounds used in consumer products have minimal impacts on ozone formation, and have been part of the solution to lowering the impacts of consumer products on ozone formation for nearly 25 years. Since Control Measure CTS-04 is unwarranted and counterproductive, it should be removed from the 2012 AQMP and any future AQMPs. As support for the need for Control Measure CTS-04, a draft paper has been released by two South Coast AQMD scientists that showed that some LVP compounds could evaporate and concluded that therefore these LVP compounds contribute to ambient tropospheric ozone

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<sup>4</sup> Cal. Health & Safety Code § 41712(b)(2).

<sup>5</sup> 42 U.S.C. § 7511a(e)(5).

<sup>6</sup> Sierra Research Report No. SR2007-09-03 (Sept. 12, 2007).

<sup>7</sup> Cal. Health & Safety Code § 40460(d).

CSPA Comments on the Revised Draft 2012 AQMP  
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formation.<sup>8</sup> CSPA strongly disagrees with this conclusion. A broad coalition of industry scientists was brought together to assess this draft paper. Those scientists, who include numerous experts in chemistry and environmental science, developed a Scientific Critique of that draft paper that is attached to these comments. (See Attachment 3)

This consumer products industry Scientific Critique provides scientific evidence that the LVP compounds evaluated by SCAQMD do not contribute significantly to VOC emissions, and do not contribute significantly to tropospheric ozone formation. The exemption of LVPs in the ARB Consumer Product Regulation therefore contributes to VOC emission reductions and ozone attainment. Factors causing LVP use to contribute to lower potential ozone impact include:

- LVP compounds are predominantly partitioned into other environmental media (soil, water, etc.) where they are biodegraded.
- LVP compounds have limited vapor-phase availability which limits their atmospheric concentrations and limits their potential ability to be involved in tropospheric photochemistry.
- LVP compounds in consumer products used indoors are often not emitted into the ambient air due to alternative fates indoors (water, solid waste, etc.).
- Lower volatility is an effective tool in reducing emissions in various product uses due to the lower rate of evaporation that allows lower volume of product use.

Indeed, the data developed as part of the Scientific Critique shows that many compounds regulated as VOCs in consumer products may also have alternative environmental fates that limit their actual contribution to the VOC emissions that can contribute to ozone formation. For instance, the environmental fate modeling for isopropyl alcohol (isopropanol) shows that only a small percent of that compound introduced into ambient air can be expected to remain in the ambient air where it can contribute to tropospheric photochemistry, with the balance partitioned into water and soil where it readily biodegrades. This finding has broad ramifications, since isopropanol is typical of the types of VOCs that represent the majority of the "VOC emissions inventory" for consumer products.

This result strongly suggests that much of the current VOC emissions inventory for consumer products should be reevaluated, since they are not actually available for involvement in tropospheric ozone formation. The statements made throughout this South Coast AQMP that consumer products are becoming the largest source of VOC emissions in the South Coast may therefore not be accurate, and should be further evaluated in light of environmental fate and partitioning data. CSPA believes that environmental fate modeling results must be taken into account in determining the VOC inventory used for ozone attainment modeling, and the control measures proposed for ozone attainment. We believe this is a compelling reason why VOCs and ozone should not be included in the final 2012 AQMP, and work on ozone attainment should be deferred.

<sup>8</sup> Uyên- Uyên T. Võ and Michael P. Morris, "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds," August 31, 2012.

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CSPA Comments on the Revised Draft 2012 AQMP  
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3. It Is Neither Reasonable Nor Necessary for CARB and South Coast to Consider Additional Ozone Emission Reduction Measures Until the Parameters of EPA's Final SIP Call Are Known. Therefore, the AQMP Should Withdraw All Proposed Ozone Measures in the Final 2012 AQMP and the SIP Revision for Fine Particulate Matter (PM 2.5).

On September 19, 2012, the U.S. Environmental Protection Agency's (EPA or Agency) issued a proposed rule finding that the California SIP for the South Coast Air Basin is substantially inadequate to comply with the one-hour ozone standard.<sup>9</sup> In summary, "EPA is proposing to issue a SIP call under [the federal Clean Air Act] section 110(k)(5) to require California to submit a new attainment demonstration for the 1-hour ozone standard in the South Coast."<sup>10</sup> At the end of the 30-day comment period, EPA will need to consider and respond to comments filed on the proposed SIP call before the Agency can issue a final (*i.e.*, enforceable) rule. California will then have 12 months to comply by submitting a SIP revision for ozone.<sup>11</sup>

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Since the parameters of EPA's final rule are not know, it would be premature for the AQMD to anticipate future requirements by including ozone reduction measures in the SIP revision for fine particulate matter (PM 2.5). Therefore, CSPA urges the AQMD to defer consideration of any proposed ozone emission reduction measures until EPA promulgates its final rule on the recently proposed SIP call.

4. Further VOC Control Measures for Consumer Products are Not Necessary Even If EPA's SIP Call Is Finalized as Proposed.

The AQMD's own modeling data for the AQMP demonstrates that the South Coast Air Basin is NOx-limited and insensitive to additional VOC reductions.<sup>12</sup> The numerous ozone isopleth graphs plainly show which combinations of nitrogen oxides (NOx) and VOC reductions are needed to attain various ozone standards, throughout the area and in various locations in the South Coast air basin. In every sector, the isopleths for attaining a 75 ppb ozone standard were "flatlined" and show essentially the same NOx reduction being needed for attainment no matter what reductions are made in VOCs. The isopleths are consistently flat at further VOC reduction levels between 0% and 50%. For all lower ozone isopleths, the "flatline" extends all the way to 100% VOC reduction; in other words, no amount of VOC reductions will have any significant impact on ozone levels. Thus, additional VOC reduction measures are unlikely to be needed for demonstrating ozone attainment of the federal one-hour ozone standard.

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It is extremely important that SCAQMD take appropriate time to consider these factors, and not move ahead with VOC reduction measures for consumer products in this 2012 AQMP. Even if EPA includes the provisions of the proposed SIP call in the Agency's final rule, the AQMD's own data points to a conclusion that it is not necessary to include VOC control measures for consumer products in any required SIP revision. In conjunction with the evidence that we have

<sup>9</sup> 77 Fed. Reg. 58072-76 (Sept. 19, 2012).

<sup>10</sup> *Id.* at 58074, col. 3.

<sup>11</sup> *Id.* at 58075, col. 2.

<sup>12</sup> South Coast Scientific, Technical & Modeling Peer Review Advisory Group Meeting #8 for 2012 AQMP (June 14, 2012). See Agenda Item #3 "Update on Technical Analysis and 2008 Ozone Modeling Performance/Carrying Capacity" by Joe Cassmassi, and Sang Mi Lee. The document is posted on South Coast's website at: [http://www.aqmd.gov/gb\\_comit/stmpradvgrp/2012AQMP/meetings/2012/jun14/Item3.pdf](http://www.aqmd.gov/gb_comit/stmpradvgrp/2012AQMP/meetings/2012/jun14/Item3.pdf).

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provided that shows that question the accuracy and relevancy of emissions sought to be controlled from consumer products, we believe that it would be inappropriate for AQMD to move ahead with any modifications to the ozone portions included in this AQMP. In addition, as we noted in our July comments, any new control measures should be evaluated for effectiveness through sensitivity modeling to assure that they would actually contribute to ozone attainment.

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### SUMMARY AND CONCLUSIONS

CSPA has presented in these comments a compelling case that the control measures relating to consumer product VOCs and LVPs should not be included in this AQMP, and that no modifications to the AQMP relating to ozone attainment should be made until EPA finalizes its proposed SIP Call, and SCAQMD and ARB can fully consider the accuracy and relevance of the current VOC inventory and its need to be corrected to account for alternative fates and availability.

If you have any questions, please contact us at (202) 872-8110.

Respectfully submitted,



D. Douglas Fratz  
Vice President, Scientific & Technical Affairs



Joseph T. Yost  
Senior Director, Strategic Issues Advocacy



Kristin Power  
Director, State Affairs – West Region

Attachments (3)

cc: James N. Goldstene, Air Resources Board  
Linda C. Murchison, Ph.D., Air Resources Board  
Kurt Karperos, P.E., Air Resources Board  
Carla D. Takemoto, Air Resources Board  
Stanley Tong, U.S. Environmental Protection Agency, Region 9  
CSPA Air Quality Committee and Task Forces  
Laurie E. Nelson, Randlett Nelson Madden Associates

**Responses to Comment Letter SS**  
**CSPA**

**Response to Comment SS-1:**

The long term strategy achieves attainment of the ozone standards at all the air quality monitoring stations throughout the Basin by 2023. Modeling analysis shows that significant NO<sub>x</sub> emissions reductions are the only viable path to attain the 8-hour ozone standards in the Basin. Therefore, the ozone strategy focuses primarily on NO<sub>x</sub> reductions. However, VOC emissions reductions can also be cost-effective in progressing towards attainment of the ozone standards, especially in the western portions of the Basin. Furthermore, there is a significant health benefit to meeting the ozone standards as soon as possible in as many areas of the Basin as possible. While the current 8-hour ozone design value site is at Crestline in the San Bernardino Mountains, projections in 2023 show that the design value site will be at Glendora in the San Gabriel Valley to the west. As shown in the 2023 baseline 8-hour ozone NO<sub>x</sub>/VOC isopleths for Glendora and other western sites presented in the attachment to Appendix V, VOC reductions will help to lower ozone concentrations in the San Gabriel Valley and Western portions of the Basin. This is true near the level of the 8-hour ozone standards, but is even more significant along the path to attainment. This is due to the higher VOC/NO<sub>x</sub> ratios projected to occur in future years, especially in the western Basin.

To this end, short-term VOC controls (through 2020) will help offset the impact of the increased VOC/NO<sub>x</sub> ratio in the impacted areas of the Basin, such as the San Gabriel Valley, that are immediately downwind of the primary emissions source areas. As such, a nominal amount of VOC reductions are proposed in the Draft 2012 AQMP. The proposed VOC control measures in the Plan are based on implementing all feasible control measures through the application of available technologies and best management practices, while seeking a fair share reduction from both mobile and stationary sources. As zero and near-zero technologies are implemented for mobile sources to reduce NO<sub>x</sub> emissions, concurrent VOC reductions from mobile sources are expected. Thus, stationary sources must continue to achieve their fair share of VOC reductions in the future. This plan proposes a modest 6 tpd of VOC emissions reductions out of a total 21 tpd of VOC reductions needed for basin-wide attainment in 2023.

Current U.S. EPA, CARB and AQMD emissions inventory and photochemical air quality models include speciation profiles that account for total organic gases (TOGs), including reactive compounds, unreactive and exempt compounds, as well as LVP-VOC compounds. Staff reviewed the Sierra Research Report cited in the comment letter and found that LVP-VOCs were purposely excluded when determining relative photochemical reactivity and the overall inventory of consumer product VOC emissions (Assessment of the Need for Long-Term Reduction in Consumer Product Emissions in

the Basin, Sierra Research Report SR2007-09-03, September 2007 and Impact of Consumer Products on California's Air Quality, Sierra Research Report SR97-07-01, July 1997). Model results for ozone non-attainment areas have demonstrated that even compounds with low photochemical reactivity or LVP-VOCs contribute to photochemical ozone formation and not including these would compromise the ozone attainment demonstrations. Staff recognizes that some multi-media models that incorporate partitioning concepts such as "Atmospheric Availability" or "Environmental Fate" may have been recently developed; however, current peer-reviewed ambient ozone models used by CARB and AQMD do not include such partitioning concepts. District staff will continue to work with U.S. EPA and CARB staff on ozone model improvements, especially if additional peer-reviewed environmental fate and atmospheric availability studies justify incorporation into these predictive models.

Because substitution of traditional VOC containing materials indicates an increasing use of LVP-VOCs, a review of the extent of LVP-VOCs utilized and the associated applications is required to ensure that VOC emission reductions and ozone reduction benefits are maintained as originally intended. Please note that CTS-04 does not include an emission reduction commitment nor does it necessarily require complete elimination of the LVP exemption. Rather, it advocates the re-evaluation of the necessity, scope of the existing exemption LVP-VOCs are currently enjoying, and the efficacy of such an exemption, starting first with the consumer product categories where use of LVP-VOCs is registering high penetration rates and proceeding in subsequent phases with other product categories. Following a study, "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds", U. Vö and M. Morris, August 2012

(<http://www.aqmd.gov/prdas/Coatings/VOCs/RedefiningVOCs.pdf>) that indicates that some LVP-VOCs can evaporate nearly as rapidly as other VOC materials, District staff believes that additional review of specific materials and applications and the associated LVP-VOC qualification criteria may help identify air quality improvement opportunities. The table below illustrates the contribution of LVP-VOC solvents from traditional (non-environmentally preferable) institutional and industrial (I&I) products. The average LVP-VOC contribution is greater than 50% of the overall VOC content with many products (41% in the products tested below), having more than 70% of the VOC coming from LVP-VOC solvents.

## LVP Contribution to VOC Content

Product Category	VOC (undiluted) g/l	LVP (undiluted) g/l	% VOC Attributable to LVP
Household Dishwashing Soap	36.58	24.76	67.7%
Household General Purpose Cleaner	4.83	3.81	78.9%
Household Laundry Detergent	14.77	10.87	73.6%
I&I Bathroom Cleaner	19.81	1.62	8.2%
I&I Bathroom Cleaner	113.77	112.41	98.8%
I&I Bathroom Cleaner	49.83	17.70	35.5%
I&I Carpet Cleaner	30.26	0.47	1.6%
I&I General Purpose Cleaner	3.00	2.41	80.3%
I&I General Purpose Cleaner	8.79	8.11	92.3%
I&I General Purpose Cleaner	67.66	16.84	24.9%
I&I General Purpose Cleaner	20.69	17.79	86.0%
I&I General Purpose Cleaner	31.17	0.02	0.1%
I&I Glass and General Purpose Cleaner	13.54	3.76	27.8%
I&I Glass and General Purpose Cleaner	33.70	10.17	30.2%
I&I Glass and General Purpose Cleaner	0.45	0.30	66.7%
I&I Glass Cleaner	1.06	0.44	41.5%
I&I Glass Cleaner	4.14	3.58	86.5%
<b>Total VOC Attributable to LVP</b>			<b>51.8%</b>

Source: SCAQMD test results from selected I&I products

The proposed control measure is intended to study the air quality improvement potential for replacing LVP-VOC containing compositions with alternative low VOC formulations. The District, through the implementation of the Certified Clean Air Cleaners Program and Rule 1143 – Consumer Paint Thinners and Multi-Purpose Solvents, has identified alternative low-VOC, cost-effective technologies that are currently commercially available and used that do not rely upon the LVP-VOC exemption. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the rule development process to ensure overall efforts are feasible, productive and cost-effective. Further, the control measure includes requirements for CARB to collect speciated LVP-VOC data by category as a part of future surveys. This information will assist CARB and AQMD, as well as industry, in identifying additional categories that have the types and greatest LVP-VOC penetration, and result in more focused changes to the LVP-VOC exemption.

The Certified Clean Air Choices Cleaner program has nearly 50 institutional and industrial (I&I) cleaners that do not rely upon the LVP-VOC exemption. These products consist of full I&I product lines to cover nearly all cleaning and maintenance needs. Other certification programs have several hundred I&I cleaners, most of which do not rely upon the LVP-VOC exemption. As indicated, except for very few niche applications where efficacy of certain products may be impacted from a complete exclusion of a LVP-VOC, for the great majority of operations, environmentally preferable cleaners have equal or superior performance at equal or lower costs. Many cities and school districts have completely switched to environmentally preferable janitorial products and have found no degradation in performance at no extra cost. In some cases, lower overall costs have been seen and included in the cost-effectiveness section of the control measure. The City of Santa Monica reported spending 5% less on its cleaning products costs when it switched from conventional cleaners to less-toxic brands a decade ago. An article entitled, “The Benefits of Green Cleaning” by Dr. Robert W. Powitz on the ISSA website (November 2008), states, “We’ve heard the excuses, most of which can be grouped into one sentence: Eco-friendly products do not work and are more expensive. But this is simply not so.” The Green Seal and EcoLogo certification programs include efficacy performance standards to address claims in deterioration of performance. Again, Green Seal and EcoLogo have certified hundreds of I&I products most of which do not rely upon the LVP-VOC exemption.

**Response to Comment SS-2:**

Staff appreciates the efforts by CSPA to bring together a broad coalition of industry scientists to review the AQMD Paper “Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds”, U. Vö and M. Morris, August 2012. The proposed control measure seeks to reevaluate the criteria established for LVP-VOCs by relying on scientific data and therefore the information provided in the critique supplements the scientific data available for consideration.

Staff agrees that lower volatility compounds have limited vapor-phase availability. The study cited indicates that many LVP-VOC compounds are indeed non-volatile or semi-volatile limiting their ability to contribute to ozone formation. However, the paper also demonstrates that many compounds that qualify as LVP-VOC under the existing criteria are volatile and available to participate in ozone formation.

Current USEPA, CARB and AQMD emissions inventory and photochemical air quality models include speciation profiles that account for total organic gases (TOGs), including reactive compounds, unreactive and exempt compounds, as well as LVP-VOC compounds. Model results for ozone non-attainment areas have demonstrated that even compounds with low photochemical reactivity or LVP-VOCs contribute to photochemical ozone formation and not including these would compromise the ozone attainment demonstrations. Staff recognizes that some multi-media models that

incorporate partitioning concepts such as “Atmospheric Availability” or “Environmental Fate” may have been recently developed; however, current peer-reviewed ambient ozone models used by CARB and AQMD do not include such partitioning concepts. District staff will continue to work with USEPA and CARB staff on ozone model improvements, especially if additional peer-reviewed environmental fate and atmospheric availability studies justify incorporation into these predictive models.

The commenter attempts to justify the LVP-VOC exemption by noting that LVP-VOC compounds are predominantly partitioned into other environmental media (soil, water, etc.). The conclusion being that these products do not go into the air but instead are biodegraded. Yet this observation is true for nearly every chemical (LVP-VOC and non-LVP-VOC). Despite this partitioning, some fraction of the chemical enters the atmosphere and contributes to ozone formation. Contrary to the assertions made by the commenter, the critique does not provide evidence that LVP-VOC compounds are any different than traditional VOC compounds with respect to environmental partitioning. In fact, of the compounds studied (LVP-VOC and non-LVP-VOC) the highest predicted partitioning ratios into air are for some LVP-VOCs (22% for Light Distillate). It appears that there is no correlation between partitioning to air and LVP-VOC status. Furthermore, it is concerning that the current regulatory methodology may be requiring the transition from traditional VOC compounds (such as isopropanol) to LVP-VOCs (such as Light Distillate) with similar evaporation profiles, higher MIR values and more than four times higher predicted air partitioning factors.

Staff concurs that the current VOC emissions inventory for consumer products should be reevaluated to more accurately and precisely determine their contribution to ozone formation using the best available scientific data and methodologies, including environmental chamber studies and evaporation studies using fully formulated products. However, because consumer products represent the largest single source of VOC emissions (under current methodologies), uncertainty about the inventory because of the LVP-VOC exemption, and the current regulatory structure may be limiting the environmental benefits sought after in the regulation, staff believes that it is imperative that CTS-04 be included in the 2012 AQMP. Furthermore, draft CTS-04 has been revised to include the commenter’s suggestions pertaining to additional studies and refined emissions inventory.

### **Response to Comment SS-3:**

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NOX emissions reductions, beyond already adopted rules and measures, will be needed to meet the 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the

development of new technologies or improving of existing control technologies. This CAA provision requires that these long-term measures be specifically identified at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called “black box” emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed, assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are at least 2015 and beyond.

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “black box” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NO<sub>x</sub> and VOC emission reduction commitments contained in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA’s recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs will need to further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.



**Response to Comment SS-4:**

The set of isopleths provided in the June 2012 STMPR meeting was based on the initial 2023 baseline inventory and preliminary modeling. Subsequent modeling sensitivity simulations that varied the VOC emissions by approximately 12 TPD (across the board reductions) resulted in a 1 ppb movement in the 8-hour future design projection with lower VOC resulting in lower ozone. The current draft 2012 update to the 2007 AQMP 8-hour ozone projected 2023 future year design value placed several Basin sites within 1-2 ppb of the U.S. EPA threshold for demonstrating attainment. (EPA's threshold was set at 84.4 ppb with rounding). Far from being insignificant, a 1ppb change in the 8-hour ozone would jeopardize attainment demonstration.

SS-1. American Cleaning Institute, August 31, 2012



August 31, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The American Cleaning Institute® (ACI®) appreciates the opportunity to offer initial comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. ACI strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, ACI supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

ACI is the trade association representing the \$30 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. ACI's mission is to support the sustainability of the cleaning product and oleochemical industries through research, education, outreach and science-based advocacy.

ACI is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. As

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NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation.

ACI is particularly concerned with the removal of the LVP exemption. The loss of this exemption for any consumer product category conflicts with the California Air Resources Board's (ARB) Consumer Product Regulation. The exemption exists because, in addition to allowing industries to innovate technically and commercially feasible consumer products for Californians, elimination of the exemption would not result in VOC emission reductions.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

ACI appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,

Kathleen Stanton  
Director, Technical & Regulatory Affairs  
American Cleaning Institute  
1331 L Street, NW, Suite 650, Washington, DC, 20005

cc: James Goldstene, Executive Officer, CARB, via email: jgoldste@arb.ca.gov  
Carla Takemoto, PTSD, CARB, via email: ctakemot@arb.ca.gov

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**Responses to Comment Letter SS-1**  
**American Cleaning Institute**

**Response to Comment SS-1-1:**

Staff appreciates the ACI and its members' dedication to improving health and the quality of life through sustainable cleaning practices and products. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-2. Shield Packaging of CA, September 28, 2012



Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules, and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Subject: 212 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Shield Packaging of California appreciates the opportunity to offer comments on the South Coast Air Quality Management District's Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-2, CTS-3, and CTS-4. Shield Packaging of California strongly objects to the inclusion of these measures in the draft AQMP and is requesting that these measures are not included in the final 2012 AQMP. Shield Packaging of California supports comments submitted by the Consumer Specialty Products and American Coatings Association on the AQMP.

Shield Packaging of California is a custom formulator and packager of consumer products. We have been in business in Southern California for over forty years. We have been supportive of consumer products regulations and development of more environmentally responsible products. It has been an ongoing challenge for us to provide both "compliant" and "efficacious" products for our customers. But, like others, we have persisted and our business has survived despite losing some customer to competitors outside of California.

The SCAQMD's proposal to eliminate an exemption for Low Vapor Pressure Solvents (LVP's) as part of the AQMP present unique problems to us because we do not see formulation options. Reformulation of some consumer categories may not be attainable, economical, effective, or all of the above. Elimination of some or all of the LVP chemicals will be hugely detrimental to our business.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Roger R. Vanderlaan', is written over a horizontal line.

Roger R. Vanderlaan

Shield Packaging of California, Inc.  
Chino, CA 91710

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Affiliated Corporations at Dudley, MA & Canton, MA

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**Responses to Comment Letter SS-2**  
**Shield Packaging of CA**

**Response to Comment SS-2-1:**

Staff appreciates the Shield Packaging's support of consumer products regulations and development of more environmentally responsible products. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-3. Betco Innovative Cleaning Technologies, September 12, 2012



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September 12, 2012

Dr. Elaine Chang  
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via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)  
Re: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:  
Betco Corporation appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Betco Corporation strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. Betco Corporation supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Betco Corporation is a small business that promotes "green low VOC" products. We continue to stand with AQMD in providing these quality products at a reasonable cost. The proposed control measures will increase the cost of these products significantly, reduce their effectiveness, and raise other costs beyond that of the product itself. Some products will have to be eliminated.

For example, we sell a prewash laundry product for the institutional/commercial laundry sector. The product contains LVP-VOC solvents. The solvents are the agents that break down stains such as lipstick, grease, and fat to be lifted away by surfactant. If LVP-VOC solvents are counted as VOC, the product will not meet the current VOC regulation. Without the LVP-VOC solvents in the formula, the cleaning efficacy is reduced by 75%. The cost of replacement is high. Costs to reformulate include the price of the replacement, raw material identification, chemical product development, product suitability testing, health testing, and field testing of the product.

Without the solvents the product will not work as well. Substitutes for the solvents such as enzymes and bacteria take longer, are temperature sensitive and cost significantly more. Chemical additives such as sodium hydroxide are hazardous to handle, affect color in fabric, and damage fabric over time, creating indirect cost to the user. Having to soak laundry increases the time to complete one load and the man-hours to operate or oversee the process.

There will be additional costs and a reduction in number of "green" third party (Green Seal, DFE, Ecologo) certified products because we will have to recertify them after the formulas are changed. If LVP-VOCs are now to be counted as VOC, the number of certified products will be reduced because some cannot achieve the required cleaning efficacy in the timeframe required.

SS-3 - 1



Betco Corporation  
1001 Brown Avenue  
P. O. Box 3127  
Toledo, Ohio 43807-0127  
419-241-2156  
800-323-2156  
Customer Service:  
888-60-BETCO  
(888-467-3876)  
Fax: 800-445-5056  
email@betco.com  
www.betco.com

Betco Corporation is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Institutional products meant for the public sector, schools, government buildings and health care facilities must perform well and within a short time frame. An extended timeframe for cleaning translates into extended man-hours for crews to be working in buildings. These sectors (governmental agencies, schools and public health care facilities) are the least able to absorb additional costs.

Betco Corporation appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,

Lynn Morsch  
Regulatory Affairs  
Betco Corporation LTD  
1001 Brown Avenue  
Toledo, Ohio 43558

SS-3 - 1



**Responses to Comment Letter SS-3**  
**Betco Innovative Cleaning Technologies**

**Response to Comment SS-3-1:**

Staff appreciates Betco Corporations efforts to reformulate its products to reduce VOCs and the promotion of “green low VOC” products. It is possible that some of Betco’s products, such as the prewash laundry product provided in the letter as an example, may be impacted by the proposed control measure because the LVP-VOC solvents used may be contributing to ozone formation. There may be other solvents that break down stains and do not readily evaporate that could be true low-VOC replacements. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the rule development process to ensure overall efforts are feasible, productive and cost-effective. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-4. Air-Scent International, October 1, 2012



October 1, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Air-Scent International. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Association/company name strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP.

As such, Air-Scent International supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Our company has been forced to re-formulate and discontinue many of its core products to conform with CARB/EPA regulations which has greatly impacted our business and caused a loss of its valued products. Another mandatory change can be devastating to us and thus create loss of employees, etc.

Air-Scent International is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

SS-4 - 1

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective. These product categories have been unfairly targeted – especially when CARB has been unable to reduce the daily pollution caused by automotive exhausts. The so-called improvement to the environmental, in regulating these products – is negligible!

Summary and Conclusions

Air-Scent International appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-4 - 1

Sincerely,



Raymond Czapko, Chief Operating Officer  
Air-Scent International  
292 Alpha Drive  
Fox Chapel, PA 15238

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter SS-4**  
**Air-Scent International**

**Response to Comment SS-4-1:**

Staff appreciates Air-Scent International's efforts to reformulate to conform to CARB/EPA regulations. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

## SS-5. Alpha Aromatics, October 1, 2012



October 1, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Alpha Aromatics appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Association/company name strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP.

As such, Alpha Aromatics supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Our firm has been burdened with the task of trying to create effective formulations for our customers -- based upon the limited available options; since regulations have been imposed. New changes forcing re-formulations with even more stringent regulations and less options for compliant alternatives will affect our company as well as our customers -- thus severely impacting employment -- when many current products are once again affected -- and a major loss is created; including employee reduction!

Alpha Aromatics is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce

SS-5 - 1

294 alpha drive | ndc industrial park | fox chapel, pa 15238  
voice: 800-295-5261 | fax 888-260-4493  
international customers - voice (412) 252-1012 | fax (412) 252-1014  
website: [www.alphaaromatics.com](http://www.alphaaromatics.com)



ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective. These product categories have been unfairly targeted – especially when CARB has been unable to reduce the daily pollution caused by automotive exhausts. The so-called improvement to the environmental, in regulating these products – is negligible!

Summary and Conclusions

Alpha Aromatics appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



Roger Howell, General Manager  
Alpha Aromatics  
294 Alpha Drive  
Fox Chapel, PA 15238

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

SS-5 - 1

**Responses to Comment Letter SS-5**  
**Alpha Aromatics**

**Response to Comment SS-5-1:**

Staff appreciates Alpha Aromatics efforts to reformulate to conform to CARB/EPA regulations. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-6. SurcoTech, October 1, 2012



October 1, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
*via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)*

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Surco Products appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Association/company name strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP.

As such, Surco Products supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Our company has been forced to re-formulate and discontinue some of its core products to conform with CARB/EPA regulations which has greatly impacted our business and caused a loss of its valued products. Another mandatory change can devastating to us and thus create loss of employees, etc.

Surco Products is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

SS-6 - 1



The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective. These product categories have been unfairly targeted – especially when CARB has been unable to reduce the daily pollution caused by automotive exhausts. The so-called improvement to the environmental, in regulating these products – is negligible!

Summary and Conclusions

Surco Products appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-6 - 1

Sincerely,



Lisa Vasko, Sales Manager  
Surco Products  
P.O. Box 6  
Glenshaw, PA 15116

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter SS-6**  
**SurcoTech**

**Response to Comment SS-6-1:**

Staff appreciates Surco Products efforts to reformulate to conform to CARB/EPA regulations. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**SS-7. Pestco Inc., October 1, 2012**



October 1, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Pestco, Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Association/company name strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP.

As such, Pestco, Inc. supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Our company has been forced to re-formulate and discontinue some of its core products to conform with CARB/EPA regulations which has greatly impacted our business and caused a loss of its valued products. Another mandatory change can devastating to us and thus create loss of employees, etc.

Pestco, Inc. is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

SS-7 - 1

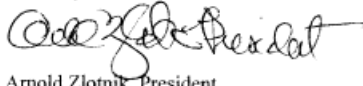
The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective. These product categories have been unfairly targeted – especially when CARB has been unable to reduce the daily pollution caused by automotive exhausts. The so-called improvement to the environmental, in regulating these products – is negligible!

Summary and Conclusions

Pestco, Inc. appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-7 - 1

Sincerely,



Arnold Zlotnik, President  
Pestco, Inc.  
290 Alpha Dr.  
Pittsburgh, PA 15238

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter SS-7**  
**Pestco Inc**

**Response to Comment SS-7-1:**

Staff appreciates Pestco efforts to reformulate to conform to CARB/EPA regulations. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-8. Simple Green, October 4, 2012



Simple Green – USA  
World Headquarters  
15922 Pacific Coast Hwy.  
Huntington Beach, CA 92649  
562-795-6000 • 800-228-0709  
Facsimile: 562-592-3034  
www.simplegreen.com

October 4, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Sunshine Makers, Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Sunshine Makers, Inc. strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Sunshine Makers, Inc. supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Sunshine Makers, Inc. is the maker of Simple Green brand products. We are located in Southern California and employ 46 California residents, as well as conduct significant multi-million-dollar business with other California businesses. We have undergone no less than four General Purpose Cleaner formula and label modifications to meet California's Consumer Product Regulation since its inception. The combined cost of doing this has been in the multiple millions of dollars in man-hours, materials costs, inventory component loss, and testing fees. We have worked extremely hard to comply with California's VOC regulations.

Sunshine Makers, Inc. is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

- MIDWEST  
Chicago, IL
- EAST  
North Wales, PA
- NORTH CAROLINA  
Charlotte, NC
- ATLANTA  
Cumming, GA
- ARKANSAS  
Bentonville, AR
- FRANCE  
Choisy-Le-Roi
- NEW ZEALAND  
Auckland
- MEXICO  
Guadalajara – Jalisco

SS-8 - 1

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective. Our latest work has been a 3.5-year search for replacement chemistry for our general purpose cleaners, the category of which drops from 4% to 0.5% maximum VOC level at the end of 2012. This project could not be successful without the lawful use of LVP-VOCs. Further, we would not be able to continue marketing greener chemistry without the use of LVP-VOC chemistry, as the alternatives to LVP-VOCs in cleaning products are certainly less preferable in many other aspects such as mammalian and aquatic toxicity, acute dermal and ocular toxicity, etc. Our company has invested over one million dollars in the cost of man-hours, materials, and testing fees for this latest reformulation in order to reach a formulation that will enable our company to continue offering products that the retail, industrial and institutional consumers will purchase and appreciate, while meeting our commitment to safer, greener chemistry. Without the LVP-VOC exemption, our company would lose virtually all of its current product line and likely not survive such a regulation.

SS-8 - 1

Summary and Conclusions

Sunshine Makers, Inc. appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



Carol Chapin  
Vice President, Research & Development  
Sunshine Makers, Inc. / SIMPLE GREEN  
15922 Pacific Coast Highway  
Huntington Beach, CA 92649

cc: James Goldstene, Executive Officer, CARB, via email: jgoldste@arb.ca.gov  
Carla Takemoto, PTSD, CARB, via email: ctakemot@arb.ca.gov

**Responses to Comment Letter SS-8**  
**Simple Green, Carol Chapin**

**Response to Comment SS-8-1:**

Staff appreciates the efforts made by Sunshine Makers to comply with CARB's Consumer Product Regulations. Undoubtedly CARB considered the costs and benefits associated with changes to the General Purpose Cleaner VOC limits over the past two decades. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).



## SS-9. Eastern Aerosol Association, October 4, 2012



October 4, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The Eastern Aerosol Association (EAA) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. The EAA strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, the EAA supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

The EAA is a proactive organization that influences action affecting the aerosol industry within our region. Although our region is the eastern United States, many of the regulations imposed in other parts of the country, and the world, eventually make their way to our region. This issue, therefore, is extremely important to this association and to our members.

The EAA is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment.

SS-9 - 1

Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution, not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

The EAA appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-9 - 1

Sincerely,



Chris Nyarady  
President  
Eastern Aerosol Association

cc: James Goldstene, Executive Officer, CARB, via email: jgoldste@arb.ca.gov  
Carla Takemoto, PTSD, CARB, via email: ctakemot@arb.ca.gov

**Responses to Comment Letter SS-9**  
**Eastern Aerosol Association**

**Response to Comment SS-9-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-10. Losorea, October 5, 2012



10/5/2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via email - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Losorea Packaging Inc. appreciates the opportunity to offer comments on the South Coast Air Quality management District's Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Losorea Packaging Inc. strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Losorea Packaging Inc. supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Losorea Packaging Inc. is an aerosol contract packager, we are located in Woodstock, GA. We are a small family owned business with 26 employees. We have products that are sold into California indirectly through our customers. The cost to reformulate would be devastating to a small company like ourselves.

Losorea Packaging Inc. is principally concerned with the proposal to include further reductions in VOC's for consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially having an impact on consumer products: (CTS-01 Further VOC Reductions from Miscellaneous Coating, Adhesives, Solvents and Lubricants [VOC]; CTS -03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impact on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

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The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

Losorea Packaging Inc. appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to business" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures affecting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,

Ryan Dailey  
President

Losorea Packaging Inc.  
313 Bell Park Drive  
Woodstock, GA 30188

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@abr.ca.gov](mailto:jgoldste@abr.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

SS-10 - 1

**Responses to Comment Letter SS-10**  
**Losorea**

**Response to Comment SS-10-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**SS-11. WAiB, October 5, 2012**



Western Aerosol Information Bureau

October 5<sup>th</sup>, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
*via* e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The Western Aerosol Information Bureau (WAIB) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. Our concerns focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-01, CTS-02, CTS-03, and CTS-04. WAIB strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, WAIB supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

The Western Aerosol Information Bureau is a regional association of companies involved with the production or marketing of aerosol products. The membership consists of approximately 55 companies, some small and independently owned, others nationally and internationally recognized. A fundamental component of our organizational charter is providing objective information predicated upon scientific data to the public, our members, the media, regulatory and government bodies regarding aerosol products.

The WAIB represents industry in California and the rest of the western United States, and we are here to be part of a solution. WAIB members frequently attend and speak at meetings of the California Air Resources Board, Air Quality Management Districts, and Federal Environmental Protection Agency. Our volunteer 12-member board of directors represents all segments of the aerosol products industry: fillers, marketers, component and chemical suppliers.

The Western Aerosol Information Bureau is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are not technologically and commercially feasible. The control measures-potentially impacting consumer products include:

CTS-04 proposes the elimination or modification of the LVP provision in the CARB Consumer Product Regulation. This measure is particularly troublesome given that the SCAQMD does not have authority over Consumer Products. CARB has sole authority over Consumer Products in California. WAIB has participated in the CARB process for two decades. CARB has encouraged the use of LVP's in Consumer

Products. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

The consumer products industry has invested heavily in reducing VOC through product reformulation. Continued reformulation of these products will lead to minimal if any realized reductions in reducing ozone. Reformulation will negatively change the performance and consumer experience with these products.

The Western Aerosol Information Bureau appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP is not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



**Roger Vanderlaan,  
WAIB President**

**The Western Aerosol Information Bureau - Board of Directors**

President	Roger Vanderlaan	Shield Packaging of CA
Vice President	Steve Sanchez	Aeropres Corporation
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Jim Johnson	Sherwin Williams
Chad Moline	Spray Products
Charlie Ortmann	Diversified CPC Intl.

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)



**Responses to Comment Letter SS-11**  
**WaiB**

**Response to Comment SS-11-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-12. IAN GECKER & ASSOCIATES, LLC, October 5, 2012



October 5, 2012

Dr. Elaine Chang  
Deputy Executive Officer,  
Planning Rules & Area Sources  
South Coast Air quality Management District  
21865 Copley Dr.  
Diamond Bar, CA 91765

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

I am a consultant to the Aerosol Industry with 50 years of involvement in product development, executive management and company ownerships. As such I have spent the past 20 some years reformulating hundreds of aerosol products for Fortune 1000 companies in order to meet the ever tightening VOC standards for consumer products.

I strongly disagree with the SCAQMD's plan to change the status of LVP's currently used in a variety of products that currently meet the CARB VOC standards. Further reductions in VOC content through the removal of LVPs will devastate entire categories of consumer products in that there are no suitable non-voc replacements that would yield the same quality, efficacy and safety in these products and still allow them to meet the standards.

The consumer products industry, and in particular the aerosol industry, have spent tens of millions of dollars through research, product development and manufacturing changes in order to meet current and future VOC standards. Further reductions of VOC content in aerosol consumer products are not technologically feasible and will result in these products being commercially inadequate for their intended purposes. At a time of economic stress, job losses and business bankruptcies in California, as well as the rest of the country, these proposals are not only technologically infeasible but will further add to our economic problems via job losses and lost business opportunities. When I arrived in California in 1971 there were over 12 aerosol manufacturing companies in the state. Today there are 4! The loss of these businesses, jobs and income to the state was due in large part to their strangulation by continuous and expanding regulations.

One final point is that current air modeling shows that further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are reduced VOC regulations become less effective in reducing ozone. Indeed, LVPs have minimal impacts on VOC emission's and ozone formation and their change in exempt status will reverse the aerosol industries achievements in VOC reductions.

The aerosol industry has been a partner with CARB and SCAQMD in its commitment to protecting the health and safety of the populace and we remain committed to this endeavor but do not believe this

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Office & Laboratory: 2475 Chandler Ave., #7, Las Vegas, NV 89120  
Phone (702) 325-0855 Fax (702) 640-0082

latest proposal to de-qualify LVPs is the right approach and ultimately will do more commercial harm than environmental good aside from the changes being technologically feasible.

Thank you for the opportunity to comment and respond to the proposals in the draft 2012 AQMP.

Sincerely,

Ian R. Gecker,  
President and Owner

cc: James Goldstein, Executive Officer, CARB  
Carla Takemoto, PTSD, CARB

100512.scaqmd

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**Responses to Comment Letter SS-12**  
**IAN GECKER & ASSOCIATES, LLC.**

**Response to Comment SS-12-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-13. RCMA, October 5, 2012



October 5, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The Roof Coatings Manufacturers Association (RCMA) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. RCMA strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, RCMA supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

RCMA is the national trade association representing the manufacturers of bituminous and non-bituminous roof coatings and the suppliers to the roof coatings industry. Our association and its member companies have collaborated with the SCAQMD for many years to help establish the rules that are currently in place for stationary sources and do not believe that further VOC emission reductions from this category are neither cost effective nor necessary. Specifically, we object to the inclusion of the aforementioned Stationary Source Control Measures for Coatings and Solvents in the AQMP for the following reasons:

- Changing formulation may decrease product's performance, resulting in worsened air quality
- Further VOC reductions might result in loss of products, meaning fewer product choices available to the California consumer
- Costs associated with reformulating products
- Further VOC reductions from Coatings and Solvents are not likely to result in significant air quality improvements

RCMA is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products, CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC], are particularly troublesome given the proposals are neither effective nor necessary for ozone

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attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution, not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

RCMA appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary, or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



John Ferraro  
General Manager  
Roof Coatings Manufacturers Association

750 National Press Building  
529 14<sup>th</sup> St. NW  
Washington, DC 20045

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

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**Responses to Comment Letter SS-13**  
**RCMA**

**Response to Comment SS-13-1:**

Staff appreciates the efforts of the RCMA to collaborate with the AQMD to help establish architectural coating rules. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-14. Dow Chemical Company, October 5, 2012



The Dow Chemical Company  
901 Lowenridge Road  
Pittsburg, CA 94565  
U.S.A.

October 5, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The Dow Chemical Company (Dow) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-01, CTS-02, CTS-03, and CTS-04. Dow strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Dow supports comments submitted by the American Coatings Association and the Consumer Specialty Products Association on the AQMP.

Raw material suppliers, such as Dow, provide a diverse array of innovative products of significant commercial and economic value to California. The innovation of greener solvents to consumer products will be greatly impacted by the proposal. Specifically, the Dow Chemical Company has committed substantial resources in implementing a multi-generational program to develop VOC-free solvents – reflecting the considerable technical, practical and commercial challenges and realities posed by this objective. A repeal or significant modification of the LVP exemption will cause substantial delays in the marketing of new, biobased solvents with an overall improved environmental profile. More explicitly, the proposal represents a departure from the broader trend toward the marketing of consumer products that are more sustainable across the entire product lifecycle. The proposal is also not compatible with the global trend toward harmonization in chemicals regulations; this is likely to have important competitive impacts, including the higher costs of complying with technical requirements of the proposal.

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Dow is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment.

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Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution, not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

Dow appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

About Dow

Dow has four manufacturing facilities in California with over 600 employees and contractors. Globally, Dow's more than 5,000 products are manufactured at 197 sites in 36 countries. The Company connects chemistry and innovation with the principles of sustainability to help address many of the world's most challenging problems such as the need for clean water, renewable energy generation and conservation, and increasing agricultural productivity. Dow's diversified industry-leading portfolio of specialty chemical, advanced materials, agrosiences and plastics businesses delivers a broad range of technology-based products and solutions to customers in approximately 160 countries and in high growth sectors such as electronics, water, energy, coatings and agriculture. In 2011, Dow had annual sales of \$60 billion and employed approximately 52,000 people worldwide.

Sincerely,



---

**Don Fontaine**  
Toxicology and Environmental Research &  
Consulting  
Midland, MI 48674  
(989) 636-2179 Office  
[ddfontaine@dow.com](mailto:ddfontaine@dow.com)

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**Randy Fischback**  
Gov't Affairs & Public Policy Director  
Pittsburg, California  
925-432-5122 Office  
[fischback@dow.com](mailto:fischback@dow.com)

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

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**Responses to Comment Letter SS-14**  
**Dow Chemical Company**

**Response to Comment SS-14-1:**

The proposed control measure seeks to reconsider the exemption for LVP-VOC solvents that readily evaporate under ambient conditions. These types of products tend to be less sustainable because of their loss into the air through evaporation. Studies have demonstrated that bio-based solvents do not readily evaporate. Any reevaluation of the LVP-VOC criteria would retain the exemption for products that are clearly non-volatile. The global harmonization in consumer product regulations is inconsistent with chemical regulations. Coating and solvent regulations utilize much more stringent criteria than consumer products when determining VOC exemption status. Determination of VOC contribution to ozone formation should be based on scientific criteria.

**Response to Comment SS-14-2:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-15. Nexreg Compliance Inc, October 5, 2012



100512

Dear Dr. Chang:

Nexreg Compliance Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04.

Nexreg Compliance, Inc. represents roughly 400 companies in the chemical industry in the United States and Canada. After discussing this issue with dozens of our clients, we have very serious concerns about these measures. Nexreg strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such we support comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Nexreg and their clients are principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

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Nexreg appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,

Mike P. Moffatt  
CEO, Nexreg Compliance Inc.

**Responses to Comment Letter SS-15**  
**Nexreg Compliance Inc.**

**Response to Comment SS-15-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-16. American Coatings Association, October 5, 2012



October 5, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - echang@aqmd.gov

Re: The South Coast Air Quality Management District's Draft 2012 Air Quality Management Plan

Dear Dr. Chang:

The American Coatings Association<sup>1</sup> (ACA) appreciates the opportunity to offer additional comments on the revised South Coast Air Quality Management District's (South Coast or AQMD) Draft 2012 Air Quality Management Plan (AQMP), which the District released in September. These comments supplement ACA's previous comments on the draft 2012 AQMP, focusing on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. ACA continues to strongly object to the inclusion of these measures in the draft AQMP. As such, ACA also supports comments submitted by the Consumer Specialty Products Association on the AQMP, including the attached Scientific Critique of South Coast Air Quality Management District Paper entitled "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds".

ACA is principally concerned with the proposal to include further reductions in VOCs from coatings and solvents products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting architectural coatings, solvents, and consumer products are CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC]. These control measures are particularly troublesome given that the proposals are neither effective nor necessary for ozone attainment. The District's air modeling and explanation in the draft 2012 AQMP demonstrates that further VOC reductions from coatings and solvents will not significantly reduce ozone. As NOx levels and ozone levels are

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<sup>1</sup> The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

ACA Comments – South Coast Draft 2012 AQMP

October 5, 2012

further reduced by the District, VOC reductions become less and less effective in reducing ozone. In particular, LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high cost and low effectiveness makes further VOC reductions from coatings, solvents, and consumer products prohibitively expensive.

In sum, ACA appreciates the opportunity to comment on the 2012 Air Quality Management Plan. We point to the SCAQMD's stated goal – "We are committed to protecting the health of residents, while remaining sensitive to businesses" – when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting coatings and solvents included in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP. ACA will submit additional comments upon receiving individual responses to our August 31, 2012 comments.

Thank you, and please do not hesitate to contact us know if you have any questions regarding these comments.

Sincerely,

/s/

David Darling, P.E.  
Director, Environmental Affairs

/s/

Tim Serie, Esq.  
Counsel, Government Affairs

cc: James Goldstene, Executive Officer, CARB, via email: jgoldste@arb.ca.gov  
Carla Takemoto, PTSD, CARB, via email: ctakemot@arb.ca.gov

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**Responses to Comment Letter SS-16**  
**American Coatings Association**

**Response to Comment SS-16-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

## SS-17. American Chemistry Council, October 5, 2012



October 5, 2012

Sent Via Email

Philip Fine, Ph.D.  
Planning and Rules Manager  
Planning, Rule Development, and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4182  
[2012aqmpcomments@aqmd.gov](mailto:2012aqmpcomments@aqmd.gov)

RE: 2012 South Coast Air Quality Management District Consumer Air Quality Management Plan (AQMP)

Dear Dr. Fine:

The Solvents Industry Group ("SIG")<sup>1</sup> and the Glycol Ethers Panel<sup>2</sup> of the American Chemistry Council appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-01, CTS-02, CTS-03, and CTS-04. We strongly object to the inclusion of these measures in the draft AQMP, and urge that the measures not be included in the final 2012 AQMP. As such, we support comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

We are principally concerned with the proposal to include further reductions in volatile organic compounds (VOCs) from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01) Further VOC Reductions from Architectural Coatings (R1113) [VOC]; (CTS-02) Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; (CTS-03) Further VOC Reductions from Mold Release Products [VOC]; and (CTS-04) Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Furthermore, air modeling projects that further VOC

<sup>1</sup> SIG members are Eastman Chemical Company, The Dow Chemical Company, ExxonMobil Chemical Company, and Shell Chemical LP.

<sup>2</sup> Glycol Ethers Panel members are Eastman Chemical Company, LyondellBasell Industries and The Dow Chemical Company.

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SIG Comments on SCAQMD 2012 AQMP  
Page 2 of 2

reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. The low vapor pressure solvents (LVP-VOCs) exemption is scientifically sound and should be maintained. LVP-VOCs have minimal impacts on VOC emissions and ozone formation, and offer formulators flexibility to meet the strict VOC limits currently in place.

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SIG and the Glycol Ethers Panel appreciate the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP. If you have any questions, please contact me at 202.249.6717 or [Leslie\\_Berry@americanchemistry.com](mailto:Leslie_Berry@americanchemistry.com).

Sincerely,

*Leslie Berry*

Leslie Berry  
Chemical Products & Technology Division  
American Chemistry Council





**Responses to Comment Letter SS-17**  
**American Chemistry Council**

**Response to Comment SS-17-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-18. Armored AutoGroup, October 10, 2012



[Via Email \(echang@aqmd.gov\)](mailto:echang@aqmd.gov)

October 10, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Armored AutoGroup Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Armored AutoGroup Inc. strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Armored AutoGroup supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Armored AutoGroup Inc., headquartered in Danbury, Conn., and a Global Research and Development Center in Northern California is engaged in development, manufacture and sale of ARMOR ALL®, STP® and other brands of consumer car care products. The current ARMOR ALL product line of protectants, wipes, tire and wheel care products, glass cleaners, leather care products and washes is designed to clean, shine and protect interior and exterior automobile surfaces. The STP product line of oil and fuel additives, functional fluids and automotive appearance products has a broad customer base ranging from professional racers to car enthusiasts and "Do-it-Yourselfers". Our company has a diversified geographic footprint with operations in the United States, Canada, Mexico, the United Kingdom, Australia and China and distributors in more than 50 countries.

The proposed measures, if included in the final 2012 AQMP, would have a direct and negative impact on our business in terms of costs, resources required and complexity of reformulation of our products. In addition, it is not at all clear there will be acceptable substitute chemicals available for new formulations. There may be some products where chemical substitutes are not available and the result would be discontinuation of car care products that consumers demand.

Armored AutoGroup Inc. is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures

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Danbury, CT 06810  
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potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC]) are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has already spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Armored AutoGroup appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



Frank Judge  
Vice President & General Counsel  
Armored AutoGroup Inc.

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)  
Elaine Schley, Armored AutoGroup Inc., Vice President, Research & Development  
Valerie Gillis, Armored AutoGroup Inc., Regulatory Specialist

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**Responses to Comment Letter SS-18**  
**Armored AutoGroup**

**Response to Comment SS-18-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

## SS-19. Radiator Specialty Company, October 10, 2012



*Dr. Larry Beaver*  
*Vice President – Technology*  
[Lbeaver@rscbrands.com](mailto:Lbeaver@rscbrands.com)

*Direct Number:*  
*704.684.1802*

October 10, 2012

Dr. Elaine Chang  
Deputy Executive Officer of Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan

Dear Dr. Chang:

Radiator Specialty Company appreciates the opportunity to offer comments on the South Coast Air Quality Management District's (SCAQMD) draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25<sup>th</sup> of this year. We have reviewed the proposed Stationary Source Control Measures numbered CTS-01, CTS-02, CTS-03, and CTS-04. Radiator Specialty Company strongly objects to the inclusion of these four measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. Radiator Specialty Company supports comments submitted by the American Coatings Association, the Alliance for Responsible Regulation, and the Consumer Specialty Products Association (CSPA) regarding these control measures in the AQMP.

Radiator Specialty Company is a family-owned, North Carolina manufacturer and marketer of household, industrial, and automotive specialty chemical products sold both in the USA and worldwide. Through our division, RSC Chemical Solutions, and our affiliated company, RSC Bio Solutions, we manufacture and market a variety of consumer and industrial products under the GUNK<sup>®</sup>, Liquid Wrench<sup>®</sup>, Motormedic<sup>®</sup>, SAFE CARE<sup>®</sup>, and Envirologic<sup>®</sup> brands. Our products range from SAFE CARE<sup>®</sup> cleaners and GUNK<sup>®</sup> degreasers to Liquid Wrench<sup>®</sup> lubricants, Envirologic<sup>®</sup> hydraulic fluids, and Motormedic<sup>®</sup> fuel and oil additives. We currently offer both conventional chemistries and next-generation, readily biodegradable, sustainable alternatives to our customers in both the cleaner/degreaser and lubricant/hydraulic fluid product categories. Our products are sold through distributors as well as national chains such as Walmart<sup>®</sup>, O' Reilly, Autozone<sup>®</sup>, Advance Auto, Pep Boys, Lowe's<sup>®</sup>, and Home Depot<sup>®</sup>, to name just a few.

Radiator Specialty Company has a long history of not only meeting, but exceeding the environmental, health, and safety needs of our customers. We are, however, gravely concerned that the proposed Stationary Source Control Measures will drive industry toward ineffective product chemistries or will force some products out of the California market entirely. Radiator Specialty Company and its affiliates are principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures impacting consumer products (CTS-01, CTS-02, CTS-03, and CTS-04) are neither effective nor necessary for ozone attainment. Air modeling shows

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further VOC reductions from consumer products will not significantly reduce ozone. As NO<sub>x</sub> levels and ozone levels are lowered, VOC reductions become practically ineffective in reducing ozone. The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

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I will be focusing the remainder of our comments on CTS-04, which concerns the role of LVPs and the potential modification or elimination of the LVP-VOC exclusion currently included in the California Consumer Products Regulations. We strongly oppose CTS-04. We fully support the conclusions of the Scientific Critique of South Coast Air Quality Management District Paper "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds" October 2012 prepared by the Alliance for Responsible Regulation and CSPA (see attached). LVPs, and particularly those defined as "LVP-VOC" in the regulations, have minimal impact on VOC emissions and ozone formation. Simply put, LVP-VOCs have been, and should continue to be, part of the solution and NOT part of the problem.

Radiator Specialty Company's single most effective tool to meet current VOC limits has been by the use of LVP-VOC technologies. Modifications to, or elimination of, the current regulatory definition of "LVP-VOC" would have far-reaching consequences not originally intended by the staff at SCAQMD:

- **Increase in apparent emissions:** Products currently VOC-compliant with California law would become non-compliant, resulting in an apparent (although inaccurate) calculated increase in emissions within their particular category. We have evaluated our products and found that, of our top-ten VOC-regulated consumer products, over half would become non-compliant. Some would move from only a few percent VOC up to over 90% "apparent VOC" were the LVP-VOC components to be considered 100% VOC. An unintended consequence would be the resulting non-compliance of clean solvent technologies already reviewed and approved by SCAQMD. Many of these products rely upon butyl cellosolve replacements that would not pass muster as zero-VOC when subjected to the test conditions of EPA Method 24.
- **Cost of reformulation:** Reformulating impacted products would be at significant cost, tying up research resources that would be better used to identify more sustainable ingredients and evaluating other "green" chemistries. Cost to recreate and re-label each product would be substantial, potentially costing Radiator Specialty Company hundreds of thousands of dollars.
- **Potential loss of products:** In some cases, non-LVP options may not be either cost effective or the resulting loss of performance would be so substantial that products would be removed from the marketplace.
- **Environmental and exposure impact:** Many of our aerosol products (9 of our top 10, in fact) rely upon low viscosity LVP-VOCs to ensure correct evacuation and proper atomization of the product. Our experience with the solvents considered zero-VOC by EPA Method 24 is that they are not acceptable alternatives to LVP-VOCs in that they create a thick, not atomizing stream that actually increases product use to cover a specified area. This leads to overuse of the product with resulting waste with the potential for causing more environmental and human exposure.
- **Impact to California industry:** Impact to industry and agriculture in California should be considered, particularly in light of our concerns regarding overuse cited above. California agriculture and vintners who use our products to clean, lubricate, and otherwise maintain their equipment would be faced with using poorly-performing alternatives that would require more of each product to be used per application and would be expected to result in overuse, waste, and increased potential for soil and water contamination resulting from that overuse.

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MANUFACTURERS OF AUTOMOTIVE, INDUSTRIAL, AND SPECIALTY CHEMICAL PRODUCTS

Radiator Specialty Company appreciates the opportunity to comment on the 2012 Air Quality Management Plan. We have kept in mind the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on our company's ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary, or cost-effective, and should not even be considered for inclusion in the final 2012 AQMP. We would also point out that the responsibility for regulating consumer product VOCs and the definition of "LVP-VOC" is the sole responsibility of the California Air Resources Board. The attempt to change the role of LVP-VOCs in consumer products falls outside the authority of SCAQMD.

Sincerely,



Larry G. Beaver, Ph.D.  
Vice President, Technology  
Radiator Specialty Company

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter SS-19**  
**Radiator Specialty Company**

**Response to Comment SS-19-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**Response to Comment SS-19-2:**

From a limited review of consumer product formulations, it appears that a significant portion of traditional solvent replacement utilized LVP-VOC technology. The paper cited by the commenter indicates that some LVP-VOCs do not evaporate and should remain exempt. On the other hand, some LVP-VOCs readily evaporate and are available to participate in ozone formation. While the commenter describes any modification as an “apparent” increase in emissions, it should be more accurately described as an acknowledgement of a decrease in emission reductions. Products that reformulate away from traditional solvents (such as butyl cellosolve) to LVP-VOCs (such as Light Distillate) with similar evaporation rates may not have the anticipated emission reduction benefits, especially for ozone. As the commenter notes, Radiator Specialty Company has reformulated products with up to 90% LVP-VOCs in some of their products. Depending on what specific LVP-VOCs used with consideration for their volatility characteristic and maximum incremental reactivity (MIR), the 90% replacement may not have ozone benefits or may further exacerbate the ozone formation from the reformulated product. This very trend truly justifies the need for the draft control measure, which calls for CARB to collect additional data on the types and quantity of LVP-VOC usage by category to truly understand the potential benefits or drawbacks of such an approach.

Furthermore, the paper cited recognizes the issues with respect to the results from EPA Method 24 and does not recommend that method as a replacement for CARB Method 310. EPA Method 24 has limitations for products with high water content and/or semi-volatile compounds, especially certain mineral oils used for metal working fluids and lubricant. Instead, staff is recommending only that the LVP-VOC criteria be reevaluated by relying on scientific data. Products certified by the AQMD as Clean Air Solvents or Clean Air Choices Cleaners do not rely on fast-evaporating LVP-VOC solvents and VOC content is measured using AQMD Method 313 with a methyl palmitate endpoint. This is consistent with measuring VOC content of architectural paints and coatings that use similar solvents (i.e. ethylene glycol, propylene glycol, 2,2,4-trimethylpentanediol diisobutyrate, and 2,2,4-trimethyl-1,3-pentanediol monoisobutyrate). It is not clear why switching from butyl cellosolve to propylene glycol in a consumer product designed to remain on a surface for an indefinite period of



time would “reduce” emissions, while the same reformulation in an architectural coating would have no emission impact whatsoever. The inconsistency between the two VOC determination methodologies makes it apparent that the consumer product regulation is not achieving the environmental benefits anticipated.

**SS-20. Automotive Specialty Products Alliance, October 12, 2012**

October 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The Automotive Specialty Products Alliance (ASPA) appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. ASPA strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures be withdrawn when the final 2012 AQMP is issued. As such, ASPA supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

ASPA is an alliance of three non-profit, national trade associations representing companies engaged in the manufacture, formulation, distribution, and sale of automotive specialty products. This alliance combines the efforts of Automotive Aftermarket Industry Association (AAIA), the Consumer Specialty Products Association (CSPA), and the Motor & Equipment Manufacturers Association (MEMA) to form a unified industry voice for their members engaged in the automotive chemical and vehicle appearance products markets. ASPA's members market products on a national and regional basis.

ASPA is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]; CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and

SS-20-1

less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. Additionally, it is not known whether acceptable alternative ingredients would be available – and commercially feasible – if the aforementioned measures are adopted. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

The Automotive Specialty Products Alliance appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the AQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-20-1

Respectfully,



Sean R. Moore

On behalf of the ASPA Operating Committee and Board of Directors

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)

Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

**Responses to Comment Letter SS-20**  
**Automotive Specialty Products Alliance**

**Response to Comment SS-20-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-21. Mothers Inc., October 15, 2012



October 15, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
[echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Mothers® appreciates the opportunity to offer comments on the South Coast Air Quality Management District's Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Mothers® strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Mothers® supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

VOC reductions in both existing and new formulations are a continual focus. We understand the trend of reducing VOC limits in Consumer Products and have been proactive in working to identify new raw materials and options that further reduce its use. Reducing limits continue to be a concern and while LVPs do not provide an adequate drop-in replacement in formulations, they do provide some characteristics that help to reduce the overall VOC content. The objective is to reduce the presence of these compounds to meet federal requirements; to eliminate the use of LVPs hinders the primary goal while compromising product quality and eventual business stability.

Mothers® is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings [R1113] [VOC]); CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly

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Tel: (714) 891-3364 • (800) 221-8257 • Fax: (714) 893-1827  
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troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem. The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

Mothers® appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: “We are committed to protecting the health of residents, while remaining sensitive to businesses” when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

SS-21 - 1

Sincerely,

Neisan Marquez  
Mothers® Polishes Waxes Cleaners  
5456 Industrial Drive  
Huntington Beach, CA 92649

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)  
Craig Burnett, Mothers®, via email: [craig@mothers.com](mailto:craig@mothers.com)

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**Responses to Comment Letter SS-21**  
**Mothers Incorporated**

**Response to Comment SS-21-1:**

Staff appreciates the efforts of Mothers' proactive efforts to reduce VOC. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-22. Quality Car Care, Inc., October 25, 2012



**QUALITY CAR CARE, INC.**

2734 Huntington Dr., Duarte, CA 91010 / (626) 359-9174

October 25, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Quality Car Care, Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. Quality Car Care, Inc. strongly objects to the inclusion of these measures in the draft AQMP, and urges that the measures not be included in the final 2012 AQMP. As such, Quality Car Care, Inc. supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Quality Car Care, Inc. manufactures a complete line of automotive car care products sold worldwide under the brand name Justice Brothers. We have spent, and continue to spend a lot of time, effort, and money reformulating our products to make them more "green". Your proposed control measures will result in our taking a giant step backwards by forcing us to reverse our formulations to make them less "green" again. This will have a negative effect on our customers, the environment, and our reputation in the industry. In addition, there are substantial research and development costs associated with reformulating our product line.

Quality Car Care, Inc. is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]) CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products

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[VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

Quality Car Care, Inc. appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,



Monica Orgad  
Technical Director

MO:clj

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

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**Responses to Comment Letter SS-22**  
**Quality Car Care**

**Response to Comment SS-22-1:**

Staff appreciates Quality Car Care's efforts reformulating their products to make them more "green". The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-23. American Jetway Corp., November 6, 2012



November 6, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

American Jetway Corporation appreciates the opportunity to comment on the South Coast Air Quality Management Plan. Our comments focus on the CTS-02 further emission reduction from miscellaneous adhesives, solvents, and lubricants, and CTS-04 further VOC reduction from Consumer Products.

Both of the above categories have a major impact on our business. We have spent tens of thousands of dollars over the past twenty years developing products to meet the provisions of the CARB regulations. Changing this long standing rule will have a serious adverse impact on our industry and American Jetway Corporation specifically.

The LVP exempt solvents found in CARB inventory are less likely to create ozone and their substitution into formulations has been an important part of the effective ozone reduction strategy implemented by CARB.

SCAQMD does not have the jurisdiction on consumer products specifically. CARB has the authority over consumer products.

LVP's have been a part of the solution to VOC emissions and not part of the problem. Removing the LVP's will be a huge step backward to our industry and American Jetway specifically. The products being submitted to our customers are more costly and less effective.

We appreciate the opportunity to comment on the 2012 Air Quality Management Plan.

Sincerely,

Gordon Jones  
President/CEO  
American Jetway  
34136 Myrtle Street  
Wayne, MI 48184

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

SS-23 - 1

**Responses to Comment Letter SS-23**  
**American Jetway Corp.**

**Response to Comment SS-23-1:**

Staff appreciates American Jetway's efforts developing products to meet the provisions of CARB regulations. The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

## SS-24. COBRA, November 6, 2012



1244 East Highland Road  
Macedonia, OH 44056

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Fax (330) 425-7338

November 6, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Cobra Plastics Inc. appreciates the opportunity to offer comments on the AQMD Draft 2012, which was issued for comment on July 25, 2012. Our comments on this draft focus on CTS-1, CTS-02, CTS-03, and CTS-04. Cobra Plastics Inc. strongly urges that these measures NOT be included in the final 2012 AQMP. Our Company, Cobra Plastics Inc., strongly supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP.

Cobra Plastics Inc., a small Ohio company, is the second largest supplier of aerosol over caps in the United States. This is the only product that we manufacture and these measures would negatively impact our company of 85 loyal, dedicated employees. Our customer base includes several California companies that utilize our product in their manufacturing process. If these measures were included in the AQMP, then we would have to downsize our operation and eliminate employees by the mere fact that our demand for our products would be significantly reduced. A worse scenario of going out of business is not unfathomable. This not the direction that this company wants or the US economy can afford.

Our concern that further reductions in VOCs from consumer products will yield a poor performing product at a cost that is prohibitive. We do not feel that this AQMP is technologically and commercially feasible and, more importantly, it is unnecessary. Air modeling shows further VOC reductions from consumer products will NOT significantly reduce ozone. LVPs have minimal impact on VOC emissions and ozone formation, and have been part of the solution and not part of the problem.

Cobra Plastics Inc. appreciates the opportunity to comment on the Draft 2012 Air Quality Management Plan. While we look at the goal of SCAQMD of "We are committed to protecting the health of residents, while remaining sensitive to businesses", we must understand the purpose for this 2012 AQMP. It does not significantly improve the protection of health of residents, but it does negatively impact businesses. Therefore, we strongly urge that these specific measures NOT be included in the final 21012 AQMP.

Best Regards,

A handwritten signature in black ink that reads "Kent A. Houser".

Kent A. Houser  
President  
Cobra Plastics Inc.  
1244 E. Highland Rd.  
Macedonia, Oh. 44056

[www.cobraplastics.com](http://www.cobraplastics.com)

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**Responses to Comment Letter SS-24**  
**COBRA**

**Response to Comment SS-24-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**SS-25. Blaster Chemical Company, November 8, 2012**

November 8, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)



Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Blaster Chemical Company appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

For over 50 years, Blaster Corporation has manufactured penetrants, lubricants, rust inhibitors and a full line of specialty, highly concentrated formulas for the automotive, industrial and hardware industries. Blaster has a full-line of specialty lubricant, performance enhancement and cleaning products to serve professionals and DIYers.

The Blaster Company strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- 1) The California Air Resources Board (CARB) is required to ensure that the Consumer Products regulations are technologically and commercially feasible. CARB has used the LVP-VOC option for reformulation to justify the stringent new VOC levels adopted. For our Penetrant product PB, there are no other options for reformulation for our product other than LVP's for the 12/31/2013 future effective limit. In addition, several of our other products have been reformulated using LVP-VOC. Without the option of LVP-VOC, our products would be ineffective. If the LVP-VOC option is removed, then CARB will need to re-review these categories and propose different limits to ensure technological and commercial feasibility.
- 2) Our Company is a small business. Continually reformulating our products is expensive and time consuming. In addition, as stated above, there are no known commercially viable alternatives for our product to utilize, except LVP-VOC. Blaster in good faith is reformulating our products to meet the stringent VOC limits. Imposing CTS-04 would be fundamentally unfair to our company. Use of LVP-VOC has reduced our use of more reactive VOC compounds and has benefited the states air quality.
- 3) CARB has sole jurisdiction over Consumer Products in California. SCAQMD should remove CTS-04 from the AQMP.

**8500 Sweet Valley Drive  
Valley View, Ohio 44125**

**216.901.5800**

**800.858.6605**

**FAX 216.901.5801**

**[www.blastercorporation.com](http://www.blastercorporation.com)**

SS-25 - 1

SS-25 - 2

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above. CARB has sole authority of Consumer Products in California. Statewide consistency is needed for our company to compete in California.

} SS-25 - 2

Thank you for your consideration to these comments. Any questions or comments feel free to call at 216-901-5800.

Very Truly Yours,



William D Matthews, President/CEO

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC



**Responses to Comment Letter SS-25**  
**Blaster Chemical Company**

**Response to Comment SS-25-1:**

The commenter provides similar comments to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**Response to Comment SS-25-2:**

The proposed control measure is intended to study the air quality improvement potential for replacing LVP-VOC containing compositions with alternative low VOC formulations. Staff recognizes that changing the LVP-VOC provisions of existing CARB rules is with the authority of CARB but has provided this measure as a recommendation to CARB. The proposed control measure may involve amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce ozone from use of consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

SS-26. PLZ Aeroscience Corp., October 30, 2012



October 30, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
via e-mail - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

PLZ Aeroscience appreciates the opportunity to offer comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft 2012 Air Quality Management Plan (AQMP), which was issued for comment on July 25, 2012. The comments focus on the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04. PLZ Aeroscience strongly objects to the inclusion of these measures in the draft AQMP, and urges that these measures not be included in the final 2012 AQMP. As such, PLZ Aeroscience supports comments submitted by the American Coatings Association and the Consumer Specialty Products Association on the AQMP.

PLZ Aeroscience is comprised of seven companies (Assured, Camie, Claire, CPC, K-G-Spraypak, Plaze, & Sprayway) and employs approximately 800 people throughout North America. PLZ Aeroscience is a co-packer, formulator, manufacturer, marketer and distributor of products (primarily aerosol) in a wide variety of sectors of the retail and industrial/institutional markets.

In particular PLZ Aeroscience strongly objects to the proposed CTS-04 measure that would eliminate the LVP-VOC exemption in consumer products. For more than a decade, most Research and Development resources have been allocated to reformulating products to comply with ever more stringent VOC regulations. This has inhibited organic growth by limiting resources that could have been allocated to developing new, innovative products. Elimination of the LVP-VOC exemption will invalidate over a decade's worth of reformulation work because in many cases, LVP-VOC's were the only viable option to meet new VOC limits. The elimination of the LVP-VOC exemption will be devastating to the business because at best, hundreds of thousands of dollars will be required to reformulate approximately 900 products or product lines, and at worst, will cause these same products to be eliminated due to technical infeasibility.

PLZ Aeroscience is principally concerned with the proposal to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. The four control measures potentially impacting consumer products: (CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]1 CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and

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SS-26-1



Lubricants [VOC]; CTS-03 Further VOC Reductions from Mold Release Products [VOC]; and CTS-04 Further VOC Reductions from Consumer Products [VOC] are particularly troublesome given the proposals are neither effective nor necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. As NOx levels and ozone levels are lower and lower, VOC reductions become less and less effective in reducing ozone. LVPs have minimal impacts on VOC emissions and ozone formation, and have been part of the solution not part of the problem.

The consumer products industry has spent hundreds of millions of dollars to reformulate its products to reduce VOCs, and further reductions come at even higher costs. This combination of high costs and low effectiveness makes further VOC reductions from consumer products not cost effective.

Summary and Conclusions

PLZ Aeroscience appreciates the opportunity to comment on the 2012 Air Quality Management Plan (AQMP). We point to the SCAQMD goal statement: "We are committed to protecting the health of residents, while remaining sensitive to businesses" when analyzing the impact of these control measures on the consumer products industry and our ability to develop and market commercially and technologically feasible products. The control measures impacting consumer products noted in the draft 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

Sincerely,

Benjamin Heimann  
VP, Technical Services  
PLZ Aeroscience  
1000 Integram Drive  
Pacific, MO 63069

cc: James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

SS-26-1

**Responses to Comment Letter SS-26**  
**PLZ Aeroscience**

**Response to Comment SS-26-1:**

The commenter supports, and provides similar comments, to comments submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

## SS-27. AEROPRES Corporation, November 12, 2012



November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Aeropres Corporation appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

Aeropres Corporation is a major supplier to the Consumer Products Industry and distributes many products helping formulators achieve current regulations. Aeropres has been in business since 1973 and has a facility in the South Coast Air Quality Management District. Aeropres Corporation strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- Aeropres has been actively involved with the California Air Resources Board (CARB) since the inception of Consumer Product Regulation. Members of our company actively worked with CARB to develop the current VOC category limits. CARB is required to ensure that the category VOC limits are technologically and commercially feasible. Modification to the LVP-VOC provision in the CARB Consumer Product regulation will negate the current VOC category limits, because for the last decade LVP-VOC compounds are one of the options for reformulations. In addition, LVP-VOC compounds are the main justification for setting the limits. Without the use of LVP-VOC compounds, numerous product categories will cease to exist or have significantly inferior products.
- SCAQMD by their own data show that the basin is NO<sub>x</sub> limited. Thus, further reductions in VOC's will have little to no effect on ozone levels. LVP-VOC compound do not produce any measurable amount of ozone. Especially in a NO<sub>x</sub> limited environment.
- Using LVP-VOC compounds to replace higher reactive VOC compounds is a sound science approach to reducing VOC emissions. This approach has been utilized by CARB

SS-27-1

for over a decade. A significant amount of VOC emissions reduction has been achieved from Consumer Products using CARB's approach.

} SS-27-1

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above.

Thank you for your consideration to these comments. Any questions or comments feel free to call at 318-213-1206 or email at [mrivers@aeropres.com](mailto:mrivers@aeropres.com).

Sincerely,

Mark Rivers  
Vice President of Technical Services

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

**Responses to Comment Letter SS-27**  
**AEROPRES Corporation**

**Response to Comment SS-27-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS). Staff supports the commenter's suggestion to use sound science in its approach to reducing VOC emissions. The proposed control measure seeks to use the best available science to review and potentially revise the LVP-VOC exemption criteria.

The commenter asserts that numerous product categories will cease to exist or have significantly inferior products. The commenter should provide all data or studies demonstrating the infeasibility of products that do not rely upon the LVP-VOC exemption. To the contrary, significant evidence exists that there are numerous product categories that already have competitive products that do not rely on the LVP-VOC exemption. A number of major companies now provide multi-purpose lubricants utilizing low-VOC bio-based technologies. The Certified Clean Air Choices Cleaner program has nearly 50 institutional and industrial (I&I) cleaners that do not rely upon the LVP-VOC exemption. These products consist of full I&I product lines to cover nearly all cleaning and maintenance needs. Other certification programs have several hundred I&I cleaners, most of which do not rely upon the LVP-VOC exemption. As indicated, except for very few niche applications where efficacy of certain products may be impacted from a complete exclusion of a LVP-VOC, for the great majority of operations, environmentally preferable cleaners have equal or superior performance at equal or lower costs. Many cities and school districts have completely switched to environmentally preferable janitorial products and have found no degradation in performance at no extra cost. In some cases, lower overall costs have been seen and included in the cost-effectiveness section of the control measure. The City of Santa Monica reported spending 5% less on its cleaning products costs when it switched from conventional cleaners to less-toxic brands a decade ago. An article entitled, "The Benefits of Green Cleaning" by Dr. Robert W. Powitz on the ISSA website (November 2008), states, "We've heard the excuses, most of which can be grouped into one sentence: Eco-friendly products do not work and are more expensive. But this is simply not so." The Green Seal and EcoLogo certification programs include efficacy performance standards to address claims in deterioration of performance. Again, Green Seal and EcoLogo have certified hundreds of I&I products most of which do not rely upon the LVP-VOC exemption.

SS-28. Chicago Aerosol, November 12, 2012



CHICAGO AEROSOL™

BRIDGEVIEW FACILITY

8407 S. 77th Avenue  
Bridgeview, IL 60455

708-598-7100

November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Chicago Aerosol, a private label aerosol formulator and packager, appreciates the opportunity to offer comments on the South Coast Air Quality Management District's Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measures for Coatings and Solvents.

We believe that Provision CTS-04, Further VOC Reductions from Consumer Products by modifying or removing the LVP exemption, is unfair, counter-productive to VOC reduction strategies, and unscientific.

Chicago Aerosol also supports comments submitted by the American Coating Association and the Consumer Specialty Products Association on the AQMP which have included the following points:

- This provision has served as a model for air quality management regulatory policy for nearly twenty years.
- The LVP exempt solvents found in the CARB inventory are even less likely to create ozone and their substitution for more volatile analogs has been an important part of the effective ozone reduction strategy implemented by CARB.
- The consumer products industry has in good faith spent hundreds of millions of dollars in complying with the CARB Consumer Products Rule. Changing this long-standing rule will have a serious adverse impact on industry, especially small and medium sized companies, with no justifying benefit.

SS-28-1



- Science reviews demonstrate that these materials are very unlikely to exhaust to air and very likely to deposit on water, vegetation or other surfaces where they degrade without air quality impact.
- SCAQMD does not have jurisdiction of consumer products, only CARB does.
- LVP's have minimal impacts on VOC emission and ozone formation and have been part of the solution not the problem.

SS-28-1

In closing, we definitely appreciate having the opportunity to comment on this proposed control measure. However, it is our belief that it is not feasible or cost effective thus SCAQMD should remove CTS-04 from the AQMP.

Sincerely,



Edward S. Piszyski  
Vice President  
Laboratory Services

Cc:

James Goldstene, Executive Officer, CARB, via email: [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)

Carla Takemoto, PTSD, CARB, via email: [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

Doug Fratz, CSPA, via email: [dfratz@cspa.org](mailto:dfratz@cspa.org)

Doug Raymond, NAA/Raymond Regulatory Resources, via email: [djraymond@reg-resources.com](mailto:djraymond@reg-resources.com)

**Responses to Comment Letter SS-28**  
**Chicago Aerosol**

**Response to Comment SS-28-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS). Staff supports the commenter's conclusion that The California Air Resources Board's Consumer Products Regulation is the model for air quality management policy for the past twenty years. While there are partitioning effects for all chemicals, LVP-VOCs, as currently defined, are not by nature any more or less likely to degrade without any air impact. The control measure seeks to utilize the best scientific data available in the review of the LVP-VOC exemption criteria.

**SS-29. CRC Industries, Inc., November 12, 2012**



**CRC Industries, Inc.**

**AMERICAS GROUP**

November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

CRC Industries Inc. appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

CRC Industries Inc. is a manufacturer and marketer of a full line of automotive and commercial products.

CRC strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- CRC Industries has been an active participant in the development of the California Air Resources Board (CARB) Consumer Products Regulation. CARB is required to ensure that VOC category limits are technologically and commercially feasible. CARB has used the LVP-VOC provision as a way to achieve this feasibility. If CTS-04 is implemented and the LVP-VOC provision is in anyway modified, then the existing VOC category limits would be rendered infeasible and CARB would need to develop new VOC category limits for the majority of Consumer Product categories in the regulation.
- Removal of the LVP-VOC provision would have significant adverse effect on our product line. We have used LVP-VOC compounds to replace more reactive VOC compounds, thus benefiting the Air Quality in California.

SS-29-1

885 Louis Drive • Warminster, PA 18974-0586 • (215) 674-4300 • FAX (215) 674-2196





**CRC Industries, Inc.**

**AMERICAS GROUP**

- Without LVP-VOC compounds, we could not formulate viable products in some categories. LVP-VOC compounds provide the only known substitutes for certain categories, such as lubricants. Our lubricant line is highly dependent on LVP-VOC compounds.
- CARB has sole authority over Consumer Product regulations, not SCAQMD. The LVP-VOC provision is in the CARB regulation.

SS-29-1

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above. CARB has sole authority of Consumer Products in California. Statewide consistency is needed for our company to compete in California.

Thank you for your consideration to these comments. Any questions or comments feel free to call at (215) 442-6223 or email at [aselisker@crcindustries.com](mailto:aselisker@crcindustries.com)

Sincerely,

Adam M. Selisker  
Vice President-Technology

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

CERTIFIED  
ISO 9001



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**Responses to Comment Letter SS-29**  
**CRC Industries**

**Response to Comment SS-29-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS). The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. Alternative lubricant technology, such as bio-based products that do not volatilize compared to other LVP-VOCs, are already in the marketplace and may be considered in future amendments to the CARB Consumer Products Regulation. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

SS-30. Diversified CPC International, Inc., November 12, 2012

Diversified CPC International, Incorporated

24338 West Durkee Road | Channahon, IL 60410 | 815-424-2000



November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Diversified CPC International, Inc. appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

Diversified CPC International, Inc. is a supplier to the Consumer Products Industry. Our company operates an aerosol propellant purification facility in the South Coast Air Quality Management District. This facility, located in Anaheim, CA purifies natural gas liquids in the manufacture of low relative reactivity liquefied gas propellants and also distributes VOC exempt propellants such as R-152a. We have worked (and continue to work) closely with Kennard Ellis of SCAQMD with the draft review process and implementation of the new Rule 1177 for LPG facilities.

Diversified CPC International, Inc. strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- 1) The Provision CTS-04 proposes to modify the LVP-VOC definition in The California Air Resources Board (CARB) Consumer Product Regulation. The South Coast Air Quality Management District (SCAQMD) has no authority over the CARB Consumer Product Regulation, or over Consumer Products that are currently regulated by CARB. State law provides that CARB has sole authority over currently regulated Consumer Products. Thus, SCAQMD cannot force CARB to change the LVP-VOC definition. The provision CTS-04 should be eliminated from the AQMP.
- 2) CARB is required by state law to adopt Consumer Product VOC regulations that are technically and commercially feasible. CARB has used the LVP-VOC provision as an option for reformulation and justification to adopt the VOC limits. If the LVP-VOC definition is modified, then the justification for adopting the VOC limits is removed. CARB would need to review all the category VOC limits.

SS-30-1

## Diversified CPC International, Incorporated

24338 West Durkee Road | Channahon, IL 60410 | 815-424-2000



- 3) Using LVP-VOC compounds to replace more reactive VOC solvents is a VOC emission reduction strategy that CARB has been utilizing for over two decades. Through this strategy CARB has produced significant VOC reductions from Consumer Products.

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above. CARB has sole authority of Consumer Products in California.

Thank you for your consideration to these comments. Any questions or comments feel free to call at 815-424-2003 or by email to [bfrauenheim@diversifiedcpc.com](mailto:bfrauenheim@diversifiedcpc.com).

SS-30-1

Sincerely,

Bill Frauenheim  
Vice President, Operations  
Diversified CPC International, Inc.

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

**Responses to Comment Letter SS-30**  
**Diversified CPC International**

**Response to Comment SS-30-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS). The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Notably, the MIR value for natural gas (methane) and propane is higher than ethane. Alternative non-VOC propellants, including carbon dioxide and exempt solvents with MIR values below ethane are available and in use. However, the key focus of the proposed control measure is the use of ingredients in the product formulation and not necessarily the composition of the propellant. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.



**SS-31. IKI Manufacturing, November 8, 2012**



**MANUFACTURING CO., Inc.**

116 N. SWIFT STREET • EDGERTON, WISCONSIN 53534  
PHONE: 608/884-3411 FAX 608/884-4712

SPECIALIZED CONTRACT  
AEROSOL PACKAGING

November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

IKI Manufacturing appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

IKI Manufacturing is a manufacturer of Consumer Products many of which include sales in California.

IKI strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- LVP-VOC compounds are the only viable substitutes for more reactive VOC compounds used in Consumer Products. Our reformulation efforts have removed the more reactive VOC's and substituted LVP-VOC compounds. With this reformulation effort and by removing the more reactive compounds, it has reduced the ozone being produced. LVP-VOC compounds are part of California Air Resources Board (CARB) strategy to reduce ozone from Consumer Products. LVP-VOC's are some of the only substitutes to VOC's in some categories where water or exempt compounds will not work.
- CARB LVP-VOC provisions has been adopted in the Ozone Transport Commission (OTC), the Lake Michigan Air Directors Coalition (LADCO) and the U.S. Environmental Protection Agency (EPA) as sound science for strategy to reduce ozone produced by Consumer Products.
- CARB has sole jurisdiction over Consumer Products. SCAQMD does not have authority over the Consumer Products regulation that includes the LVP-VOC provision.

SS-31-1

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above. CARB has sole authority of Consumer Products in California. Statewide consistency is needed for our company to compete in California.

SS-31-1

Thank you for your consideration to these comments. Any questions or comments feel free to call me.

Sincerely,



Jeff Kronforst  
Technical Director  
IKI Mfg. Co., Inc.  
116 North Swift Street  
Edgerton, WI 53534  
608-884-3411

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

**Responses to Comment Letter SS-31**  
**IKI Manufacturing**

**Response to Comment SS-31-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS). Staff agrees with the commenter's conclusion that The California Air Resources Board's Consumer Products Regulation is the model for the Ozone Transport Commission, the Lake Michigan Air Directors Coalition and the U.S. EPA consumer product regulations. The control measure seeks to utilize the best scientific data available in the review of the LVP-VOC exemption criteria. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

SS-32. MONTSENBOCKER'S Lift Off, November 12, 2012

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November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Motsenbocker's Lift Off appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

Motsenbocker's Lift Off is a California company that markets consumer products. The products are patented using unique formulas. These formulas utilize LVP-VOC compounds.

Motsenbocker's Lift Off urges SCAQMD to remove CTS-04 in the AQMP for the following reasons:

- A. Industry has utilized the LVP-VOC provision for decades to reduce the use of higher reactive compounds and to formulate effective products. Motsenbocker's Lift Off products provide effective products for Consumers to perform every day tasks. Our products utilize the LVP-VOC provision and have significantly reduced the use of reactive VOC's.
- B. As a California company, Motsenbocker's Lift Off has been in the forefront of reformulating Consumer Products. These reformulations have cost a significant amount of time and resources to perfect. The loss of LVP-VOC's would severely effect our reformulations to date and provide little in way of substitutions in the future to provide unique and effective products.
- C. Last, our company is a small business. Loss of the LVP-VOC provision would significantly affect my product line and my company's financial future. The economical repercussion of this provision would devastate my company.

SS-32-1



MOTSENBOCKER ADVANCED DEVELOPMENTS, INC.  
MANUFACTURERS OF MOTSENBOCKER'S LIFT OFF®  
P.O. BOX 90947, San Diego, CA 92169 • (858) 581-0222 • (800) 346-1633 • FAX: (858) 483-6965  
[liftoffinc.com](http://liftoffinc.com)



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In closing, as a California company concerned with the future of my company, I strongly oppose this inclusion into the AQMP and ask that SCAQMD remove CTS-04 from the AQMP for the reasons stated above.

SS-32-1

Thank you for your consideration to these comments. Any questions or comments feel free to call at (800) 346-1633 x 111 or by email to gmotsenbocker@liftoffinc.com.

Sincerely,

Gregg A. Motsenbocker  
President/Chemist

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC



**MOTSENBOCKER ADVANCED DEVELOPMENTS, INC.**  
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**Responses to Comment Letter SS-32**  
**MONTSENBOKER'S**

**Response to Comment SS-32-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

**SS-33. NAA, November 12, 2012**



November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

The National Aerosol Association (NAA) appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

The NAA is an association that represents the suppliers, fillers, manufacturers and marketers of aerosol products and their components. The NAA has been an active participant in the California Air Resources Board (CARB) Consumer Products regulations since the beginning of these regulations.

NAA strongly opposes the inclusion of CTS-04 into the AQMP for the following reasons.

**Authority for Consumer Products**

The California Air Resources Board (CARB) has sole jurisdiction over Consumer Product regulation. The LVP-VOC definition is incorporated into the Consumer Product Regulation, thus changing this definition is not under the SCAQMD authority. CTS-04 should be removed from the AQMP.

**LVP-VOC reformulation**

For decades, the Consumer Products Industry has reformulated products to remove reactive VOC's. LVP-VOC has been used as the replacement. This reformulation has been to the benefit of California for cleaner air. Science reviews on LVP-VOC demonstrate that these compounds have ultimate fates where the compound degrades without air quality impacts. LVP-VOC has been part of the solution not part of the problem with air quality.

SS-33-1

**Economical Reasons**

The Consumer Products Industry in good faith has spent significant resources in time and money to reformulate their products to meet CARB regulation stringent limits using LVP-VOC's. Changing this long-standing provision will have serious adverse economical impact on the Industry, especially small and medium sized companies with no justifying benefits.

**LVP-VOC basis for regulation**

The LVP-VOC provision has been incorporated into the CARB Consumer Products Regulation since the first regulation was adopted. CARB is bound by state law to develop regulation on Consumer Products, which are Technically and Commercially feasible. For the last decade and a half CARB has used the availability of LVP-VOC as the main option for reformulation of the majority of the Consumer Product categories. In addition, CARB has used the LVP-VOC provision to justify setting the strict limits in its regulation. Any modification to the LVP-VOC definition could negate the Technical and Commercial feasibility of the current limits. The Consumer Product categories affected will need to go through a complete review to ensure that the VOC limits are Technologically and Commercially feasible per state law.

**CARB Regulation Model for other Jurisdictions**

The CARB Consumer Products regulation has been the model regulation for other jurisdictions. Including the national EPA consumer products regulation. All the other jurisdictions have adopted the regulations with the inclusion of the LVP definition. The LVP-VOC definition is scientifically sound and an important part of the Consumer Products VOC emission reduction process.

**Summary**

For the reasons explained in detail above, CARB Authority, Reformulation, Economical Reasons, LVP-VOC basis for Reformulation and Model regulation, we respectfully request that the SCAQMD remove CTS-04 from the AQMP.

Thank you for your consideration to this issue and we look forward to working with you. Any comments or questions feel free to contact me at [djraymond@reg-resources.com](mailto:djraymond@reg-resources.com) or by phone at 440-474-4999.

On behalf of the NAA,



Douglas Raymond

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates

SS-33-1



**Responses to Comment Letter SS-33**  
**NAA**

**Response to Comment SS-33-1:**

The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process. Staff supports the commenter's conclusion that The California Air Resources Board's Consumer Products Regulation is the model for air quality management policy nationwide.

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

SS-34. Stoner, November 12, 2012



November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email - [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Stoner Incorporated appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Stoner manufactures specialized cleaners including car care products, lubricants, and coatings for industrial, commercial, and consumer applications. For over 70 years, Stoner has been committed to manufacturing and marketing safe and effective products to our customers. We operate two facilities in Lancaster County, Pennsylvania. Stoner is a 2003 recipient of the Malcolm Baldrige National Quality Award. Stoner is continually improving our manufacturing processes and our products to better serve the consumer. Included in these improvements are the protection of human health and the environment. Stoner pursues a mission of helping our customers save time, increase their productivity, and improve the quality of their work. Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-03 and CTS-04.

Stoner Incorporated opposes the inclusion of CTS-03 and CTS-04 into the AQMP for the reasons below.

- Recent Science data from SCAQMD shows that the South Coast Basin is NO<sub>x</sub> limited. Thus any new VOC emissions will not have an impact on ozone reduction.

SS-34-1



- SCAQMD should remove CTS-04 from the AQMP because CARB has sole authority over Consumer Products in California. The LVP-VOC definition is in the CARB regulation thus SCAQMD has no authority over its removal or modification.
- CARB is required to ensure any limits imposed on Consumer Products are technically and commercially feasible. The majority of the limits imposed on our products were adopted using the justification that LVP-VOC's were an option for reformulation. Modification or removal of the LVP-VOC option would render the Consumer Products regulation technically infeasible. For the majority of our products the use of LVP-VOC is the only substitute to ensuring that our products remain effective for the Consumer to use. Our reformulations to LVP-VOC have replaced more reactive VOC compounds, for the improvement of Air Quality in California.
- Stoner is a small company with limited resources. Reformulation is expensive and requires valuable use of our technical departments time. In good faith Stoner either reformulated or are in the process of reformulating products using LVP-VOC compounds. To impose the CTS-04 provision now would be unfair to our company.

SS-34-1

In conclusion, for the reasons set forth above, the SCAQMD should remove CTS-03 and CTS-04 from the AQMP.

Stoner Incorporated has worked with CARB to ensure the technical and commercial feasibility on the Consumer Products regulation. The provision CTS-04 would significantly impact this regulation.

Thank you for your consideration to this issue.

Any questions feel free to contact me.

Sincerely,



Robert W. Sweger, Ph.D.

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC



**Responses to Comment Letter SS-34**  
**Stoner**

**Response to Comment SS-34-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

**SS-35. Spray Products, November 12, 2012**



November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Spray Products Corporation appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

Spray Products Corporation is a custom filler and marketer of Aerosol Consumer products. We fill for marketers that do business around the globe including California. The inclusion of CTS-04 will significantly affect the Consumer Product market.

Spray Products strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- The California Air Resources Board (CARB) has sole authority over Consumer Products in the state of California. SCAQMD does not have authority to change the CARB Consumer Products regulation. The LVP-VOC provision is in the CARB regulation. The AQMP and CTS-04 cannot force CARB to change the Consumer Product regulations, thus the CTS-04 provision should be removed.
- Reformulation of Consumer Products without the use of LVP-VOC's will render a majority of Consumer Product ineffective. Currently there are no suitable substitute compounds for the LVP-VOC's.
- LVP-VOC's have replaced more reactive VOC compounds and are part of the solution to reducing ozone in California.

In closing, SCAQMD should remove CTS-04 from the AQMP for the reasons stated above. CARB has sole authority of Consumer Products in California.

SS-35-1



Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Page 2

Thank you for your consideration to these comments. Any questions or comments feel free to call me at 484 690 0253 or email me at [johnd@sprayproducts.com](mailto:johnd@sprayproducts.com).

Sincerely,

John Davis  
Vice President, Technical Services

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Bart Bastian, Spray Products  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

**Responses to Comment Letter SS-35**  
**Spray Products**

**Response to Comment SS-35-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

SS-36. Turtle Wax, November 9, 2012



November 9, 2012

Dr. Elaine Chang  
Deputy Executive Officer,  
Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Via e-mail: [echang@agmd.gov](mailto:echang@agmd.gov)

**Subject: 2012 Air Quality Management Plan (AQMP)**

Dear Dr. Chang:

Turtle Wax, Inc. appreciates the opportunity to offer comments on the South Coast Air Quality Management District's Provision CTS-04 for Further VOC Reductions from Consumer Products. Removing the LVP exemption is based on unscientific test methods and offers no correlation to air quality improvements. The consumer products industry has spent hundreds of millions of dollars in complying with the CARB Consumer Products Rule. Science reviews demonstrate that LVP materials are very unlikely to exhaust into the air and very likely to deposit on water, vegetation or other surfaces where they degrade without air quality impact. LVP's have minimal impacts on VOC emission and ozone formation and have been part of the solution not the problem.

Changing this long-standing rule will have a serious adverse impact on industry, especially small and medium sized companies such as Turtle Wax, Inc. with no justifying benefit. We are very concerned that additional limits and controls will result in poor "product performance" as well as lost consumer sales, production, revenue and LOST JOBS within the industry.

Turtle Wax, Inc. appreciates the opportunity to comment. This control measure is not feasible or cost effective, thus SCAQMD should remove CTS-04 from the AQMP.

Sincerely,

**Turtle Wax, Inc.**

Michael A. Schultz  
Senior Vice President  
Product Development

MAS:tn

cc: James Goldstene, Executive Officer CARB – [jgoldste@arb.ca.gov](mailto:jgoldste@arb.ca.gov)  
Carla Takemoto, PTSD, CARB – [ctakemot@arb.ca.gov](mailto:ctakemot@arb.ca.gov)

SS-36-1



**Responses to Comment Letter SS-36**  
**Turtle Wax**

**Response to Comment SS-36-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

The commenter asserts that numerous product categories will have poor performing products. The commenter should provide all data or studies demonstrating the infeasibility of products that do not rely upon the LVP-VOC exemption. To the contrary, significant evidence exists that there are numerous product categories that already have competitive products that do not rely on the LVP-VOC exemption. A number of major companies now provide multi-purpose lubricants utilizing low-VOC bio-based technologies. The Certified Clean Air Choices Cleaner program has nearly 50 institutional and industrial (I&I) cleaners that do not rely upon the LVP-VOC exemption. These products consist of full I&I product lines to cover nearly all cleaning and maintenance needs. Other certification programs have several hundred I&I cleaners, most of which do not rely upon the LVP-VOC exemption. As indicated, except for very few niche applications where efficacy of certain products may be impacted from a complete exclusion of a LVP-VOC, for the great majority of operations, environmentally preferable cleaners have equal or superior performance at equal or lower costs. Many cities and school districts have completely switched to environmentally preferable janitorial products and have found no degradation in performance at no extra cost. In some cases, lower overall costs have been seen and included in the cost-effectiveness section of the control measure. The City of Santa Monica reported spending 5% less on its cleaning products costs when it switched from conventional cleaners to less-toxic brands a decade ago. An article entitled, "The Benefits of Green Cleaning" by Dr. Robert W. Powitz on the ISSA website (November 2008), states, "We've heard the excuses, most of which can be grouped into one sentence: Eco-friendly products do not work and are more expensive. But this is simply not so." The Green Seal and EcoLogo certification programs include efficacy performance standards to address claims in deterioration of performance. Again, Green Seal and EcoLogo have certified hundreds of I&I products most of which do not rely upon the LVP-VOC exemption.

SS-37. Four Star Chemical, November 12, 2012



**FOUR STAR CHEMICAL**

*"We Have The Solution"*

November 12, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Via email – [echang@aqmd.gov](mailto:echang@aqmd.gov)

Subject: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Chang:

Four Star Chemical appreciates the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD's) Draft 2012 Air Quality Management Plan (AQMP). Our comments focus on the Stationary Source Control Measure for Coatings and Solvents, in particular CTS-04.

Four Star Chemical is a Private Label Filler of commercial products in the state of California. We provide our customers with a wide variety of products for the specialty consumer market place.

Four Star strongly opposes the inclusion of CTS-04 in the AQMP for the following reasons:

- 1) The California Air Resources Board (CARB) has sole authority over Consumer Products in the state of California. Four Star has worked to maintain compliance with the CARB regulation through reformulation. Four Star products use LVP-VOC to maintain compliance with the stringent limits imposed by CARB on Consumer Products. If CTS-04 is implemented then our product reformulations will have been a waste of time and money.
- 2) As a small California business we cannot afford to constantly reformulate products. Also, SCAQMD does not have authority over Consumer Products thus CTS-04 should be removed from the AQMP.
- 3) Lastly, the SCAQMD's own data shows that the basin is NO<sub>x</sub> limited. Future VOC reductions will have a little to no effect on ozone levels.

SS-37-1

3137 East 26th Street • Los Angeles, California 90023-4206  
(323) 266-7111 • (800) 243-6264 • Fax: (323) 526-3969

In closing, as a California company we respectfully request SCAQMD to remove CTS-04 from the AQMP for the reasons stated above.

Thank you for your consideration to these comments. Any questions or comments feel to contact me at [julrich@fourstarchemical.com](mailto:julrich@fourstarchemical.com) or reach me at 323-266-7111.

Sincerely,



---

Jerry Ulrich  
Four Star Chemical  
President

Cc: James Goldstene, Air Resources Board  
Carla Takemoto, Air Resources Board  
Laurie Nelson, Randlett Nelson Madden Associates  
Doug Raymond, Raymond Regulatory Resources (3R), LLC

**Responses to Comment Letter SS-37**  
**Four Star Chemical**

**Response to Comment SS-37-1:**

The commenter provides similar comments to those submitted by the Consumer Specialty Products Association. Please refer to the responses to comments for the Consumer Specialty Products Association (Comment Letter SS).

The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective. The control approach would revise the LVP-VOC exemption if speciated LVP-VOC survey data and research results show an opportunity to further reduce emissions from consumer products. Any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

## TT. Bear Valley Electric Service, October 9, 2012



October 9, 2012

Dr. Elaine Chang  
Deputy Executive Officer  
Planning, Rule Development, and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

SUBJECT: Bear Valley Electric Service Comments on AQMD Revised Draft 2012 Air Quality Management Plan

Dear Dr. Chang:

Bear Valley Electric Service (BVES) appreciates the opportunity to submit the below comment on the South Coast Air Quality Management District (AQMD) Revised Draft Air Quality Management Plan (AQMP) that was released in September 2012.

BVES is a division of Golden State Water Company (GSWC), an investor owned utility (IOU). BVES provides electric distribution service to approximately 23,000 residential customers in a resort community with a mix of approximately 40 percent full-time and 60 percent part-time residents. Its service area also includes about 2,500 commercial, industrial and public-authority customers, including two ski resorts.

BVES purchases wholesale power to meet the majority of its energy requirements. To aid in meeting peak demand for electric energy, BVES installed and now operates the Bear Valley Power Plant (BVPP), a natural gas-fired, 8.4 MW generation plant in its service area. The BVPP became commercially operational on January 1, 2005.

BVES has only one comment on the September 2012 Revised Draft AQMP. We previously submitted this comment on the Draft AQMP in a letter dated August 31, 2012. We are re-submitting it as it was not addressed in the September 2012 Revised Draft AQMP. Below are the chapter and section relevant to the comment, as well as background information and the comment itself.

***Chapter 4, Reductions from District's Stationary Source Control Measures (page 4-41)***

Background: Appendix A-IV includes proposed measures for the reduction of pollutants from stationary sources that contribute to ozone, including VOC, NOx, and PM. In reviewing the appendix, it appears (Table IV-A-2) that measure MCS-03 applies to all stationary sources that involve start-up, shutdown, and related operations where emissions are not currently well understood. However, the corresponding discussion section for MCS-03 later in the appendix seems to apply only to refinery flares and similar operations.

Page 1 of 2 P.O. Box 1547, 42020 Garstin Drive, Big Bear Lake, California 92315  
Tel: (909) 866-4678 Fax: (909) 866-5056

Comment: BVES requests that the AQMD clarify that measure MCS-03 applies only to refinery and similar processes, and does not more generally apply to all stationary sources that have start-up and shutdown operations. BVES' Bear Valley Power Plant is a natural gas-fired peaking plant, and energy generation from its operations is not similar to refinery operations. BVES believes it is possible that the AQMD did not intend to include all stationary sources as part of MCS-03. If the AQMD did intend to include all stationary sources, then BVES requests that it become a member of the working group(s) that inventory, assess, and develop recommended control measures for start-up and shutdown operations.



TT-1

If you have any questions or comments regarding the above, please feel free to contact me at (909) 866-4678.

Sincerely,

Karuna Warren  
Operations and Planning Manager

cc: Dennis Yates, South Coast AQMD      Shawn Nelson, South Coast AQMD  
Ronald O. Loveridge, South Coast AQMD      Dr. Joseph K. Lyou, South Coast AQMD  
Judith Mitchell, South Coast AQMD      Rick Lind, EN2 Resources, Inc.

**Responses to Comment Letter TT**  
**Bear Valley Electric Services**

**Response to Comment TT-1:**

Control measure MCS-03 is carried over from the 2007 AQMP. Although the initial scope of review for startup, shutdown and turnaround activities is likely to focus on the minimization of potential flaring emissions at refineries, staff believes that it is possible to develop procedures that can lead to optimization, operational efficiency and emission minimization opportunities applicable to other industries.

The District approach under MCS-03 would be to initially focus on better quantifying emission impacts from startup, shutdown and turnaround activities at refineries, as well as analyzing emission reduction potential. Should the results of these analyses and emission assessments warrant further investigation, a review of potential emission reduction efforts would follow, including a determination of the applicability to other industries. Any subsequent rulemaking efforts would include technical feasibility, socioeconomic impact, and environmental impact assessments, including safety considerations, and certainly involve outreach to affected stakeholders.

UU. WD-40 Company, October 11, 2012



P.O. Box 80607, San Diego, CA 92138-0607

October 11, 2012

Dr. Elaine Chang  
Deputy Executive Officer, Planning, Rules & Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Dear Dr. Chang,

The purpose of this letter is to reiterate points we have made verbally in recent meetings with SCAQMD leadership and staff regarding SCAQMD's Draft 2012 Air Quality Management Plan (AQMP). Our comments are focused primarily on the Stationary Source Control Measure for Coating and Solvents numbered:

- CTS-03 Further VOC Reductions From Mold Release Products.
- CTS-04 Further VOC Reductions from Consumer Products.

We appreciate this opportunity and look forward to finding win/win situations for all of us to achieve California and SCAQMD's clean air goals.

WD-40 Company is a California born company located in San Diego that does business in over 180 countries around the world. We have spent millions of dollars over the past 15 years or so developing and launching products that meet or beat CARB VOC regulatory standards. Historically, we have taken these same products to all 50 of the United States at a higher cost due to our belief of doing all we can to achieve clean air everywhere.

We do not meet CARB's definition of an "industrial product" which are "products used exclusively in the manufacture or construction of goods," We do meet CARB Consumer Products definition which includes household and Industrial & Institutional (I&I) products. I & I products include products used in factories. This means that 100% of all WD-40 made and sold in California has been under CARB regulations for about a decade.

Unfortunately, Rule 1144 passed a few years ago by SCAQMD prevents WD-40 from being used on metal working fluid type uses (but it is allowed on other type uses in same location). We think this is regulatory overlap between CARB and SCAQMD since the same formula and product is hitting two sets of regulations in the same place that have different VOC measurement methods and success criteria and are administered in completely different ways. SCAQMD does not currently agree with our view and we are working together to resolve as you witnessed in our last meeting with Barry Wallerstein. We fully support Rule 1144 for all other products regulated since none of them have been under CARB VOC regulations, are sold at retail and are only available through industrial distribution. They do meet CARB's "industrial product" definition.

Our USA marketing research shows WD-40 is in over 90% of households and 85% of workplaces and used in over 2,000 ways. All this done with the one brand, the same formula, a handful of package sizes across numerous trade channels including retail and industrial. This broad reach and strength of WD-40

UU - 1

UU - 2

UU - 3



can result in getting entangled in various type regulations from different agencies. Our concern is that CST-03 dealing with mold releases will impact WD-40 like Rule 1144 has with metal working fluids and we seek to avoid that.

UU - 3

Regarding CTS -04, WD-40 Company strongly objects to any modification or elimination of existing regulations allowing WD-40 Company and other consumer product companies to use Low Vapor Pressure (LVP) compounds as part of our current and future regulatory compliance efforts.

Our concern with any changes to existing CARB LVP definitions, test methods or regulations is that they could compromise the work and progress we achieved so far towards clean air. All of our impacted company products in several categories use LVP technology and solutions to achieve current regulatory compliance. That includes WD-40, WD-40 Specialist, 3-In-One, Spot Shot, Carpet Fresh and X-14 brands. We plan on doing the same for upcoming CARB VOC regulations. Any changes to LVP use in these efforts; whether in our existing categories or adjacent ones, is not supported by our company. We do not see the scientific basis for it, the regulatory need or benefit.

UU - 4

We do not believe that any of the four control measures (CTS-01 through CTS-04) are effective or necessary for ozone attainment. Air modeling shows further VOC reductions from consumer products will not significantly reduce ozone. LVP's have minimal impacts on VOC emissions and ozone formation and have been part of the solution and not the problem.

As an active member of the Consumer Specialty Products Association (CSPA), we fully support their comments and positions. To save paper and respect everyone's time, talent and treasure, we refer to their more detailed comments which we believe are solid and fact based recommendations and insights. We also fully support the California state requirement that all product regulations adopted be technologically and commercially feasible and not eliminate any product forms.

Thank you for your consideration.

Sincerely,



Michael L. Freeman  
Division President - The Americas

Cc: Barry Wallerstein, SCAQMD  
Mike Morris, SCAQMD  
Carla Takemoto, CARB

**Responses to Comment Letter UU**  
**WD-40 Company**

**Response to Comment UU-1:**

Staff appreciates WD-40's efforts to meet or beat CARB VOC regulatory standards and wishes to continue working with WD-40 to achieve California and AQMD's clean air goals.

**Response to Comment UU-2:**

Staff agrees that WD-40 is primarily a consumer product and Rule 1144 includes provisions limiting the applicability to only industrial uses. Repair and maintenance operations, the primary uses of WD-40 at industrial facilities, are not subject to Rule 1144. However, any product used by an industrial facility during the manufacture of goods is subject to the limits of Rule 1144, regardless if it is an "industrial" product or a "consumer" product. CARB and AQMD agree that the purpose of the Consumer Product Regulations is not "to deprive the districts of their long-standing authority to regulate pollution-generating activities occurring at stationary sources, just because these activities may involve the use of consumer products." (Letter from Kathleen Walsh, CARB General Counsel to William Wong, AQMD Senior Deputy District Council 2/20/01). Further, as discussed in the August 8, 2012 meeting with WD-40, AQMD and CARB, WD-40 should only report and pay CARB fees on volume of sales that fall under the Consumer Products Regulation, which does not include volume sold for "manufacturing" use at stationary sources.

**Response to Comment UU-3:**

The proposed control measure CTS-03 seeks to limit VOC emissions from mold release fluids used in industrial applications. Assuming that cost-effective, low-VOC alternatives are available, it would not be sensible to avoid establishing lower VOC limits just because some shops may be using consumer products as mold release agents. Nor would it be prudent to exempt consumer products, creating an incentive to use higher-VOC consumer products and diminishing the potential emission reductions realized from the control measure.

**Response to Comment UU-4:**

While some WD-40 products may use fast-evaporating LVP-VOC solvents potentially impacted by the proposed control measure, the Blue Works All Purpose Lubricant made by WD-40 is an excellent example of a product that truly maximizes ozone benefits and reduces VOC well beyond current requirements. The product utilizes carbon dioxide propellant technology and methyl soyate lubricants that have been shown in evaporation studies (Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds, U. Vö and M. Morris, August 2012) and

ASTM E 1868-10 to be non-volatile. Clearly WD-40 has the vision and technical capability to formulate technologically and commercially feasible products that do not rely on the LVP-VOC exemption as currently defined.

The commenter supports comments submitted by The Consumer Products Association. Please refer to the responses to comments for The Consumer Products Association (comment letter SS).

**VV. John R. Froines, October 26, 2012**

To: Jean Ospital

From: John R. Froines, Ph.D.

Date: October 26, 2012

Subject: Chapter 9, Near roadway exposure and ultrafine particles

---

The purpose of this memorandum is to offer brief comments on afore named section of the AQMP.

At the outset I want to compliment AQMD for its efforts at addressing the ultrafine particle issue. I believe the document is thorough and thoughtful. This is a difficult topic because the literature is limited and that raises a number of issues which are difficult to address. I think your efforts help clarify the issues that must be addressed in considering the policy and scientific issues raised by ultrafines.

My remarks will be brief, but the three papers I sent earlier contain up-to-date information that should prove helpful.

Comments:

1. This first comment derives from an AQMD funded application which we are now working on. It illustrates our mechanistic understanding of the pathway leading to illness and disease from air pollutants and while not directly related to ultrafines we believe the key particulate matter responsible for adverse health effects is ultrafines. See attachment to this document.
2. Humic acids: we believe that humic acids may be important PM constituents. Their chemical structure creates the possibility for prooxidant and electrophilic activity and they are likely water soluble which suggests they may dissolve off the ultrafine PM and exert toxicity in the cell. See attached paper.

} VV - 1  
} VV - 2

- 3. This section of the report emphasizes ultrafine particles to the exclusion of consideration of vapors. In the Los Angeles basin the most prevalent PAH is naphthalene and it is between 1,000 and 10,000 times greater in concentration than benzo(a)pyrene which is particle bound. Naphthalene is in the vapor state. It has been identified as a carcinogen by NTP albeit with lower potency. We have demonstrated quite clearly that naphthalene is oxidized to naphthoquinone via atmospheric chemistry as we go from east to west in the LAB. Naphthoquinone is capable of both prooxidant and electrophilic activity. The same is true for other PAHs. Greater attention needs to be given to vapors and especially their oxidation products. Acrolein is another example of a highly toxic vapor. There are a very large number of compounds that fit these categories. VV - 3
- 4. It was very important to identify the relative organic compound load in different particles. Ultrafines have organics that are in the 60% range and this is considerably greater than PM2.5. Over time we believe the organic load may be a basis for regulatory activity. VV - 4
- 5. There should be discussion of nasopharyngeal deposition of ultrafines since that is the route for translocation to the central nervous system. Dr. Kleinman and others have published in this area and it is apparent from in vivo studies that there are persistent inflammatory responses. VV - 5
- 6. There should be discussion of inflammatory responses to deposition of ultrafines in the lung. This deposition activates immunological responses and the products may translocate to other sites namely the heart. See the papers by Jesus Arujo and Andre Nel on cardiovascular issues. At least one is cited, but Jesus could be contacted at UCLA for additional references. His work is VV - 6

outstanding. I don't have the references as I write this and your follow up is needed.

VV - 6

7. A key issue that must be addressed over time is the nucleation/condensation of vapors as they cool following emission from vehicles. This source of PM is not addressed by filters and while I did not focus my reading on controls want to emphasize this as an important source of PM.

VV - 7

8. Our Caldecott study demonstrated that as PM 2.5 decreased particle number increases and we confirmed this with an ARB study on new technology, that is, new diesel engines. The issue of the increase in particle number as mass declines is a continuing problem as we consider controls. I thought the conclusion in the document could have been more extensively addressed. It seemed to simplify the issue and was basically one sentence on page 9.2. More work needs to be done on the organic content in the context of this issue.

VV - 8

Since time is limited I will stop here and hope these brief comments are useful. I will be pleased to discuss the paper further over time.

Thank you.

**Responses to Comment Letter VV**  
**John Froines**

We would like to thank you for your valuable comments to Chapter 9 and Appendix 1 of the AQMP. The work conducted by the Southern California Particle Center (SCPS) in past 10 years contributed to improve our understanding of the mechanisms responsible for the health effects associated with exposure to ultrafine particles (UFPs). Several of the key scientific papers resulting from the research activities of the SCPC have been referenced in Chapter 9 to emphasize the fact that UFPs and some of their chemical components may promote allergic inflammation in the lungs, the progression of atherosclerosis, and other adverse health effects.

**Response to Comment VV-1:**

AQMD staff believes it is possible that UFP may be the main PM fraction responsible for the adverse health effects caused by particle exposure. As noted in Chapter 9 (page 9-8 through 9-22), this is in line with the results of several research studies conducted by the SCPC and research groups in other parts of the world.

**Response to Comment VV-2:**

Although this is an important issue, the contribution of Humic Acids to the overall UFP toxicity has not been discussed in Chapter 9 because this topic is too specific for the scope of this document.

**Response to Comment VV-3:**

As stated on page 9-19 of Chapter 9, work conducted by the SCPC has demonstrated that because of their high organic carbon (OC) and polycyclic aromatic hydrocarbon (PAH) content, UFPs have the highest potential to induce oxidative stress in macrophages and epithelial cells (Li et al., 2003). We also noted that this, in turn, may promote allergic inflammation in the lungs, the progression of atherosclerosis, and precipitation of acute cardiovascular responses ranging from increased blood pressure to myocardial infarction (Delfino et al., 2005; Araujo et al., 2008). The semi-volatile component of quasi-ultrafine urban aerosols (mostly OC and PAHs) seems to be responsible for most of the oxidative potential of PM (Verma et al., 2011).

**Response to Comment VV-4:**

On Page 9-8 of Chapter 9 we stated that the UFPs collected in urban environments across the United States are mostly comprised of organic matter (up to around 70% by weight). Research conducted as part of the SCPC (also referenced on page 9-8) clearly demonstrated that the organic content of UFPs is larger in the summer, when photochemical formation of organic aerosol is higher (Kuhn et al., 2005; Sardar et al., 2005).

**Response to Comment VV-5:**

We thank the commenter for his input on this topic, but we think that a detailed discussion on the nasopharyngeal deposition of UFPs as a route for translocation to the central nervous system is beyond the scope of this document

**Response to Comment VV-6:**

This important issue has been mentioned on page 9-19, where we noted that the potential of UFPs to generate ROS and to induce oxidative stress in macrophages and epithelial cells and may promote allergic inflammation in the lungs and the occurrence of various cardiovascular problems (Delfino et al., 2005; Araujo et al., 2008).

**Response to Comment VV-7:**

On page 9-22 of Chapter 9 we have noted that more work is needed to better characterize the mechanisms that lead to UFP formation right after emission and in the atmosphere. Developing a clearer picture of particle formation dynamics in different environments, including those which are influenced by traffic, would greatly assist control measures to regulate emissions of UFPs.

**Response to Comment VV-8:**

This issue has been described in detail in the “Emission Control Technologies” section of Chapter 9 (see pages 9-28 and 9-29).



## WW. Einstein, Dr. Geoffrey Kabat, October 30, 2012



Science at the heart of medicine

GEOFFREY KABAT, Ph.D.  
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October 30, 2012

Dr. William A. Burke, Chairman and  
Other Members of the Governing Board  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
[2012aqmpcomments@aqmd.gov](mailto:2012aqmpcomments@aqmd.gov)

Dear Board Members:

I am writing to convey my emphatic support a 2012 Air Quality Management Plan (AQMP) Appendix I Health Effects that focuses on "the health impacts of particulate matter air pollution in the South Coast Air Basin," in accord with California Health and Safety Code Section 40471(b). In addition, I urge you to hold a Board hearing on the health impacts report and its peer review, in accord with this Code Section.

In particular, please address the September 25 public comments of Jonathan M. Samet, M.D., and the August 30 and September 20 public comments of James E. Enstrom, Ph.D. I have been a cancer epidemiologist for over 30 years, and I have been aware of the important research of these outstanding epidemiologists during this entire period. In addition, I have personally worked with Dr. Enstrom on environmental epidemiology issues. You need to take their criticism of Appendix I very seriously.

My own examination of the PM2.5 epidemiologic findings of Dr. Samet, Dr. Enstrom, and two dozen other highly qualified scientists, convincingly shows that there is no relationship between PM2.5 and total mortality in California and that the current US EPA National Ambient Air Quality Standard (NAAQS) for PM2.5 is not applicable to California or the South Coast Air Basin (SCAB). Therefore, the AQMP should request a waiver from this NAAQS, rather than proposing stricter emission controls.

In conclusion, the final 2012 AQMP must be based on the actual health impacts of particulate matter in the SCAB. Otherwise, I believe that it can be vigorously challenged on scientific, economic, and legal grounds. I am following this issue from New York because the PM2.5 NAAQS has national epidemiologic and regulatory significance and because the exaggeration of PM2.5 risks fits the pattern of examples described in my 2008 book "Hyping Health Risks."

Thank you for your attention to my comments.

Sincerely yours,

Geoffrey C. Kabat, Ph.D.  
Department of Epidemiology and Population Health  
Albert Einstein College of Medicine  
Bronx, NY 10461  
Tel. 718-430-3038

CC: Executive Officer Barry Wallerstein <[bwallerstein@aqmd.gov](mailto:bwallerstein@aqmd.gov)>  
Health Effects Officer Jean Ospital <[jospital@aqmd.gov](mailto:jospital@aqmd.gov)>  
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District Counsel Barbara Baird <[bbaird@aqmd.gov](mailto:bbaird@aqmd.gov)>

WW - 1

**Responses to Comment Letter WW**  
**Dr. Geoffrey Kabat**

**Response to Comment WW-1:**

The Draft AQMP is designed to provide a pathway to attain the National Ambient Air Quality Standard for Particulate Matter, which is required to be timely attained under the Clean Air Act. This standard was established by the US EPA Administrator, as set forth in the Clean Air Act, to protect public health based on a substantial body of health studies. The EPA has concluded that there are serious adverse health effects associated with exposure to PM<sub>2.5</sub>, including an increased risk for mortality.

There is no provision in the Clean Air Act that would allow a local district to receive a waiver from meeting the NAAQS by the statutory deadline. Indeed, there are significant penalties for not adopting a plan timely for attaining the standard, which could include restrictions on transportation and highway funds to the region, increases in required emissions offset ratios, and imposition of a Federal Implementation Plan to attain the standard.

The Governing Board will hold an adoption hearing on the 2012 AQMP and Appendix I before it takes action to approve the 2012 AQMP. In the meantime, there will also be regional public hearings to obtain public comment on the 2012 AQMP and Appendix I.

XX. Gatzke Dillon & Ballance LLP, October 30, 2012



October 30, 2012

By Electronic Mail

Mr. Phillip Fine, Planning and Rules Manager
Planning, Rule Development, and Area Sources
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, California 91765-4182
pmfine@aqmd.gov

Re: Comments on Revised Draft 2012 Air Quality Management Plan

Dear Mr. Fine:

This letter is submitted on behalf of the County of Orange ("County") in its capacity as the owner and operator of John Wayne Airport, Orange County ("JWA"). This letter contains the County's written comments on the Proposed Modifications to the Draft 2012 Air Quality Management Plan ("Revised AQMP"), issued by the South Coast Air Quality Management District ("SCAQMD" or "District") in September, 2012. The County appreciates the opportunity to provide these additional comments on the Revised Draft AQMP.<sup>1</sup>

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Our comments on the Revised AQMP are intended to serve the following principal objectives:

- 1. First, we appreciate the opportunity to continue to work constructively and cooperatively with the District in evaluating and developing realistic airport emissions inventories and aviation forecasts for the Revised AQMP.
2. Second, we are concerned with a number of the responses that the District provided to our July 27, 2012, comment letter on the Notice of Preparation and Initial Study ("NOP/IS") for the proposed 2012 AQMP. These responses warrant further comment and discussion because many of our previous comments relate to revisions that are required to the Draft 2012 AQMP, including, but not limited to, revisions to the baseline emissions inventory for JWA. Without careful attention and response to these important issues during the comment/response period for the Revised AQMP, the District will be unable to structure appropriate and effective air quality regulations which might affect the

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1 The County has previously submitted comment letters on the Notice of Preparation of a Draft Program EIR, the draft 2012 AQMP, The Integra Report and the Draft Program Environmental Impact Report for the 2012 AQMP. Please see the enclosed comment letters to Mr. Steve Smith from Ms. Lori Ballance, dated July 27, 2012, to SCAQMD from Mr. Alan Murphy, dated August 31, 2012, to SCAQMD from Mr. Alan Murphy, dated September 28, 2012, and to Mr. Jeff Inabinet from Ms. Lori Ballance, dated October 23, 2012.



Mr. Phillip Fine, Planning and Rules Manager  
October 30, 2012  
Page 2

operations of the air carrier airports in the Basin while minimizing the environmental impacts of those regulations.

XX - 2

- 3. Third, and finally, we continue to have a number of concerns and questions regarding Control Measures MCS-03 and ADV-07 as well as the long term black box measures and the proposed regulation of ultrafine particles that require further comment and discussion at this time.

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**GENERAL COMMENTS**

**EMISSION INVENTORY**

The Revised Draft AQMP continues to provide an emission inventory using 2008 as the baseline year and it appears that no revisions have been made to the July draft of the 2012 AQMP to include the airport-specific data provided by JWA. This may be simply a matter of timing with respect to when the District received the additional airport specific data from JWA; nevertheless, and as noted in our previous written comments to the District, JWA remains very concerned about the accuracy of the baseline emissions inventory assumptions utilized in the Revised 2012 AQMP.<sup>2</sup> By this letter, we would like to request confirmation that staff will include in the Final 2012 AQMP baseline emissions inventory assumptions all of the information provided by JWA to the District with respect to the aircraft activity data and airport specific data for JWA. This data includes, but is not limited to, the recent information the JWA provided after reviewing the Integra Environmental Consulting, Inc. Report which provides the assumptions utilized in preparing the Draft 2012 AQMP's emissions inventories relative to the aviation sector.

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We continue to be particularly concerned with this issue because the baseline year is not only used to determine future year air quality emissions projections, but also appears to be used in the development of AQMP control measures. As we have stated in our previous comments to the District, the District needs to be seriously concerned about both the accuracy and completeness of the existing data that it relied upon for the emission inventory. Revision is required to accurately reflect the baseline and projected future activity levels at JWA. These revisions should be included in the Final 2012 AQMP that is presented to the District's Board for consideration and approval.

<sup>2</sup> In order to help ensure the accuracy of the baseline emissions inventory assumptions for JWA, JWA provided the District with aircraft activity data and airport specific data for JWA for incorporation into the 2012 AQMP and requested that the baseline emissions inventory be updated and modified to incorporate this new information. In response to the County's request, the District indicated that staff "... will consider the request ... and determine the magnitude of the change from the information provided in the Draft 2012 AQMP."



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**DISTRICT'S LACK OF REGULATORY AUTHORITY RELATIVE TO AIRCRAFT EMISSIONS**

In our previous comment letters, we requested that the District clearly inform the public and decision makers of the District's lack of regulatory purview relative to aircraft emissions. Although the District's response to our NOP/IS comment letter acknowledges that "the Clean Air Act expressly preempts state and local agencies from adopting or enforcing any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard [adopted by EPA and FAA] applicable to aircraft ...", the District's response also indicates that "...the term standard ... does not include in-use or operational requirements .... [and that] whether any individual measure, which does not constitute a standard preempted under the CAA, would be preempted by any other law would need to be decided on the facts of each case."

As indicated in our comment letter on the Draft EIR for the 2012 AQMP, we continue to have a fundamental disagreement with the District regarding the extent of the District's authority to regulate aircraft emissions. Specifically, we continue to believe that, to the extent the District attempts to regulate aircraft related emissions, directly or indirectly (through in-use or operational requirements), any such regulation would constitute a constitutionally impermissible local intrusion into a federally preempted field of regulation. *People of State of Cal., v. Dept. of Navy* (1977) 431 F.Supp. 1271, 1281; *Washington v. General Motors Corp.* (1972) 405 U.S. 109, 92 S.Ct. 1396, 31 L.Ed.2d 727. The District's attempted indirect regulation of airport related emissions through in-use or operational requirements would be an impermissible and unconstitutional intrusion into an area which is pervasively and exclusively controlled by federal law and federal authority. *City of Burbank v. Lockheed Air Terminal, Inc.* (1973) 411 U.S. 624, 633.

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**SPECIFIC COMMENTS ON PROPOSED CONTROL MEASURES**

**CONTROL MEASURE MCS-03**

With respect to Control Measure MCS-03, although we appreciate the District's response to our comment letter on the NOP/IS which acknowledges that "operational, technological and economic variables will be among the key variables to be consider[ed] ..." during the second phase of implementation, there have been no modifications to this proposed Control Measure in the Revised 2012 AQMP that reflect these constraints and that indicate how they will be taken into account when designing the measure's parameters and predicting associated emission reductions. Therefore, we continue to find it difficult, if not impossible, to assess the measure itself without further information on its proposed parameters. The Revised 2012 AQMP should be modified to include a discussion relative to the fact that controlling emissions during start-up

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and shutdown is constrained by operational, technological and economic limitations and provide an analysis of how these limitations may impact the projected emission reductions for this Measure.

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**CONTROL MEASURE ADV-07**

Relative to Control Measure ADV-07, again, there appears to have been no modifications to this proposed Control Measure in the Revised 2012 AQMP. Rather, this Control Measure is identical to the Measure provided in the July draft of the 2012 AQMP. Therefore, as indicated in our previous comments, we continue to be concerned about the extent to which ADV-07 is intended to impose affirmative obligations on the District or local airport authorities to regulate the aircraft fleet mix serving the South Coast Air Basin. Although we continue to have no immediate objection to the District providing support for FAA's Continuous Lower Energy, Emissions and Noise ("CLEEN") Program, JWA objects to any measure that requires local airport authorities to regulate the aircraft fleet mix serving the South Coast Air Basin on the grounds that such affirmative obligation would be incompatible with the jurisdictional authorities and powers of airport owners/operators. The 2012 AQMP should be revised to provide additional information on the ultimate intent of ADV-07 before it is presented to the District's Board later this year.

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The proposed Control Measure also includes working with the airlines and local airport authorities to develop mechanisms to route the cleanest aircraft to serve the South Coast Air Basin. As we have discussed with the District on many occasions in the past, and in our most recent comment letter to the District on the Draft EIR for the 2012 AQMP, neither the District nor airport operators can ensure that only the "cleanest aircraft" operated by commercial airlines serve the Basin; such a requirement would trigger federal preemption and interstate commerce implications. In addition, we have serious doubt, particularly after adoption of the Airport Noise and Capacity Act of 1990 (49 USCA 2151, et seq.), as to whether airport proprietors generally have sufficient residual authority to act effectively as the agencies working with the District and the airlines in developing, implementing and enforcing a program that requires the cleanest aircraft to serve the Basin. At a minimum, the District should receive adequate assurances from the Federal Aviation Administration, the Department of Transportation, and any other relevant federal authorities that airport proprietors do, in fact, have sufficient regulatory authority to allow them to make meaningful implementation choices which would allow them to enforce local regulations to achieve whatever mandates are imposed on them by the District.

**LONG-TERM (BLACK BOX) CONTROL MEASURES**

Table 6-2 in the Draft Program EIR for the 2012 AQMP shows the black box measure strategies from the 2007 AQMP and also shows the proposed control measures from the 2012 AQMP that affect the same emissions sources. It is unclear from this Table and the discussion provided

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whether the methods of emissions control from the 2007 AQMP are still being considered for implementation in connection with the 2012 AQMP. Specifically, the method of emissions control for aircraft from the 2007 AQMP is as follows: "More stringent emission standards for jet aircraft (engine standards, clean fuels, retrofit controls); Airport bubble."

Is the District still considering implementation of an "airport bubble" concept in connection with the proposed 2012 AQMP control measures? The 2012 AQMP must be revised to clarify whether this method of emission control is still being considered and whether this concept will be translated into specific control measures for the airport and airline industry.

We have discussed at length with the District our concern regarding the role of the airport proprietor relative to the administration of air quality emission strategies at airports in the Basin. As you know, we have expressed strong opposition to the "airport bubble" concept previously proposed by the District and will continue to oppose any measure that requires an airport to become the air quality "enforcer" for airport users.

**REGULATION OF ULTRAFINE PARTICLES**

According to the District's response to the JWA's comment letter on the NOP/IS for the 2012 AQMP, we understand that the District is continuing to include a discussion of the evaluation of ultrafine particles as a "subset of PM2.5." This is neither necessary nor appropriate for the following reasons. First, while the federal Clean Air Act requires submittal of a plan by December 14, 2012 outlining how the District will achieve the National Ambient Air Quality Standards (NAAQS) for PM2.5 in the South Coast Air Basin, there is no such deadline for ultrafine particles which are not regulated by NAAQS. Second, by including control measures specific to ultrafine particles in connection with their status as a subset of PM2.5, the District is addressing issues beyond the current regulatory framework established by the U.S. Environmental Protection Agency via the NAAQS program. Third, and finally, it is impossible to determine how the PM2.5 control measures may regulate ultrafine particles as a "subset of PM2.5."

As indicated in our comment letter on the Draft 2012 AQMP, the County/JWA continues to support a bifurcated approach to the 2012 AQMP which focuses attention on NAAQS achievement; other air quality related issues relating to ultrafine particles can, and should, be addressed via a separate and subsequent process.

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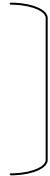
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**CONCLUSION**

In closing, the County/JWA thanks the District again for this opportunity to comment on the Revised 2012 AQMP. We look forward to continuing to engage in an open, thorough and responsive public process on the 2012 AQMP and assisting the District with its efforts to improve air quality in the South Coast Air Basin. If you have any questions regarding the issues addressed in this letter, please do not hesitate to contact us at your convenience.



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Very truly yours,

A handwritten signature in cursive script that reads "Lori D. Ballance".

Lori D. Ballance  
of  
Gatzke Dillon & Ballance LLP

LDB/rif

cc: Supervisor Shawn Nelson, Vice Chair, 4th District  
Michael Krause, South Coast Air Quality Management District  
Robert J. Franz, Interim County Executive Officer  
Alan Murphy, Airport Director, John Wayne Airport



**Responses to Comment Letter XX**  
**Gatzke Dillon & Ballance LLP**

**Response to Comment XX-1:**

The comment requests that past comments, current comments, and continued cooperation in this process will allow the County to continue contributing to complex airport regulatory issues associated with air quality in the Basin. The AQMD welcomes participation in AQMP development from all stakeholders including, but not limited to, public agencies, affected industries, environmental organizations, and other interested parties. To the extent that AQMP control measures affect a specific stakeholder group, it is important that the group affected participate in crafting control measures, as well as any resulting rules or regulations. Currently, the 2012 AQMP contains ozone Measure ADV-07 – Actions for the Deployment of Cleaner Aircraft Engines. This control measure describes the actions needed to develop, demonstrate, and commercialize advanced technologies, procedures, and sustainable alternative jet fuels that could be deployed in the 2020 to 2030 timeframe, so no emission reductions are associated with it as part of this AQMP process. The control measure recognizes that state and local aircraft emission standards are preempted by the Clean Air Act, which gives that responsibility to U.S. EPA in consultation with the Federal Aviation Administration (FAA). However, emission reductions are needed from all emissions sources, including those regulated by the federal government. Therefore, it is important that the County participate in any future control measure development relative to emission reductions from aircraft to ensure the most effective and cost-effective measures are identified.

**Response to Comment XX-2:**

This comment expresses general concern regarding unspecified AQMD responses to unspecified comments regarding the NOP/IS for the 2012 AQMP. While responses to the NOP/IS are not required, the AQMD provided responses to all comments received relative to the NOP/IS. However, it is important to keep in mind that responses to comments made at the NOP/IS stage often results in changes that get incorporated into the Draft Program EIR. Further, at the NOP/IS stage, the environmental analysis is not complete at the time, so detailed responses were not always possible.

**Response to Comment XX-3:**

See Response to Comment XX-6 regarding a discussion of control measure MCS-03 and see Response to Comment XX-7 regarding a discussion of control measure ADV-07.

**Response to Comment XX-4:**

The JWA inventory was developed incorporating all information submitted by JWA and further updated as described in our response to comment letter RR (JWA's September 28<sup>th</sup> comment letter on the 2012 draft AQMP), which is described below.

The John Wayne Airport inventory was developed incorporating all information submitted by John Wayne Airport and AQMD staff has revised the Integra Report to reflect the updated information provided by the airport authority. SCAG's growth information was used to estimate the future airport activity listed in Table 3.3 of the Integra Report and is further described in their Aviation and Ground Access Appendix of the 2012 Regional Transportation Plan – ([http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP\\_Aviation.pdf](http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP_Aviation.pdf)).

The emission estimates for 2035 listed in Table 2.4 of the Integra Report were generated using the airport activity as estimated by SCAG's RADAM model and FAA's Emissions and Dispersion Modeling System (EDMS) airport model. For John Wayne Airport the activity was capped at the authorized limit of 10.8 MAP. The emission estimates for John Wayne Airport are not inconsistent with the expected improvement in engine technology and growth in airport activity in that increased activity resulted in increased emissions with the exception of NO<sub>x</sub>, which has been and will continue to be the main focus of emissions improvements from aircraft engines.

The projected 2035 fleet mix was provided by SCAG and is included in their recently adopted 2012 – 2035 RTP/SCS. The estimates were generated by the Regional Airport Demand Allocation Model (RADAM) an approved model used by SCAG staff since 1994 to project growth in aircraft activity in the region. While staff recognizes that operations at the airport do not include some aircraft types today, there is nothing limiting the use of these types in the future and we believe it is appropriate to use information that is consistent with SCAG's 2012 – 2035 RTP/SCS and other growth assumptions used in the AQMP. (The one exception would be a physical characteristic that would not allow operation of an aircraft type at the airport such as the B737-900 craft referenced as too long to operate at John Wayne Airport. However the engine type is the same as the other B737 classes that would likely be used in lieu of the 900 series and we would expect the estimated emissions would be similar).

#### **Response to Comment XX-5:**

The comment repeats a concern that an attempt by the AQMD to regulate airport related emissions, even through in-use or operational requirements, would be federally preempted. As identified in NOP/IS response 4-7 (see Appendix B of the Program Environmental Impact Report), the Clean Air Act generally preempts state and local agencies from adopting or enforcing any standard respecting emissions of any air pollutant from any aircraft or engine. 42 U.S.C. §7573. The term "standard", however, does not include in-use or operational requirements. *Engine Manufacturers' Association v. EPA*, 88 F.3d 1075 (D.C. Cir. 1996).

In any event, control measure ADV-07 does not purport to seek regulation of aircraft emissions. The control measure does not take credit for emissions reductions, does not identify cost effectiveness and recognizes that the implementing agencies are the AQMD, U.S. FAA, U.S. EPA, and CARB (see AQMP Appendix IV-B, page IV-B-86). Rather, ADV-07 is intended to develop and demonstrate new technologies for improved

efficiency and reduced emissions through the FAA initiated Continuous Lower Energy, Emissions and Noise (CLEEN) program and through other incentive-based or demonstration-based projects (see AQMP Appendix IV-B, page IV-B-86). If, through the development of these projects, it is determined that feasible regulatory action exists, the AQMD may elect to pursue that path after determining whether such action, while not preempted under the CAA, would be preempted by any other law.

**Response to Comment XX-6:**

There will be constraints in implementing a proposed control strategy with all the proposed control measures, including MCS-03. Determining those operational, technical and economic constraints will take place during the rule development process when the source category is further evaluated and affected industry and public participation provide valuable insight. Once those constraints are determined, the rule can be best developed to consider necessary relief such as tiered compliance dates, requirement exemptions, and program incentives.

**Response to Comment XX-7:**

Control measure ADV-07 recognizes the efforts with the CLEEN Program to develop cleaner aircraft engines. However, in order to route cleaner aircraft to region, there is a need to determine if there are mechanisms such as incentives that will bring cleaner aircraft to the region. We recognize that this effort will involve local airport authorities, state and federal agencies and the airlines. It is premature at this point to determine the “performance target” for this measure since specific mechanisms have not been developed. The measure will be further developed as part of the next AQMP development.

The commenter asserts that a control measure which would have the AQMD work with the airports and airlines to develop mechanisms to route the cleanest aircraft to serve the South Coast Air Basin would necessarily be federally preempted., particularly in light of the Airport Noise and Capacity Act of 1990 (49 U.S.C. §2151 et seq.). We disagree. The measure involves working together with the affected parties. We note that the relevant preemption provision, 49 U.S.C. §41713, preempts regulations that “have the force and effect of law related to a price, route, or service of an air carrier...” Thus, it would not include, for example, incentive programs not having the force and effect of law. Moreover, the statute expressly provides that it does not limit a state or political subdivision of a state “from carrying out its proprietary powers and rights.”49 U.S.C. §41713(b)(3). Thus the airports may be able to exercise their authority as “municipal proprietors” in this area. The Airport Noise and Capacity Act (now reorganized at 49 U.S.C. §47521 et seq.) does not seem to be relevant since it deals with noise restrictions, and should not be interpreted to apply to air pollution issues. But even if it applied, it still allows restrictions on noisier aircraft in certain cases. 49 U.S.C. §47524. The AQMD will work with the airports and other stakeholders to implement this measure to the extent legally feasible and not preempted.

**Response to Comment XX-8:**

The black box control measures in the 2007 AQMP are concepts that require further development. These concepts will be further developed with input from all affected stakeholders. Concepts included in the 2007 AQMP black box measures but not discussed in ADV-07 should not be interpreted as being removed from further consideration. Ultimately, some concepts may require actions on the federal level to implement, while other actions may potentially be implemented at the local level, such as incentives.

**Response to Comment XX-9:**

By definition, ultrafine particles are less than 0.1 micron, so are less than 2.5 microns, thus, a subset of “PM2.5.” We agree with the commenter that no national ambient air quality standards have been established for ultrafine particles, so they are not part of demonstration of attainment of the 24-hour PM2.5 standard as analyzed in Chapter 5 and Appendix V of the 2012 AQMP. In addition, ultrafine particulates are not characterized in the emissions inventory data and were not considered in the development of the control strategy. Thus, no commitments to reduce ultrafine particles are submitted in the 2012 AQMP. Finally, the PM2.5 control measures in the 2012 AQMP are not specifically aimed at ultrafine particles, but in some cases could have the effect of reducing ultrafines as they reduce PM2.5. That is what we meant by saying ultrafines could be regulated as a “subset“ of PM2.5. As discussed in Chapter 9 of the 2012 AQMP, in most urban environments, vehicular fossil fuel combustion constitutes the major contributing sources of ultrafine particles. The PM2.5 control strategy in the 2012 AQMP is the curtailment of wood burning, thus targeting PM2.5 emissions and not ultrafine particles.

**Response to Comment XX-10:**

The comment reiterates the County’s desire to continue working with the AQMD with its efforts to improve air quality in the Basin. No further response is necessary.

## YY. Harvey Eder, Public Solar Power Coalition, October 31, 2012

**From:** [Harvey Eder](#)  
**To:** [Michael Krause](#); [2012 AQMP Comments](#)  
**Cc:** [harveyederpspc@yahoo.com](#)  
**Subject:** Part 1 of Third Comments Harvey Eder & PSPC ITSC 2012 AQMP Etc. 10/30/12  
**Date:** Tuesday, October 30, 2012 9:09:44 PM

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Howdy AQMP/D Staff, Mike Krause,

This is Part 1 of Third Comments of Harvey Eder and PSPC the Public Solar Power Coalition ( First July 17 &18, 2012, Second October 23,2012) on the DEIR & 2012 AQMP and SocioEconomic Study with 2012 AQMP etc. This has pasted the 3 web links of Robyn Deyoung who has been the point person for EE/RE energy efficiency and solar/renewable energy with Stoneman at Federal EPA all of the information herein on the links (that can be clicked on to herein) are incorporated into the record as comments by Harvey Eder and PSPC the Public Solar Power Coalition sent today Oct 30,2012 with more to follow tomorrow Oct 31 the last day comments for the AQMP are due at the SCDistrict, AQlso note that as part of the record herein are the dozen or so pages on the [Flag this message](#)

## Renewable energy and energy efficiency and SCAQMP

Friday, October 26, 2012 5:09 PM

**From:** "DeYoung.Robyn@epamail.epa.gov" <DeYoung.Robyn@epamail.epa.gov>  
[Add sender to Contacts](#)  
**To:** [harveyederpspc@yahoo.com](#)  
Hi Harvey,

Here are some resources that may help you.

GHG BACT EPA Comment Letters: <http://www.epa.gov/nsr/ghgcomment.html>

Appendix K of EE/RE SIP Roadmap show examples of States that included EE/RE in SIPs.  
<http://epa.gov/airquality/eere/pdfs/appendixK.pdf>

Top 50 entities that have participated in EPA's Green Power Program:  
<http://www.epa.gov/greenpower/toplists/top50.htm>

Thanks,  
Robyn

Robyn (Kenney) DeYoung  
U.S. EPA's Office of Atmospheric Programs  
State and Local Climate and Energy Program  
202-343-9080  
[www.epa.gov/statelocalclimate](http://www.epa.gov/statelocalclimate)

Solar Thermal 1991 AQMP Appendix IV ref 1988 communication of Harvey Eder etc with staff of the SCD started with Dr. Barry Wallerstein in 1985 reducing NOx (and now GHGs etc)of about 5 tons nox per day +by 2010 is also incorporated hereing in comments by reference and as received by M Krause left by Eder at the District 2 weeks ago that were affirmatively put in the record etc. all information connected to these links are also part of the record example solar/ renewable energy and EE as BACT, and for SIP in State Implementation Plans etc.

Thanks ,take care

Harvey Eder And PSPC Public Solar Power Coalition  
1218 12th St. #25  
Santa Monica, CA 90401  
(310)3932589

YY - 1

From: [Harvey Eder](#)  
To: [Michael Krause](#); [2012 AQMP Comments](#)  
Cc: [harveyederpspc@yahoo.com](#); [earthdayla.org](#); [jim](#)  
Subject: Part 2 of Third Comments on AQMP/AQMD Harvey Eder & PSPC 10/31/12  
Date: Wednesday, October 31, 2012 1:45:27 PM

Howdy AQMD/P Staff Michael Krause,

This is the Part 2 of the Third submittal of Comments ( 1st July 17 & 18 2012 , 2nd October 23, 2012 and 3rd yesterday 10/30 & 31/12 by Harvey Eder & PSPC the Public Solar Power Coalition on the 2012 AQMP, DEIR, & SocioEconomic Study.

2. of part 2 Third Comments. The Washington DC Air District used Wind Turbines for .5 ton of Nox reductions a day, this is one of the examples of Solar/Renewable Energy/EE as BACT etc the can and should will be used in CA. /SCAQMD etc.

3. of Part 2 Third Comments. The foundation of starting the first working CCA (Community Choice Aggration in California was funded by the BAAQMD, conversation with Abby Young Principal PLanner Bay Area Air Quality Management District , October 2012. The SCQMD should follow the BAAQMD and do the same or similiarly by funding PSPC to do the same/sim for the counties and citites in the SCD. This is now called the MEA Marin Energy Authorityand which is also being followed by San Francisco, and soon to be Sonoma etc., Santa Monica ( apart of the cities CAP (Climate Action Plan).

4. of Part 2 Third Comments. The following is an email with links for an article about methane hydrates being released in the Atlantic and the North Country Artic Ocean etc and Tundra of methane ch4which is over 100 times the GWP Global Warming Potential of co2 plus on a twenty year cycle verses 21 over 100 years used by the SCDistrict and 25 used by CARB and 33 used by NASA James Hanson etc. The climate change point person for the SCD Dr. Aaron Katenstein says that 10 years could be used ( his Dr. diseration was on methane released in the western states which could be perhaps as high as 200 times co2 on that scale and this research etc shows that time is of the essence !!! )

[Flag this message](#)

## Background: Climate-changing methane 'rapidly destabilizing' off East Coast, study finds

Thursday, October 25, 2012 11:44 PM

From: "Edward Mainland" <[emainland@comcast.net](mailto:emainland@comcast.net)>  
[View contact details](#)

To: CONS-SPST-GLOBALWARM-FORUM@LISTS.SIERRACLUB.ORG, "Energy Forum" <[CONS-SPST-ENERGY-FORUM@LISTS.SIERRACLUB.ORG](mailto:CONS-SPST-ENERGY-FORUM@LISTS.SIERRACLUB.ORG)>, "Chp & Grp Global Warmina Enerav Chairs" <[CONS-SPST-GLOBALWARM-](mailto:CONS-SPST-GLOBALWARM-)

YY - 2

YY - 3

YY - 4

energy@googlegroups.com... [more](#)

First, there was concern that oil/gas exploitation of maritime methane hydrate deposits could dangerously destabilize them. Now, there is reason for concern that warming seas are --already, right now -- causing destabilization that is potentially far worse.

Maybe it is no longer so far-fetched to consider the possibility that humanity's impotence to control and reduce an emerging, self-reinforcing feedback loop of methane emissions and global heating could be -- or already is -- triggering the granddaddy of all planetary extinction events that will spare neither oblivious Republicans nor feckless Democrats nor anyone else?

Coming soon? Guys in long beards and robes wearing sandwich boards outside the California Public Utilities Commission warning: "Repent: the end of the anthropocene era is at hand"!

-- Ed M.

-----

**Climate-changing methane 'rapidly destabilizing' off East Coast, study finds**

<http://usnews.nbcnews.com/news/2012/10/24/14670511-climate-changing-methane-rapidly-destabilizing-off-east-coast-study-finds?lite%3Focid=twitter>

The SCD should direct staff to use a 10 or 20 year ( at the most less than a 40 year time frame with methane ch4 !@#

Thanks, take care (more to follow)

Harvey Eder and PSPC PublicSolar Power Coalition 10/31/12  
(310)3932589  
[harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com) 1218 12th St. #25 Santa Monica, Ca. 90401

PS This is the warmest year on record beyond 2007 with a 100 year drought in Australia and a 80 year drought in the US and now Sandy that was fed by warmer waters in the Atlantic etc. estimated damage \$30-50 Billion etc (climate change etc.)

YY - 4

From: [Harvey Eder](#)  
To: [2012 AQMP Comments](#); [Michael Krause](#)  
Cc: [harveyederpspc@yahoo.com](#); [earthdayla.org](#); [jim](#)  
Subject: Part 3 of Third Comments AQMP/AQMD OF Harvey Eder & PSPC 10/31/12  
Date: Wednesday, October 31, 2012 4:39:34 PM

Howdy Michael Krause et. al.SCAQMP/D, 10/31/12

This is Part 3 of Third Comments on AQMP of Harvey Eder & PSPC Public Solar Power Coalition 10/31/12 ( First Comments where authored and sent July 17 &18,2012, Second Comments were authored and sent October 23, 2012 and this third comments were authored and sent October 30,&31, 2012 on AQMP and DEIR and SocioEconomic Document (Dr. Sue Lue -sp-)

YY - 5

Correction section 3 of Part 3 on funding of Marin CCA MEA was funded by ICLEI (International Council For Local Environmental Initiative) but it could and should be funded for the Counties and Cities in the SCAQMD by the SCAQMD. This should be part of the 2012 Plan but funding should happen now as cited in Section 3 of Third Comments and herein. (HE PSPC) as well as funding with SCD and CARB for Statewide SolarCal in 1st Comments July 17&18 etc..

Part 5 of Third Comments AQMP ETC 10/31/12. Solar Renewables was in the Texas SIP for Solar/ Renewables in 2005 and must be included in the SCD AQMP and in the SIP (State Implimentation Plan. Etc. Also Connecticut cited solar energy in their documents contact vis Robyn DeYioug document supplied yesterday, etc.

YY - 6

Part 6 of Third Comments AQMP ETC 10/31/12 SCAQMD staff like in BAAQMD in CEQA Documents should comment on Climate Action Plans for all Counties and Cities in the SCAQMD as Solar as BACT/RACT/LAER and Best Practicesworking with Local Planners etc and with JPL NAS Lab in the District ( Jet Proplusion Labratory). BAAQMD has LBL Lawrence Berkeley Lab and we have ours but should also work wityh LBL and BAAQMD can work with JPL etc and UC CSUs. Up north much of this is voluntary but should be mandatory in SCD to meet or beat 2050 less co2 e 80% reductions from 1990 levels or more sooner ! We must bring back good ole command and control ! ITSCP Now !!!

YY - 7

This covers best practices ie solar conversion nowfor commercial ,industrial, and residential BARACT when installing any new or backup heating system or HVAC. on transfer of title etc or sooner for retrofits. Tone up nortyh to a great degree including the Cities of SF Berkeley, Pleasanton Peadmont and Albany etc.....

Part 7 of Third Comments PACE (Property Assesed Clean Energy should be used to finance ee/solar RE conversions including like in Sonoma a new Health Spa Gym withSolar Hot Water) and in new developments in the City of Petaluma etc As cited in July comments interest rates are the lowest they have been ever or since the Great Depression of the 1930s . Putting in energy efficiency/conservation with solar rewneables conversion the total system is more cost effective. The same is true when financing with low interest plus as cited in July the cost of PV has been reduced considerably making solar /ee/ec cost effective now using life cycle cost analysis etc...

YY - 8

Harvey Eder & PSPC Public Solar Power Coalition (310)3932589  
1218 12th St. #25  
Santa Monica, Ca. 90401  
[harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com)



**Responses to Comment Letter YY**  
**Harvey Eder**

**Response to Comment Letter YY-1:**

We are familiar with the EPA document *Incorporating EE/RE Policies and Programs into State and Tribal Implementation Plans*. Appreciate the set of comments for the 2012 AQMP and we still have the file containing the comments submitted during the AQMPs in 1988 and 1991.

**Response to Comment Letter YY-2:**

Could not find this control measure for Washington DC area, appreciate any reference that can be provided to locate. Also see response AAA-1 on achieving reductions from implementing renewable energy sources.

**Response to Comment Letter YY-3:**

We will look further into the Marin Energy Authority and also speak with BAAQMD on this organization.

**Response to Comment Letter YY-4:**

Feedback loops are a big concern with climate change. However, they are not directly associated with reducing fine particulate matter.

We recognize the larger GWP potentials of climate forcers with shorter atmospheric lifetimes, such as methane, when looking at a 20 or 10 year time horizon. Referencing these larger GWPs on a shorter timeframe have no impact on the Basin achieving PM2.5 standards. We are working on also working on identifying ways to assess the forcing impacts of other components such as the black carbon emitted within the Basin.

**Response to Comment Letter YY-5:**

We have received previous comments which are included in previous sections and have taken note of the correction.

**Response to Comment Letter YY-6:**

The primary purpose of the 2012 AQMP is to develop control strategies that bring the Basin into compliance with the federal fine particulate standard. We are working with the State in helping achieve the goals of S-3-05. The jointly developed document between SCAQMD, San Joaquin APCD, and the ARB “Vision for Clean Air: A Framework for Air Quality and Climate Planning” shows pathways on how we can achieve 2050 GHG reduction levels. As shown in the document there is not a single

pathway that can be taken to meet the GHG goals and further development and implementation of transportation technologies is needed.

Mandating the requirement that no new natural gas powered power plants greater than 50MWs be built might not make the implementation of renewable energy sources possible. The discussion below describes the intermittency that renewable energy sources add into the grid. There is a need to develop technologies at a faster rate that can help provide a more reliable grid with renewables without relying upon fossil generating sources.

**Response to Comment Letter YY-7:**

We have and will continue to work with local governments in developing their climate action plans. We also frequently collaborate with JPL and LBL.

**Response to Comment Letter YY-8:**

Chapter 10: Climate and Energy of the AQMP discusses financing programs such as PACE for RE and EE purposes.

## ZZ. Pacific Merchant Shipping Association (PMSA), October 31, 2012



October 31, 2012

Executive Officer  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765

Subject: Comment Letter – 2012 Air Quality Management Plan for PM 2.5

The Pacific Merchant Shipping Association (PMSA), which represents ocean-carriers and terminal operators at ports throughout the state of California, appreciates this opportunity to comment on the South Coast Air Quality Management District's (SCAQMD) 2012 Air Quality Management Plan (AQMP) for PM 2.5. PMSA and our individual members have proactively worked with the local port authorities to develop a systematic approach to the reduction of air quality emissions through the implementation of the voluntary measures of the San Pedro Bay Ports Clean Air Action Plan (CAAP)". In addition, PMSA members have taken a leadership role in developing and implementing most of the measures included in the CAAP and by supporting the development of international standards and regulations. While PMSA and our members are proud of our contributions to air quality in and around the Ports of Los Angeles and Long Beach (Ports), we cannot support some of the measures of the 2012 Air Quality Management Plan because they are unnecessary, infeasible, and outside the authority of the SCAQMD.

ZZ - 1

First and foremost, we want to congratulate the SCAQMD on demonstrating in the 2012 AQMP that the Annual PM 2.5 National Ambient Air Quality Standard (NAAQS) of 15 µg/m<sup>3</sup> will be met by the attainment deadline of 2014. It is because of that success that the proposed Stationary Source Measure, IND-01, "Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Sources" is unnecessary. Besides the simple fact that the measure applies to both on-road and off-road mobile sources, and therefore it makes no sense to categorize it as a stationary or an area source, it also implies that the Ports somehow have legal authority to impose controls. The measures of the CAAP are by definition voluntary in nature as they must be since the Ports neither own nor operate the equipment.

Further, for either the SCAQMD or the Ports to regulate the equipment under this Port Backstop Measure the United States Environmental Protection Agency (EPA) would have to grant a waiver under the Clean Air Act. Even then it is difficult to envision how EPA could grant such a wide sweeping waiver since the regulation of locomotive equipment is specifically pre-empted under Section 209 of the act rendering the measure infeasible.

ZZ - 2

Even without the federal pre-emption issue the Port Backstop Control measure still fails to demonstrate feasibility since the 2012 AQMP fails to quantify the emissions benefits of the measure

ZZ - 3

Pacific Merchant Shipping Association  
300 OceanGate, 12<sup>th</sup> Floor, Long Beach, CA 90802

(562) 432-4042 fax (562) 432-4048

and further fails to disclose the cost of implementing the measure. Without any gauge of the cost or the benefit of the Port Backstop control it is not possible to determine if the measure is feasible and if feasibility cannot be clearly demonstrated then the control measure has no place in the current AQMP. It certainly makes no sense to imply if the region for some reason fails to achieve attainment of the PM 2.5 NAAQS that the Ports are somehow solely responsible for bringing the entire region back into attainment. Clearly, if the 2012 AQMP is wrong about achieving or maintaining attainment of the PM 2.5 NAAQS then the entire region, and all sources with the district must be re-evaluated to demonstrate attainment, not just the port sources.

ZZ - 3

For the same reasons listed above the Off-Road measures, OFFRD-04, "Further Emission Reductions from Ocean-Going Marine Vessels While at Berth" and OFFRD-05, "Emission Reductions from Ocean-Going Marine Vessels" should also be removed from the 2012 AQMP. Since these measures are clearly included under the umbrella of the Ports CAAP their listing here constitutes a double counting of the elements already included in IND-01. That is it would be a double counting if these measures were quantified and the costs of implantation estimated. Just as the measures for IND-01 fail to demonstrate need and feasibility so do these measures and they should be removed from the 2012 AQMP.

ZZ - 4

Regardless of whether these measures are included in the 2012 AQMP they will continue to provide air quality benefits to the regions. The Ports and their industry partners have developed an effect mechanism through the CAAP, that is now backstopped by state, federal, and international regulations that ensures that the fair share goal, and hence, the emission reductions alluded to by this AQMP, will be met. PMSA and our members are committed to the goals of the voluntary CAAP and therefore request that the SCAQMD remove the infeasible and unnecessary measures, IND-01, OFFRD-04, and OFFRD-05, from this AQMP.

Respectfully submitted,



Vice President

**Responses to Comment Letter ZZ**  
**PMSA**

**Response to Comment Letter ZZ-1:**

The comment asserts that PMSA has worked with the Ports on the Clean Air Action Plan, but that PMSA believes the Port Backstop Measure (IND-01) is not necessary, and should not be classified as a stationary source measure. Also the Ports lack legal authority over equipment they do not own or operate.

The AQMD staff appreciates the efforts of all parties in implementing the Clean Air Action Plan (CCAP). However, Measure IND-01 is still necessary because it serves to ensure that the emissions from port-related sources for future years will in fact be at or below the emissions included in the future year baseline emission inventories. These reductions are part of the emission reductions used to demonstrate attainment with the PM<sub>2.5</sub> standard and thus this measure is a necessary part of the PM<sub>2.5</sub> SIP. This measure is most appropriately categorized as an indirect source measure, rather than a stationary source measure, because it is directed at the ports based on the fact that the ports attract mobile sources of pollution. See 42 U.S.C. 7410(a)(5)(C). Indirect sources are considered a type of “nonvehicular” source, so that is why the measure appears under the stationary source category. 76 Ops. Cal. Atty. Gen. 11, 14 (1993). However, there should not be any confusion on this issue since the measure is entitled “IND-01”, standing for “indirect source.” Finally, it is the nature of many indirect source measures that the source does not own or operate the mobile sources which it attracts. For example, the AQMD’s Rule 2202 applies to employers of 250 or more, but the employer does not own or operate the commuter vehicles.

**Response to Comment Letter ZZ-2:**

The comment asserts that any regulation of port sources would require a waiver from U.S. EPA, under Clean Air Act Section 209, and that even EPA cannot grant a waiver for locomotive sources.

An indirect source regulation is not preempted by Clean Air Act Section 209 and may be valid even though it affects sources for which the Clean Air Act would require a waiver in order to establish an “emission standard.” *National Ass’n. of Home Builders v. San Joaquin Valley APCD*, 627 F. 3d 730 (9<sup>th</sup> Cir. 2010). Moreover, if any measures are later determined to require a waiver, AQMD would work with CARB to seek such a waiver. Updates to the AQMP and state SIP routinely include control measures that would require a waiver, even though the waiver has not yet been granted.

**Response to Comment Letter ZZ-3:**

The comment asserts that the AQMP fails to demonstrate feasibility for IND-01 because it fails to disclose the cost of implementing the measure. Further, the measure

should not imply that the ports are solely responsible for bringing the region into attainment if the region fails to timely attain the PM<sub>2.5</sub> standard.

IND-01 does not place the entire burden of attaining the standard on port-related sources but will evaluate the feasibility of further emission reductions from these sources using a “fair-share” methodology. This means the AQMD will seek reductions from all types of sources contributing to any nonattainment. This feasibility analysis would include all affected stakeholders. The costs of implementing the measure will depend on the amount of emission reductions needed to reach the targets of the measure, and so cannot be determined now.

**Response to Comment Letter ZZ-4:**

The comment asserts that the two off-road measures OFFRD-04 “Further Emission Reductions from Ocean-Going Marine Vessels While at Berth” and OFFRD-05, Emission Reductions from Ocean-Going Marine Vessels” should be removed from the AQMP because they are incorporated in measure IND-01, and are “double-counted” with the Port CAAP. Also, the measures fail to demonstrate need and feasibility.

Staff disagrees with this statement. First, OFFRD-04 and OFFRD-05 measures are designed to be implemented after IND-01, ensuring that the reductions are not included with those from measure IND-01. Second, both OFFRD-04 and OFFRD-05 target emission reductions that go beyond what is required in IND-01. In general IND-01 reductions are consistent with reductions expected from the state, federal, and international rules applicable to mobile sources operating at the ports. Reductions from both off-road measures would be realized by achieving compliance rates above those required by the applicable regulations. For example, OFFRD-04 targets emission reductions from vessels that are not subject to CARB’s shorepower regulation such as bulk cargo vessels and tankers, resulting in emission reductions not included in IND-01. Therefore, any emission reduction credit claimed in the SIP for these two measures would only be for reductions going beyond what is already assumed in the future year baseline inventories. Therefore, there would not be double-counting. As explained in Response to Comment ZZ-2, indirect source measures are not preempted by Section 209. Similarly, operational requirements or fuel requirements are not preempted by the Clean Air Act. *Engine Mfr’s Ass’n. v. EPA*, 88 F. 3d 1075 (D.C. Cir. 1996). To the extent the measures would require a waiver from U.S. EPA, the AQMD would work with CARB to obtain a waiver.

### AAA. Sierra Club Angeles Chapter, October 31, 2012



**SIERRA  
CLUB**  
FOUNDED 1892

**Sierra Club Angeles Chapter**  
3435 Wilshire Boulevard, Suite 320  
Los Angeles, CA 90010-1904  
213-387-4287  
[www.Angeles.SierraClub.org](http://www.Angeles.SierraClub.org)

Comments by Sierra Club Angeles Chapter on  
Draft South Coast Air Quality Management Plan (AQMP)

October 31, 2012, sent to: [2012aqmpcomments@aqmd.gov](mailto:2012aqmpcomments@aqmd.gov)

Dear South Coast Air Quality Management District,

For over a decade, the top priority of the Sierra Club has been stopping global warming to protect life on this planet. We are pleased with the emphasis placed in both the AQMP and PEIR on analyzing and reducing GHG emissions.

As the PEIR correctly reports, "Executive Order S-3-05, . . . established emission reduction . . . goals to . . . reduce GHG emissions . . . to 80 percent below 1990 levels by 2050." The SCAQMD is legally bound to comply with Executive Order S-3-05. Therefore the AQMP must show how it supports reduction of "GHG emissions . . . to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050."

Since there are many sources of GHG emissions in addition to fossil fuels, such as industrial processes, to achieve 80 percent below 1990 levels by 2050 means that essentially all use of fossil fuels for combustion (such as natural gas for electricity and hot water) must end by 2050. Since most large natural gas power plants have life expectancies of 40 years, it is past time for AQMP to state its policy is not to issue permits for any new large natural gas plants (peakers less than 50 MW to support renewables are acceptable if need is proven). This would support reductions of both NOx and GHG emissions.

A simple straight line extrapolation from 1990 levels by 2020 to 80 percent below 1990 levels by 2050 yields 40% percent below 1990 levels by 2035. Thus this AQMP must show how it is on track to reduce GHG emissions to 40% percent below 1990 levels by 2035, the final target date in this plan (and the SCAG RTP).

Thus it is time for SCAQMD to end support for natural gas, whether it is for large natural gas power plants, hot water heaters, or even some industrial uses, which could be supplied by solar hot water, especially concentrating solar. State goals are zero net energy new buildings (residential by 2020 and commercial by 2030). SCAQMD should support this by all feasible control measures, plus investigate how to require this on sales.

We also call to SCAQMD's attention Sierra Club California's formal opposition to new licensing of all new natural gas-fired electrical generation power plants (larger than 50 MW). The only exceptions are permitting of certain technologies using natural gas fuel (such as cogeneration plants, renewables with natural gas backup, large fuel cell facilities, biogas wheeling) only if they significantly reduce fossil fuel consumption and carbon emissions and protect air quality.

AAA - 1

This discussion has important implications for control measures, especially those that must begin now, because of the extremely slow turnover of residential, commercial, and government buildings. Some examples of such control measures would be as follows:

- Requiring solar PV electricity generation for new, major remodels, and sales of residences, commercial, industrial, and government buildings.
- Requiring solar thermal hot water generation for new and major remodels of residences, commercial, industrial and government buildings.
- Requiring solar thermal hot water generation for new swimming pools.
- Requiring industrial processes to install energy efficiency measures and convert as rapidly as possible to solar thermal hot water generation wherever feasible.
- Requiring all new and major remodels of all large commercial, industrial and government buildings to install additional solar thermal generation to supply heat in the winter and operate absorption chillers for cooling in the summer.
- Requiring district heating and cooling wherever feasible.
- Requiring use of waste heat and co-generation where feasible from fuel cells or other sources of heat in large commercial, industrial and government buildings.
- Requiring fleets to go to zero emission vehicles, such as battery electric vehicles charged by solar panels, or fuel cells fueled by hydrogen produced by solar electricity.
- Requiring electric vehicles charging stations to be installed in all businesses and commercial buildings above a minimum size.

AAA - 2

Mitigations for GHG effects of the use of natural gas need to be expanded. For example, Control Measure INC-01 must be amended to include efficiency and solar thermal for hot water and industrial processes. There also need to be additional control measures mandating implementation of the above requirements.

We oppose any fossil natural gas used in relation to Control measures IND-01, ONRD-01, ONRD-02, ONRD-03, ONRD-04, ONRD-05, OFFRD-01, OFFRD-02, OFFRD-04, ADV-01, ADV-02, ADV-03, ADV-06, and ADV-07, which have the potential to require the use of alternative fuels. If natural gas is involved, it is erroneous to state in PEIR 4.2-47 that: "Alternative fuels generate less GHG emissions when combusted compared to gasoline and diesel and generate less GHG emissions from production when compared to petroleum products. Therefore, no increase in GHG emissions is expected from the use of alternative fuels and no significant impacts are expected."

The reason for the Club's opposition is the latest science: "Using all available information and the latest climate science, we conclude that for most uses, the GHG footprint of shale gas is greater than that of other fossil fuels on time scales of up to 100 years. When used to generate electricity, the shale-gas footprint is still significantly greater than that of coal at decadal time scales but is less at the century scale. We reiterate our conclusion from our April 2011 paper that shale gas is not a suitable bridge fuel for the 21st Century." – from "Venting and leaking of methane from shale gas development," by Robert W. Howarth, Renee Santoro & Anthony Ingraffea, *Climatic Change* (2012) 113:537–549.

In addition, we suggest that the urgency of reducing climate change and GHG emissions be added to: EDU-01: FURTHER CRITERIA POLLUTANT REDUCTIONS FROM EDUCATION, OUTREACH AND INCENTIVES:

AAA - 3

The scientific consensus is that humanity has only a few years to divert from the fossil fuel path before irreversible tipping points are passed and climate change becomes runaway climate chaos. We are grateful AQMD has recognized this challenge and we call for redoubling of GHG reduction efforts.

Thank you for the opportunity to comment.

Jim Stewart, PhD, Chair  
Sierra Club Angeles Chapter Global Warming, Energy & Air Quality Committee  
213-487-9340 Fax: 310-362-8400 Cell: 213-820-4345



**Responses to Comment Letter AAA**  
**Sierra Club Angeles Chapter**

**Response to Comment Letter AAA-1:**

The primary purpose of the 2012 AQMP is to develop control strategies that bring the Basin into compliance with the federal fine particulate standard. We are working with the State in helping achieve the goals of S-3-05. The jointly developed document between SCAQMD, San Joaquin APCD, and the ARB “Vision for Clean Air: A Framework for Air Quality and Climate Planning” shows pathways on how we can achieve 2050 GHG reduction levels. As shown in the document there is not a single pathway that can be taken to meet the GHG goals and further development and implementation of transportation technologies is needed.

Mandating the requirement that no new natural gas powered power plants greater than 50MWs be built might not make the implementation of renewable energy sources possible. In addition, it is proven that natural gas provides cleaner combustion than gasoline and diesel combustion. The discussion below describes the intermittency that renewable energy sources add into the grid. There is a need to develop technologies at a faster rate that can help provide a more reliable grid with renewables without relying upon fossil generating sources.

**Response to Comment Letter AAA-2:**

The AQMD recognizes the clean air benefits renewable energy provides to both the electric power grid and other services such as hot water heating. Chapter 10 of the AQMP addresses the implementation of the States 33% renewable portfolio standard along with the benefits increased efficiency provides on reducing fuel and energy demands. This chapter shows the total energy consumption in Sothern California was near 2.1 quads in 2008 and is expected to show a slight 0.1 quad increase by 2023. However, the slight increase in projected energy use in Southern California will be met with an increase in energy prices; in 2008 close to \$54 billion was spent on energy and the projected cost of energy consumption in 2023 is \$74 billion. Overall the projected 5% increase in energy consumption is going to be met with a 27% increase in energy prices. As mentioned within this chapter, significant implementation of renewable energy coupled with the transportation system will help lower emissions, reduce impacts from volatile energy prices, help localize dollars spent on energy, and provide some isolation from increasing energy costs.

The AQMD endorses solar power as a clean air solution to help provide emission free electricity to residences and businesses whenever feasible. We have been an early supporter of implementing new solar technologies. At the AQMD headquarters, we currently have over 180kW of solar panels installed that are demonstrating three different solar technologies. Additionally, we are funding and undertaking several

technology demonstration projects that help address the limitations of solar, such as, coupling solar power production with energy storage to help with intermittency. We also promote the benefits electrification technologies provide to clean the air such as electric vehicles, and as mentioned earlier, advocate for the electrical supply to be from clean air sources such as renewables.

The prices of solar panels has come down nearly a third in the past couple of years due to less expensive ways to manufacture polysilicon, an increase in solar manufacturers, and expiring solar incentives in other countries. Resulting price declines have made PV solar very competitive with conventional generating technologies. This decline in prices has helped implement this technology in Southern California as there are now many solar installation companies that employ thousands in this sector. The recent increase in rooftop solar PV installations does not show any indication of slowing down in the near future since financing mechanisms have become available along with local incentives and federal tax credits. Additional incentives for solar installations are also likely in the near future as a portion of the revenues utilities start to receive from the CARB GHG Cap and Trade program under AB 32.

Unfortunately, solar power does not currently provide a standalone solution to providing all the electrical generation needs for Southern California. Until the intermittency problem is addressed, large storage technologies, and increased panel efficiencies become more cost effective, existing natural-gas fired power generating technologies are required to provide base loads, ramp rates, and other ancillary services such as frequency regulation to ensure a stable and reliable grid. Additionally, the clean air benefits renewable energy sources such as solar power provides in Southern California will be best realized as transportation technologies such as electrification are implemented at a faster rate.

In a Vision for Clean Air: A Framework for Air Quality and Climate Planning biofuels was presented as a one component among several to meet the GHG goals of the State. The use of biofuels does not typically provide an advantage in reducing criteria pollutants if they are combusted in standard IC engines such as diesels. Therefore in the document it was stated “In the longer-term, to meet the greenhouse gas targets, any combustion-based heavy-duty trucks would rely predominantly on efficiency and renewable and biofuel solutions. However, to achieve the air quality standards in the South Coast, a technology transition to zero- and near-zero emission trucks (e.g., electric, fuel cell, or hybrid with all electric range) to reduce NOx emissions is also needed.” In summary, staff supports the development and implementation of solar energy technologies to the maximum extent feasible and cost-effective. These technologies are not needed to attain the PM2.5 standards, but staff will continue to support solar technologies for attaining the ozone standards in the future

The primary objective of INC-01 is to develop programs that promote and encourage adoption and installation of cleaner, more-efficient combustion equipment with a focus on zero and near-zero emission technologies. The commenter's request to include "efficiency and solar thermal for hot water and industrial processes" in INC-01 is not necessary as those example are in concert with the goals of INC-01.

Some of the alternative technologies stated included using natural gas in cogeneration, using biogas, and large fuel cells. Currently the AQMD is funding demonstration projects with many of these technologies and alternative sources of fuel. Biogas can provide a good replacement for natural gas and has GHG benefits but currently has limited supply sources with high upfront costs to develop new sources. Generation sources using natural gas for fuel cells have many applications to provide a generation source and waste heat recovery for a building. The AQMD is currently installing a demonstration unit to further investigate these benefits. However, large fuel cells are currently very costly and the efficiency of the system with waste heat recovery is similar to a combined cycle power plant. As the costs of these systems come down they can be more widely implemented and have criteria pollutant emission benefits over large power generating facilities.

Some of the proposed control measures are covered under the Title 24 building standards. Many of the other proposed measures we support. However, as stated earlier many of these measures are costly to implement, some are broadly covered in the control measures, some are covered under the regulations or market programs in AB32, and many listed do not directly help bring the Basin into compliance with PM-2.5.

**Response to Comment Letter AAA-3:**

Many of the components of this educational control measure will reduce both criteria and GHG pollutants.

BBB. RadTech, October 31, 2012



October 31, 2012

Ms. Elaine Change  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

Re: Public comments 2012 Draft Air Quality Management Plan

Dear Elaine:

RadTech International is pleased to comment on the draft AQMP. RadTech supports the district's efforts to improve air quality in the Basin without sacrificing a healthy business climate and believes that the implementation of UV/EB technology can help accomplish both goals.

As you know, I am also a member of the district's AQMP advisory committee and have been making comments during those meetings as well. I would like to encourage the district to consider UV/EB technology as one of the many alternatives to achieve clean air standards. The table below gives a picture of the categories where our technology can play a role. A notation is included to differentiate between areas where the technology is currently being used versus areas where the technology is under development but not necessarily commercially available.

- [Rule 1103](#) Pharmaceuticals and Cosmetics Manufacturing Operations **CURRENT UV MARKET**  
(Amended March 12, 1999)
- [Rule 1104](#) Wood Flat Stock Coating Operations **CURRENT UV MARKET**  
(Amended August 13, 1999)
- [Rule 1106](#) Marine Coating Operations **Some UV and developing applications for UV**  
(Amended January 13, 1995)
- [Rule 1106.1](#) Pleasure Craft Coating Operations **Some UV and developing applications for UV**  
(Amended February 12, 1999)
- [Rule 1107](#) Coating of Metal Parts and Products **Current production using UV and new developing applications for UV**  
(Amended January 6, 2006)
- [Rule 1113](#) Architectural Coatings **Small amount of field applied coatings. Suppliers looking at long term solutions.**  
(Amended June 3, 2011)

BBB - 1

- [Rule 1115](#) Motor Vehicle Assembly Line Coating Operations **Proven and some low intensity UV. Future bright for UV**  
(Amended May 12, 1995)
- [Rule 1124](#) Aerospace Assembly and Component Manufacturing Operations **Some UV and developing applications for UV**  
(Amended September 21, 2001)
- [Rule 1125](#) Metal Container, Closure, and Coil Coating Operations **Many UV lines and proven technology for 2 piece and 3 piece production lines**  
  
(Amended March 7, 2008)
- [Rule 1126](#) Magnet Wire Coating Operations **Currently UV**  
(Amended January 13, 1995)
- [Rule 1128](#) Paper, Fabric, and Film Coating Operations **Currently UV**  
  
(Amended March 8, 1996)
- [Rule 1130](#) Graphic Arts **Currently UV**  
  
(Amended October 8, 1999)
- [Rule 1130.1](#) Screen Printing Operations **Currently UV**  
(Amended December 13, 1996)
- [Rule 1131](#) Food Product Manufacturing and Processing Operations **Some UV**  
(Adopted June 6, 2003)
- [Rule 1132](#) Further Control of VOC Emissions from High-Emitting Spray Booth Facilities **UV depending on source category**  
(Amended May 5, 2006)
- [Rule 1136](#) Wood Products Coatings **Currently UV**  
(Amended June 14, 1996)
- [Rule 1142](#) Marine Tank Vessel Operations **No UV but some potential**  
(Adopted July 19, 1991)
- [Rule 1145](#) Plastic, Rubber, and Glass Coatings **Currently UV**  
  
(Amended December 4, 2009)
- [Rule 1151](#) Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations **Potential UV**  
(Amended December 2, 2005)
- [Rule 1164](#) Semiconductor Manufacturing **Currently UV**  
  
(Amended January 13, 1995)

BBB - 1

[Rule 1168](#) Adhesive and Sealant Applications **Currently UV**  
(Amended January 7, 2005)

[Rule 1169](#) Hexavalent Chromium - Chrome Plating and Chromic Acid Anodizing  
(Repealed October 9, 1998) **Some UV in the form of replacing the metal with a plastic coatings operation to resemble the look of chrome**

BBB - 1

We commend district staff for proposing incentive programs such as INC-01 and INC-02, that encourage voluntary emission reductions. Unfortunately the current proposal does not make these programs available to stationary sources of VOCs. We urge the district to extend the incentives program to VOC stationary sources.

We have seen voluntary conversions to UV/EB technology, even without regulatory drivers. Typical UV/EB materials have VOC contents of less than 50 grams per liter. In contrast, the typical VOC limits in district rules are in the neighborhood of 300 grams per liter. The sources that have voluntarily converted and are achieving emission reductions above and beyond those required by district rules, get little if any, rewards for going the extra mile. Instead, we see incentive programs focusing on mobile sources while stationary sources are impacted by command and control approaches.

BBB - 2

We urge the staff to investigate an alternative approach that is less reliant on NOx reductions and which, may turn out to be more cost effective for industry.

We appreciate your attention to these issues and look forward to a productive rulemaking effort.

Sincerely

Rita M. Loof  
Director, Environmental Affairs

**Responses to Comment Letter BBB**  
**RadTech**

**Response to Comment BBB-1:**

The District appreciates the hard work that RadTech has invested in promoting cleaner coating technology and continues to support all companies that manufacture and use zero- and near-zero emission technologies. Control measure CTS-02 will focus on select coating, adhesive, solvent and lubricant categories, such as some of the rules listed by commenter, to further limit the allowable VOC content in formulations. Thus, cleaner coating technologies such as UV/EB technology can assist affected industry to comply.

**Response to Comment BBB-2:**

To meet the ozone standards, it will be important to achieve both NO<sub>x</sub> and VOC emission reductions. Based on the carrying capacity developed in the 2007 AQMP and the 2023 emission inventory developed in the 2012 AQMP, there will be a need to reduce NO<sub>x</sub> emissions by 65 percent from baseline and 3 percent VOC emissions from 2023 baseline in order to demonstrate attainment of the ozone standards. Thus, INC-01 was developed to target the stationary combustion sources that generate NO<sub>x</sub> emissions to assist in the “NO<sub>x</sub> heavy” reduction strategy. INC-02, however, does not focus on a particular pollutant or source type so manufacturers of zero- and near-zero emission technology are encouraged to take advantage of the expedited permitting and CEQA preparation benefits from INC-02. Previous incentive programs that have focused on mobile sources generally have done so because the implementing legislation specifies how the money must be spent.

**CCC. CA Council for Environmental and Economic Balance (CCEEB), October 31, 2012**



**California Council for Environmental and Economic Balance**  
100 Spear Street, Suite 805, San Francisco, California 94105  
415-512-7890 phone, 415-512-7897 fax, www.cceeb.org

October 31, 2012

Elaine Chang, Ph.D.  
SCAQMD  
21865 Copley Drive  
Diamond Bar, CA 91765

RE: Second Comment Letter – 2012 Draft AQMP

Dear Dr. Chang,

The California Council for Environmental and Economic Balance (CCEEB) is a coalition of California business, labor and public leaders that work together to advance strategies to achieve a sound economy and a healthy environment. Founded in 1973, CCEEB is a non-profit and non-partisan organization.

Our members have great interest in the Air Quality Management Plan (AQMP), as it serves as the basis for virtually all decisions made by the District with regard to its control strategy. Collectively, our members spend hundreds of millions of dollars with their operations in the South Coast Air Basin and provide jobs to thousands of South Coast residents. Our goal is to work with the District and its Governing Board to help develop an AQMP that:

- Meets state and federal obligations,
- Provides a clear path forward to allow our members and all stakeholders to make sound investment decisions,
- Reduces emissions fairly across different emissions sources, recognizing limits in regulatory authority, cost effectiveness and technological feasibility, and
- Achieves needed emission reductions while protecting the economic vitality of the region.

This letter is CCEEB's second set of written comments on this plan. In addition, we have met with you, your staff and Dr. Wallerstein on numerous occasions as well as with several members of your Governing Board. Throughout all of this interaction, we have seen great improvement to the plan, yet there remain three areas of significant concern.

CCC - 1



Elaine Chang, Dr. P.H.  
October 31, 2012  
Page 2

Scope

Since this process has begun, CCEEB has expressed its view that this plan should focus on PM<sub>2.5</sub>. EPA requires the SCAQMD to submit a 2012 AQMP to show attainment of the 24-hour PM<sub>2.5</sub> standard by 2014. EPA does not require this plan to address ozone. CCEEB recommends that the 2012 AQMP be limited to PM<sub>2.5</sub>.

CCC - 1

One-Hour Ozone Attainment Demonstration

CCEEB is well aware of the enormous challenge facing the District with regard to ozone, and staff's desire to begin to identify specific control measures that will reduce the size of the so-called "black box" under Section 182(e)(5). CCEEB is also aware of the proposed action by EPA calling for the submittal of a revised AQMP providing for attainment of the 1-hour ozone standard. The proposed action was published in the Federal Register on September 19, 2012, and the comment deadline was recently extended to November 8, 2012. Following a review period to respond to comments, we expect EPA to finalize the rule in 60 to 90 days. It is our understanding that the District would then have one year to submit the 1-hour attainment plan to EPA.

CCC - 2

Given this time frame, and the fact that we do not even have a final rule, we see no logical reason to include the 1-hour ozone attainment demonstration in the 2012 AQMP. Rather, we see this as an opportunity to gain a full understanding of the technological feasibility and cost effectiveness of measures necessary to meet the 1-hour standard. We recommend submittal of the 1-hour ozone attainment demonstration to EPA at a time much closer to its actual due date.

RECLAIM

CCEEB is highly concerned with the possibility of having multiple rulemakings with multiple shaves in the NOx RECLAIM program over the next few years. We strongly recommend that the District address any shave to the NOx RECLAIM program through one rulemaking based on a control measure in the 1-hour ozone submittal. The Southern California economy is slowly recovering from recession. Particularly in this fragile period, businesses in the RECLAIM program want greater certainty in order to plan for required emission reductions and to assess the market. This District can best address the need for planning certainty through one rulemaking.

CCC - 3

As we understand the current 2012 AQMP proposal, facilities would face a potential 2-3 tpd shave in 2015 as a contingency measure if attainment for PM<sub>2.5</sub> is not met by end of 2014. In a second phase, staff would determine the amount of the shave through an extensive BARCT analysis to meet the requirements of the proposed SIP call for the 1-hour ozone standard. This shave would include the 2-3 tpd Phase I reductions if PM<sub>2.5</sub> attainment is met. An additional shave could be included as a control measure in the 2015 AQMP for ozone. Because so little is known about these shaves (e.g., percent reduction, timing, impacted facilities, etc.), a high level of uncertainty results for those in the program, which in turn severely jeopardizes business decisions necessary to establish long-range capital and compliance plans.

Elaine Chang, Dr. P.H.  
October 31, 2012  
Page 3

With regard to the NOx RECLAIM program, CCEEB recommends the following actions:

- Base any shave on an extensive BARCT analysis.
- Address any shave to the program through one rulemaking.
- Remove RECLAIM as a contingency measure in the 2012 AQMP. The 14 to 1 ratio to achieve credit for PM reductions from NOx makes this control measure cost prohibitive, even as a contingency measure.
- Shift the currently proposed Phase 2 RECLAIM shave from the 2012 AQMP to the 1-hour ozone submittal expected to occur in just over a year. Include a full BARCT analysis to determine the appropriate level of the shave.
- Provide assurance to industry, to the extent possible, that it is the District's intent that the control measure in the 1-hour ozone submittal will satisfy any NOx RECLAIM measure in the 2015 ozone AQMP.

CCC - 3

Thank you for considering our views. We would be pleased to discuss our comments with you and your staff at any time.

Sincerely,



William J. Quinn  
Vice President & Chief Operating Officer

cc: Dr. Barry Wallerstein  
Dr. Phillip Fine  
Mr. Gerald D. Secundy

**Responses to Comment Letter CCC**  
**CCEEB**

**Response to Comment CCC-1:**

Staff believes that given the short timeframe and the fact that a significant fraction of the large amount of emission reductions needed to meet the 8-hour ozone standard by 2023 is still from yet to be specified “black box” measures, it is important to identify specific measures to achieve the needed reductions as soon as possible. Comments and potential litigation on U.S. EPA’s approval of the 2007 ozone SIP have called into question the relative size and reliance on “black box” measures to demonstration ozone attainment. Making SIP commitments for reductions when they are identified as feasible demonstrates AQMD’s commitment to reduce reliance on “black box” measures as attainment deadlines approach.

**Response to Comment CCC-2:**

A requirement for the submittal of an attainment demonstration for the revoked 1-hour ozone standard has been proposed by U.S. EPA, and the submittal will be due by late 2013 or early 2014. As the commenter is aware, the emissions inventory, control strategy and RACT/RACM analysis has already been developed for the 2012 AQMP, and because attainment of the 1-hour standard is based on the same strategy as that proposed for the 8-hour ozone standard (although both Plans rely on “black box” reductions). As such, staff was able to complete an attainment demonstration for the 1-hour ozone standard as an Appendix to the 2012 AQMP. Staff believes that there is no reason to wait until the 1-hour ozone attainment demonstration is due given that no new measures are being proposed and the work has been completed. Utilizing the current 2012 AQMP emissions inventory, modeling framework and public process is the most efficient use of resources and time. Furthermore, there is little current or expected guidance from U.S. EPA on the technical approach to the 1-hour ozone attainment demonstration. Staff believes it has developed the most reasonable approach, and that submitting the 1-hour ozone attainment demonstration with the 2012 AQMP will be the best way to promote and get feedback on this approach from U.S. EPA.

**Response to Comment CCC-3:**

The NO<sub>x</sub> shave (Phase I of CMB-01) will target surplus unused RTC’s currently in the NO<sub>x</sub> RECLAIM market as a contingency measure to satisfy CAA requirement to be triggered if the NAAQS is not attained by 2014. This is a necessary contingency measure because the excess of reductions from wood burning curtailment is not enough to meet the EPA requirement of one-year’s worth of emission reductions. The two ton per day target represents approximately 25 percent of the un-used RTC’s in the RECLAIM universe. The two ton per day shave proposed in the 2012 AQMP is expected to have only a minor impact on the program as a whole. As such, staff plans to commence the rule amendment process in late 2012 targeting a midyear 2013

adoption date. While staff acknowledges that the economic turndown post 2008 had an impact on the RECLAIM market. The current RECLAIM market has approximately one third (8 TPD) of the total RTC's not being utilized. Staff recognizes that this is an aggressive timetable; regardless every effort will be made to expedite the rule amendment process. The CAA requires that contingency measures be fully adopted and in place prior to the attainment date. While the contingency measure is targeted for implementation in 2015, U.S. EPA will take into consideration the progress (or completion) of the rule amendment when evaluating the Draft 2012 AQMP for completeness prior to making its recommendation on the plan's approval. Staff believes that as long as the rule making process is well under way with a reasonable date established for the Public Hearing, that U.S. EPA will not consider this as a barrier to the evaluation and approval process.

The two tons per days reduction proposed for the 1<sup>st</sup> phase of the RECLAIM shave will be incorporated as a contingency emissions reduction measure to satisfy CAA requirement to be triggered if the NAAQS is not attained by 2014. If not triggered, the 2 TPD shave will be rolled into the proposed Phase II BARCT rule amendment process. This process will undergo a full assessment of available technology, costs, affordability, and market impacts to the RECLAIM stakeholder community, as well as a fully transparent public evaluation of the potential for emissions reductions. The BARCT assessment phase of the NOx RECLAIM shave is to be completed in 2015 and fully achieved by 2020.

## DDD. The Port of Los Angeles, Port of Long Beach, October 31, 2012



October 31, 2012

Barry Wallerstein, D. Env.  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

**Re: Supplemental Comments on the Revised Draft 2012 Air Quality Management Plan**

Dear Dr. Wallerstein:

The Port of Long Beach and Port of Los Angeles (ports) are submitting this comment letter to add to comments previously submitted on August 30, 2012.

As members of the South Coast Air Quality Management District's (AQMD) 2012 Air Quality Management Plan (AQMP) Advisory Committee, the ports have worked with AQMD staff to provide comments on the draft plan, including the emissions data being used. Included in this effort, ports' staff provided the 2008 base year emissions inventories for the port sources based on the most recent methodologies agreed upon by the Technical Working Group (TWG) in the ports' 2011 air emissions inventories.

As noted in the Draft AQMP, "*An effective AQMP relies on an adequate emission inventory.*" Discrepancies exist between the emissions inventories prepared by the ports and the inventory prepared by the AQMD. The emissions shown in the Draft 2012 AQMP are different from those prepared by the ports in cooperation with the AQMD, California Air Resources Board, and Environmental Protection Agency, during development of the San Pedro Bay Standards. If the AQMD's emissions projections for achieving attainment are incorrect, the concerns expressed in our August 30 comments are greatly increased. The emissions projections drive both the Measure IND-01 analysis and the PM2.5 analysis. The basis for the Draft 2012 AQMP emissions projections is impossible to determine, because the assumptions and methodologies (including control factors and growth factors) are not disclosed.

DDD - 1

Port of Los Angeles • Environmental Management  
S. Palos Verdes Street • San Pedro • CA 90731 • 310-732-3675

Port of Long Beach • Environmental Planning  
925 Harbor Plaza • Long Beach • CA 90802 • 562-590-4160

The San Pedro Bay Ports Clean Air Action Plan was developed with the participation and cooperation of the staff of the US Environmental Protection Agency.

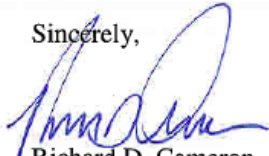
Dr. Wallerstein  
October 31, 2012  
Page -2-

Additionally, it concerns the ports that the AQMP has made a commitment to Measure IND-01 before AQMD has released details of its intended implementation actions against the ports, or the socioeconomic and other analyses for such actions. Elaine Chang admitted at the AQMD's October 24, 2012, meeting that it is unknown what a port compliance plan would include and that AQMD would develop it during a future rulemaking process. This violates due process, to commit to implement an AQMP measure without disclosing what AQMD's actions against the ports will be under the backstop measure, as it deprives the public and the ports of the opportunity to review and comment to influence the decision, prior to committing to it in the AQMP.

DDD - 2

This further demonstrates that the collaborative process established by the ports and the air quality regulatory agencies remains the most appropriate forum to identify and implement strategies to reduce emissions from port-related sources.

Sincerely,



Richard D. Cameron  
Director of Environmental Planning  
Port of Long Beach



Christopher Cannon  
Director of Environmental Management  
Port of Los Angeles

AT:s

cc: Peter Greenwald, South Coast Air Quality Management District  
Elaine Chang, South Coast Air Quality Management District  
Henry Hogo, South Coast Air Quality Management District  
Randall Pasek, South Coast Air Quality Management District  
Cynthia Marvin, California Air Resources Board  
Roxanne Johnson, Environmental Protection Agency, Region 9  
Robert Kanter, Port of Long Beach  
Dominic Holzhaus, Deputy City Attorney, City of Long Beach  
Joy Crose, Assistant General Counsel, City of Los Angeles

**Responses to Comment Letter DDD**  
**The Port of Los Angeles, Port of Long Beach**

**Response to Comment DDD-1:**

The commenter states that the Ports' specific emission inventories prepared by the AQMD are different than those prepared by the Ports and the assumptions and methodologies are not disclosed. AQMD staff disagrees with this statement. The inventory development, including the methodologies and assumptions were shared in a September 5<sup>th</sup> email to Port staff. In the email we explained that the Ports' 2008 inventory (updated by Port staff using 2011 emission inventory methodologies) was used as received as the baseline inventory. All future year projected inventories were generated from the 2008 baseline inventory and were calculated using growth and control assumptions consistent to those in CARB's approved mobile source inventory models. In summary, the Ports' emission inventory shown in the Draft 2012 AQMP was developed using the Ports' official inventory as the foundation for the baseline and forecasted inventories and is appropriate to use in the PM2.5 and Measure IND-01 analyses.

**Response to Comment DDD-2:**

The AQMD staff disagrees with the comment that the inclusion of Control Measure IND-01 in the 2012 AQMP violates due process. This measure would establish targets for NO<sub>x</sub>, SO<sub>x</sub>, and PM<sub>2.5</sub> for 2014 that are based on current and projected emission inventories resulting from adopted rules and other measures such as railroad MOUs. In addition, assumptions used in the development of emission inventories for port-related sources such as ocean-going vessel speeds also contribute to the emission targets. Based on current and future emission inventory projections these rules and measures will be sufficient to achieve attainment of the 24-hr federal PM<sub>2.5</sub> ambient air quality standard by 2014. Requirements adopted pursuant to this measure will become effective only if emission levels exceed the established targets. Once triggered, the ports will be required to develop and implement a plan to reduce emissions from port-related sources to meet the emission targets over a specified time period. The time period to achieve emission targets and any requirements to maintain attainment will be established during rulemaking.

Actions required by the ports under IND-01, have been furthered outlined in the revised control measure write-up. Additional clarification has also been provided on emission targets, triggers, cost-effectiveness and feasibility. However, it is beyond the scope of the control measure write-up to completely establish every detail that would normally be covered thorough a rule development process spanning a several month process. Specific rule requirements are best developed using a collaborative process where AQMD staff works with all stakeholders such as affected sources, environmental community, other agencies, and interested public members. Through the rule

development process the AQMD staff will establish a working group, hold a series of working group meetings, and hold public workshops. In addition, the emissions inventory and targets will reviewed and may be refined if necessary.



EEE. California Small Business Alliance, November 12, 2012



November 12, 2012

Elaine C. Chang, Dr. P.H.  
Deputy Executive Officer  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765

California Autobody Association

California Cleaners Association

California Film Extruders & Converters Association

California Furniture Manufacturers Association

California Independent Petroleum Association

Construction Industry Air Quality Coalition

Korean Drycleaners-Laundry Association of Southern California

Metal Finishing Association of Southern California

Printing Industries of California

Screenprinting & Graphic Imaging Association International

Southern California Rock Products Association

**COMMENTS ON THE DRAFT 2012 AQMP**

Dear Dr. Chang:

The California Small Business Alliance (Alliance) is a non-partisan coalition of California trade associations committed to providing small businesses with a single constructive voice before air quality management districts and other environmental regulatory agencies. As active participants in the Air Quality Management Plan (AQMP) Advisory Group, Alliance members have been continuously engaged in the development of the plan. Our members were also participants in the review of the report on the health impacts of particulate matter and the effects of other major pollutants in the South Coast Air Basin (SCAB), in conjunction with the preparation of the revised plan. Finally, Alliance members have been actively engaged in the ongoing dialog with other stakeholders representing a broad cross section of business interests, neighborhood community organizations, and local, state and federal agencies. Now, with the last round of public workshops involving the draft plan about to take place, Alliance members want to take this opportunity to offer our comments prior to the plan being presented to the governing board for review and adoption consideration.

**A Fair Share Approach to Clean Air**

In our comment letter on the 2007 AQMP, we credited the district for their efforts in helping to improve the air quality in the SCAB over the past 30 years. We also noted that these year-over-year improvements were due in large measure to the unwavering commitment by business owners to improve their processes and increase operational efficiency more for competitive reasons than because of increased regulatory burdens. Finally, in our letter we commented on the disturbing inequities in the plan with regard to the inequitable commitments by other agencies - particularly the California Air Resources Board (CARB) and the U. S. Environmental Protection Agency (EPA) - for achieving their portion of future emissions reductions as a condition of meeting targeted air quality standards. Regrettably, we see that these inequities have carried over into the 2012 AQMP.

EEE - 1

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Elaine C. Chang, Dr. P.H.  
South Coast Air Quality Management District

Re: COMMENTS ON THE DRAFT 2012 AQMP  
November 12, 2012

With each revision of the AQMP emissions from stationary sources (particularly small businesses) have become less of a factor in solving the overall complex problem of improving air quality in the SCAB. It should be common knowledge that timely attainment of federal standards can be achieved only when all agencies - not just the SCAQMD - assume their fair share of reducing emissions from the sources under their control.

EEE - 1

The 2012 AQMP, whether it is a plan containing specific control measures for only PM<sub>2.5</sub>, or a plan which also includes explicit control measures for Ozone, is not likely to include similar comprehensive strategies and commitments by state and federal agencies to reduce emissions under their jurisdiction unless action is taken by the staff and governing board to shed light on the reluctance of these two agencies to be more proactive and engaged in reducing emissions. Unless this happens, the plan will contain only CARB's and EPA's *vision for clean air* in future years. And, unfortunately, the vision isn't so clear as to offer businesses, especially small businesses, some idea of how much it will add to the cost of doing business in California.

The Draft Socioeconomic Impact Report, while claiming to be "*...a rigorous application of statistical analysis and computer modeling to assess the potential impacts of the overall suite of control measures*" skillfully sidesteps the basic need for business owners to be able to anticipate the cost of doing business in the foreseeable future. The only explanation which the Staff offers is to write that "*...competitiveness of individual business sectors will be analyzed in detail during ensuing rulemaking processes*" leaving those in the business community questioning just how rigorous, reliable and useful the statistical analysis and computer modeling really is.

EEE - 2

In the Draft Socioeconomic Impact Report, the Staff write, in part, that: "*the total benefit of the Draft Plan is expected to exceed \$10.7 billion annually since not all of the benefits associated with the implementation of the Draft Plan can be quantified.*" Staff asserts that quantified health benefits only account for reduced exposure from PM<sub>2.5</sub>, while those from decreased exposure to Ozone and nitrogen dioxides are not included. In conclusion, Staff writes that "*further research is needed before these benefits can be quantified.*" Alliance members have maintained in previous AQMPs, as well as in this one, that if agencies are unable or unwilling to quantify the benefits or the costs of the control measures they seek to enforce, it is irresponsible and unconscionable for them to impose such measures on the communities under their jurisdiction.

EEE - 3

**The Potential Effects of the AQMP on Employment**

In much the same fashion as with the 2007 AQMP, the Draft 2012 AQMP proclaims to be an indispensable ingredient in the recipe for a healthy environment and economy going forward. Then, and now, we believe we have good reason to question the reliability of the data and assumptions used to compile the socioeconomic impact reports of both AQMPs.

Elaine C. Chang, Dr. P.H.  
South Coast Air Quality Management District

**Re: COMMENTS ON THE DRAFT 2012 AQMP**  
November 12, 2012

Both AQMPs were proclaimed to be job creators. In fact, the authors of the 2007 AQMP wrote that "... without the 2007 AQMP, jobs in the four-county area are projected to grow at an annual rate of about 0.93 percent between 2007 and 2025, which would be approximately 95,000 jobs per year. Cleaner air from the 2007 AQMP would result in an additional 61,409 jobs created per year." In spite of the optimistic projections of the district's economists, computer modelers and consultants, hindsight and the National Bureau of Economic Research, tells us that December 2007 marked the date of the worst economic downturn in the United States since the Great Depression; a phenomena that was missed completely in the development of the 2007 Socioeconomic Impact Report. Another look back in history tells us that the Great Recession officially ended in June 2009, yet in California the devastation continues with double digit unemployment still existing in all but one of the four counties under the district's jurisdiction. Well over a million people are still unemployed or underemployed in the region. In Southern California, a few small businesses are selectively hiring, but most are still struggling to stay afloat.

EEE - 4

While we were encouraged to read that the district intends to " .... work closely with businesses and industry groups to identify the most cost-effective and efficient path to meeting clean air goals while being sensitive to their economic concerns," history tells us that whenever rulemaking involves a control measure which has been included in a State Implementation Plan (SIP), it is too late because the Staff seems to lose whatever discretion they might have had to be sensitive to business because the approved AQMP and SIP takes precedence over all else.

With the district acknowledging that while job gains from cleaner air would benefit all wage groups, all groups would nevertheless experience jobs forgone from control measures. Despite Staff's good intentions to evaluate possible negative impacts of certain control measures during individual rule development, we remain convinced that this too late in the game to be sensitive to business. Analysis of this type must begin before control measures are put into the SIP and become binding legal commitments to the federal government, regardless of the cost and administrative burden they impose upon struggling small businesses.

EEE - 5

**An AQMP for PM2.5 or for PM2.5 and Ozone**

We appreciate Staff's forthrightness in alerting us to the fact that the Draft AQMP for both PM2.5 and Ozone would carry a higher cost than the PM Strategy Only Alternative. Apparently, Staff also believes it would produce greater reductions of both pollutants, as well. Since the Alliance is part of a broader coalition of business interests, we will defer any direct comments on this subject to correspondence from the larger coalition.

**Health Impacts and Benefits of the 2012 AQMP**

Since a representative of the Alliance was seated on the AQMP Advisory Council, for the purpose of reviewing and commenting on Appendix I, and since a letter was submitted earlier reflecting our views on this subject, we believe we have made our views a matter of public record and will refrain from offering any additional comments.

Elaine C. Chang, Dr. P.H.

South Coast Air Quality Management District

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November 12, 2012

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Elaine C. Chang, Dr. P.H.  
South Coast Air Quality Management District

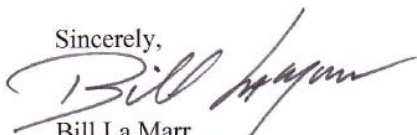
Re: COMMENTS ON THE DRAFT 2012 AQMP  
November 12, 2012

**Refinements to the Socioeconomic Report**

While we appreciate Staff's inference that the Socioeconomic Impact Report in any AQMP is typically a contentious subject. Further, we appreciate that Staff has itemized a number of enhancements that they might consider investigating in future years with a view towards refining future reports. These commitments and good intentions, however, will do nothing for the 2012 AQMP. What is even more disconcerting is that small businesses are hurting TODAY. Sadly, some will not be around for another AQMP because of a variety of factors, including the rulemaking that is certain to result once this AQMP has been approved and incorporated in the new SIP. In past AQMP Advisory Group sessions, the Staff has shown a propensity for acknowledging the concerns expressed by representatives of the business community over cost-effectiveness, affordability, and technical viability of certain control measures, but never really resolving the issues. And this gives us little comfort that things will be different in the future. One recent example of this failing is a recent verbal commitment that was made by a senior staff member at the last public workshop on this very Socioeconomic Impact Report. It was during the proceedings that the staff member committed to involving the U. S. Small Business Administration in the development of the next AQMP. We hope that by not seeing this commitment in the last draft of the AQMP that it is nothing more than an oversight, and not a change of heart.

In closing, I want to express my appreciation, and that of the other members of the Alliance, for inviting us to be represented on the AQMP Advisory Group, and for allowing us to comment.

Sincerely,



Bill La Marr  
Executive Officer

cc: Joe Cassmassi, Planning & Rules Manager - SCAQMD

**Responses to Comment Letter EEE**  
**California Small Business Alliance**

**Response to Comment EEE-1:**

Fair share is one of the design principles the SCAQMD Governing Board directed the staff to pursue in developing AQMPs. It should also be noted that there are other design principles such as taking the most efficient path to clean air, choosing all feasible measures, and minimizing socioeconomic impacts.

There are also state law requirements to implement all feasible measures. One of the principles is the same as noted by the commenter to promote fair share responsibility. The development of the control measures were guided by a list of criteria located in Chapter 4 of the 2012 AQMP that includes evaluating proposed control measures based on cost effectiveness.

For the PM<sub>2.5</sub> control strategy, wood burning curtailment was determined to have minimal cost impact (see Chapter 6 of the 2012 AQMP) and is an all feasible measure because wood burning curtailment is successfully implemented elsewhere in California, such as Bay Area and San Joaquin Valley. With wood burning curtailment, the 24-hour PM<sub>2.5</sub> standard will be achieved by 2014 with an anticipated excess emission reduction that will be applied to contingency requirement compliance. Thus, no other PM<sub>2.5</sub> reduction from other agencies is necessary. CEQA Alternative 3 also illustrated that if the attainment demonstration relies on mobile source NO<sub>x</sub>/PM<sub>2.5</sub> reductions, the Basin will not meet the PM<sub>2.5</sub> standard until 2017 and at a much higher cost to the business community, including small business.

With regard to the ozone measures, the 2012 AQMP provides 11 tons per day (tpd) of NO<sub>x</sub> emission reductions from stationary (3 tpd) and mobile (8 tpd) sources. This reduction is five percent of the estimated NO<sub>x</sub> emission reductions of 200 tpd needed to achieve attainment of the 8-hour ozone standard (80 ppb) by 2023 and the stationary source contribution is less than 30 percent of total proposed reductions. Even more NO<sub>x</sub> reductions will be necessary to meet the lower 8-hour ozone standard of 75 ppb by 2032. Therefore, in order to demonstrate attainment of the 8-hour ozone standard, a substantial amount of NO<sub>x</sub> emission reductions will be necessary. In any case, since mobile sources contribute 80 percent of the total NO<sub>x</sub> emissions, we do agree that it is imperative that reducing NO<sub>x</sub> emission from mobile sources thru agencies who have primary authority over regulating mobile source emissions, such as CARB and U.S. EPA, need to do their fair share of reductions.

**Response to Comment EEE-2:**

Table 3-1 of the Draft socioeconomic report shows the cost that each industry would experience in order to implement control measures in the 2012 AQMP. The entire Chapter 6 is devoted to competitiveness issues in terms of region's share of national

jobs, cost of doing business, delivered prices, imports, and exports. As each measure goes through rulemaking, more detailed data will be developed. Thus, more detailed analyses can be rendered.

**Response to Comment EEE-3:**

Quantifiable clean air benefits accrued to ozone and nitrogen dioxides are not analyzed in the 2012 AQMP due to resource constraints. Unquantifiable benefits (known, suspected, or unknown effects), as denoted in Figure 3-4, will be the focus of future research.

**Response to Comment EEE-4:**

Socioeconomic analyses of the AQMPs examine the impact of an AQMP relative to the baseline projection of the underlying economy. The impact reflects changes from the baseline, but is not part of the baseline. Historical events, such as the Great Recession, were considered in constructing the baseline. The AQMD is cognizant of the lingering unemployment due to the Great Recession and wants to make sure that implementation of the 2012 AQMP not render adverse impacts on the local economy, as evidenced in the Socioeconomic Report.

**Response to Comment EEE-5:**

The benefit of cleaner air exceeds the cost of control measures, as shown in the socioeconomic report. When considering the total impact of cost and benefit on the local economy, the socioeconomic report shows that all wage groups would experience job gains.

FFF. SASOL, November 12, 2012



November 12, 2012, 2012

Dr. Elaine Chang  
Air Resource Board  
Sacramento, CA 95811

Dear Dr. Elaine Chang,

Subject: Air Resource Board Plan

Sasol North America appreciates the opportunity to comment on the proposed rulemaking considered for the LVP-VOC solvents discussed during the California Air Resource Board workshop on September 12, 2012.

As you know, Sasol North America produces surfactants, surfactant intermediates, long chain alcohols as well as some highly refined hydrocarbon solvents and paraffins. These products are used in many consumer products and as a result we have been actively involved in past California Air Resource Board consumer product workshops. We hope our efforts have proved helpful to CARB staff in crafting mutually acceptable regulations that help reduce air pollution in the state. This letter provides Sasol North America's comments on the proposal to change the consumer product's LVP-VOC exemption.

**Sasol North America strongly urges CARB not to remove the LVP-VOC exemption from Consumer Products.** We believe that the enforcement concern on multi-purpose solvents and paint thinner products that introduced the LVP-VOC issue can be easily handled by the other proposed solutions presented by CARB during the workshop. These solutions; product definition changes or most restrictive limit provisions changes, are the preferred solution since they clarify the regulation requirements, resolve the issue with the category in question, and have minimal regulatory ramifications for other consumer products. Sasol is in favor of using these approaches rather than changing the LVP-VOC exemption.

**The proposal by SCAQMD to change or remove the LVP-VOC exemption is strongly opposed by Sasol North America for the following reasons.**

1. Changing the statewide LVP-VOC exemption for the purpose of resolving an issue with one or two consumer product categories is a needlessly severe response with wide ranging repercussions. Changing the LVP-VOC criteria would eventually affect other consumer products and result in a wholesale re-evaluation of all consumer product categories that use LVP-VOCs. The argument that the LVP-VOC change would only affect the multi-purpose solvents and paint thinner products is ultimately untenable in today's environmental and litigious society.
2. One of the comments during the workshop was that the existing vapor pressure requirement for LVP-VOCs is "arbitrary" and thus should be reviewed (and changed). The argument that a regulatory requirement is arbitrary is misleading. SCAQMD's paper<sup>i</sup> lists differences in VOC regulations between the United States, European Union and

FFF-1

FFF-2

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- Canada, and Green Seal. What was not noted is that these regulatory differences reflect the different requirements and goals put on the regulatory bodies by the individual governments or sponsors. For the California Air Resource Board, there is a requirement for regulations to be both technological and commercially feasible. The LVP-VOC exemption was a result regulatory staff working with industry input. The claim that CARB's LVP-VOC regulations, including the LVP-VOC vapor pressure cut-off, are "arbitrary" unfairly and wrongly dismisses the significant efforts of CARB staff and industry that resulted in these regulations and does not seem to us as a valid argument. FFF-2
3. An associated argument is that the LVP-VOC materials have been demonstrated to be volatile by SCAQMD. This is not new information. The argument that these materials were not known to volatilize is refuted by the material designation in the existing regulations as "low vapor pressure *volatile* organic compounds" (LVP-VOCs). SCAQMD desires that "volatile" be redefined by whether a material evaporates within a six month period in a non-climate controlled area with a significant temperature and humidity range (or by a quicker laboratory test that mimics these results). We disagree with this approach for the following reasons FFF-3
- a. The main issue is whether the "volatile" materials are available for ozone formation. SCAQMD assumes that available means the same as volatile. However, many LVP-VOC materials have been tested for biodegradability and are considered readily biodegradable. This means within 28 days they undergo significant decomposition, converting to CO<sub>2</sub>, water, or biomass. This is certainly the case for most materials that go down the drain, but also the case for some products that are used and absorbed into substrates. The 180 day "volatility" period proposed by SCAQMD exceeds this period by a factor of six and appears to be set up to exclude substrate or biodegradability issues. This unfairly assumes LVP-VOC availability to make ozone when it is not.
  - b. In order to obtain reproducible results, the ASTM D-3539 test method for determining evaporation rates specifically sets limits on the liquid amount, surface area of the fluid, temperature, humidity, air flow, and specifies repeat determinations. This was not done in the SCAQMD study or at least was not apparent from the paper. In fact, SCAQMD gives ranges some of the important physical variables. This is not conducive to obtaining reproducible results.
  - c. We note that this approach will raise severe issues for the MIR regulations as well, since MIR testing does not look at availability. For example, it is claimed in the SCAQMD paper that glycerol is "clearly non-volatile" and is "not available to contribute to ozone formation". This is in opposition to the reported MIR value for glycerol of 3.15, a significant discrepancy since an MIR value of 3.15 is considered high and tends to discourage its use by formulators. Thus a change in the LVP-VOC regulations to a volatility range may affect the MIR regulations as well.
4. We note in passing a discrepancy in the proposed VOC method change; to "consider specifying that VOC content is defined as total volatile content as determined using U.S. EPA Method 24..." (see slide 32 of the public workshop slides). EPA method 24 however is described in the SCAQMD paper "unable to yield reproducible VOC content results...". In fact the associated ASTM method D-2369 referenced by EPA method 24 FFF-4



- refers to several other test methods for determining VOCs for different types of materials.
5. It is uncertain whether removing the LVP-VOC exemption would result in significant VOC emission reductions. Re-evaluation of the technological and commercial feasibility of affected products may actually result in higher ozone production potential previously demonstrated as an argument for the MIR regulations. Additionally, there are fewer options and production capability for the less volatile materials, especially hydrocarbon based materials. A review of the various hydrocarbons produced by a barrel of oil show a progressively smaller amount of high molecular weight materials available from a typical refinery. Purposely isolating some of these materials for use in consumer products will increase costs. Price conscious consumers have already demonstrated that they are willing to compound their own products when commercial products are too costly or do not function as well due to reformulations as seen by recipes available on the internet for various consumer product categories.

FFF-4

FFF-5

Sasol North America is particularly concerned with the fact that there is not enough research conducted to justify the proposed changes in the LVP-VOC regulations and we strongly urge the California Air Resource Board not to change these regulations. We look forward to working with CARB to make sure that future regulations and VOC limits are feasible, based on good science, and can improve California's air quality in a meaningful way.

Sincerely,

Wayne Sorensen and Nomihla Valashiya-Mdleleni  
Product Steward  
Sasol North America, Inc

<sup>1</sup> Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds, Uyen-Uyen T. Vo, Michael P. Morris

**Responses to Comment Letter FFF**  
**SASOL**

**Response to Comment FFF-1:**

AQMD recognizes that the California Air Resources Board (CARB) has already initiated regulatory action on paint thinners and multi-purpose solvents and AQMD staff supports CARB's efforts to rectify the situation with respect to paint thinners and multi-purpose solvents through revisions to the definitions and further clarification of the most restrictive limit clause. However, during the investigation of this use of the LVP-VOC exemption, studies have shown that common LVP-VOC solvents used in numerous categories aside from paint thinners and multi-purpose solvents are widely utilized and have evaporation and reactivity profiles similar to the traditional solvent they are meant to replace. The studies further provide a clear indication that additional examination of the LVP-VOC exemption criteria is warranted and necessary to ensure that ozone benefits anticipated by amendments to the CARB Consumer Products are indeed achieved. While the issue has been unmistakably apparent for consumer product categories studied in detail by AQMD, such as paint thinners, multi-purpose solvents, and industrial and institutional cleaners, the same chemicals utilized in those categories are also widely present in many of the other consumer product categories. Many of the comment letters received regarding this proposed control measure, represented by the gamut of consumer products manufacturers, specifically state that much of their reformulation efforts have been to increase the usage of LVP-VOC solvents. Therefore, AQMD staff respectfully disagrees with the commenter and believes it is imperative to assess the LVP-VOC exemption parameters for all consumer products categories. The draft control measure emphasizes, as a first step, additional data collection through CARB surveys for not only the VOCs used in consumer product formulations, but also accurately capture the usage of LVP-VOCs and exempt solvents. AQMD staff believes that a more precise inventory of total organic gases used for ozone modeling purposes will allow a better reflection of ozone impacts from the use of consumer products. Subsequently, depending on the type and quantity of LVP-VOCs in different categories, additional review and modification of the LVP-VOC exemption must be considered.

**Response to Comment FFF-2:**

Staff agrees that CARB must make a determination that their regulations are both technologically and commercially feasible. Additionally, it is accurate to note that some of the limits in the Consumer Products Regulation are based on the availability of exempt LVP-VOC solvents as they are currently defined. While it should be acknowledged that this is a long standing exemption and that at the time of its adoption CARB used "more than 12 carbon atoms" as a dividing line between evaporative solvents and non-volatile surfactants and resins, recent scientific evidence show that many of the so-called LVP-VOC products exert evaporative and reactivity

characteristics that are similar to those of traditional solvents that are meant to replace. The proposed control measure seeks to utilize available scientific data to review the LVP-VOC exemption and potentially revise certain parameters for those categories where speciated LVP-VOC survey data by category and research results show an opportunity to further reduce emissions from consumer products. Revised LVP-VOC criteria should continue to provide an exemption to products that do not contribute to the photochemical ozone formation. If an opportunity exists, any proposed amendments to the Consumer Products Regulations to revise the LVP-VOC exemption would be vetted through a full public process.

**Response to Comment FFF-3:**

Staff agrees with the commenter that the main issue is whether the “volatile” materials are available for ozone formation. The reference paper’s purpose is to highlight that the regulatory definitions and test methods used to determine volatility are at variance with real world observations for certain types of products, including LVP-VOC solvents. This is true for both “volatile” and “non-volatile” chemicals. The observation that widely used LVP-VOC solvents completely evaporate in two days is far from the discussion of whether the volatility test should be 28 days, as the commenter suggests, or 180 days, as the paper suggests.

Several alternative concepts of determining volatility have been suggested including environmental chamber studies, partitioning, and as the commenter suggests, biodegradability and controlled evaporation rate tests (ASTM D-3539). These may be reasonable considerations that should be incorporated into future efforts to evaluate revisions to the LVP-VOC exemption. It should be noted that partitioning and biodegradability have little to do with whether the chemical is an LVP-VOC or a non-LVP-VOC. Despite this partitioning and biodegradability, some fraction of the chemical enters the atmosphere and contributes to ozone formation. Of the compounds studied (LVP-VOC and non-LVP-VOC) the highest predicted partitioning ratios into air are for some LVP-VOCs (22% for Light Distillate). It appears that there is no correlation between partitioning to air and LVP-VOC status. Additionally, it is evident that none of these concepts are built into the current criteria for the LVP-VOC definition. It is also inconsistent to point out these alternative methods of determining volatility while requesting that the LVP-VOC exemption remain unchanged.

**Response to Comment FFF-4:**

U.S. EPA Method 24 is a well established VOC test method for paints and coatings. The description in the paper refers to testing semi-volatile chemicals, such as metalworking fluids and other categories that are not paints and coatings. The paper illustrated that U.S. EPA Method 24 tends to have VOC content measurements higher than what was observed from evaporation data. Staff is not asserting that CARB should adopt U.S. EPA Method 24 for the Consumer Products Regulation, but rather consider

an alternative endpoint for CARB Method 310 or alternative test methods such as gas chromatography approaches included in SCAQMD Test Method 313 or ASTM D6886.

**Response to Comment FFF-5:**

The proposed control measure is intended to study the appropriateness of the LVP-VOC exemption in its current form, in an effort to ensure that the ozone reduction benefit of the Consumer Products Regulation is fully materialized. The proposed control measure may involve eliminating or amending the CARB LVP-VOC criteria based on scientific data which may include MIR and similar photochemical reactivity parameters. If the re-evaluation indicates that there are niche products that are infeasible, additional considerations would be made. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the CARB rule development process to ensure overall efforts are feasible, productive and cost-effective.

GGG. CIAQC, November 08, 2012



November 8, 2012

South Coast Air Quality Management District  
Barry Wallerstein  
21865 Copley Drive  
Diamond Bar, CA 91765-4182

Coalition Members

via email: [bwallerstein@aqmd.gov](mailto:bwallerstein@aqmd.gov)



Dear Mr. Wallerstein:

The Construction Industry Air Quality Coalition (CIAQC) appreciates for the opportunity to provide these comments on the Revised Draft 2012 Air Quality Management Plan (AQMP). The 2012 AQMP will have a broad impact on the region's residents, businesses, local and state economy. For these reasons CIAQC recognizes that it is vitally important that the 2012 AQMP achieves a balanced strategy to address the federal air quality requirements.



As CIAQC and other leaders in the business community articulate in the November 2012 letter to Chairman Burke on the Draft 2012 AQMP and Socioeconomic Report, this is best achieved by including only those control measures that are actually necessary to meet legal obligations at this time. The South Coast Air Quality Management District must demonstrate achievement of the PM2.5 standards by 2014. A plan to meet the eight-hour ozone and the revoked one-hour ozone standards is not due at this time and should be developed at a later date.



The District has demonstrated in its Revised Draft 2012 AQMP that it can meet its air quality requirements with just two control measures; Reductions from Residential Wood Burning (BCM-01) and Reductions from Open Burning (BCM-02). The estimated costs of these measures is \$123,000 per year. The estimated costs of for the elective ozone portion of the Revised Draft 2012 AQMP is \$40 million per year. Including only the PM2.5 portion of the plan is the best path way forward at this time.



Included in the ozone portion of the Revised Draft 2012 AQMP is control measure OFFRD-01: Extension of the SOON Provisions for Construction/Industrial Equipment. This proposed control measure would promote the faster turnover of older in-use construction diesel engines utilizing annual incentive funding from 2014 to 2023. SCAQMD began implementing the Surplus Off-road Opt-in for NOx (SOON) Program in 2008. CIAQC supports incentive funding to achieve cost-effective emission reductions and continues to maintain that incentive programs should be voluntary, including the SOON. The SOON program however is mandatory for fleets that meet certain thresholds; they must apply for funding that covers some of the total costs to repower or replace a piece of equipment, but not all of it. CIAQC recommends that if the SOON program were to continue beyond 2014 it should be voluntary for equipment owners that want



GGG-1

GGG-2

GGG-3

Mr. Barry Wallerstein  
November 8, 2012  
Page Two

to participate in the program.

Originally, the SOON Program was conceptualized as a voluntary program that would assist contractors in the long run with their CARB base rule compliance. It was voluntary in 2008 and then became a mandatory program. However, due to the application of the Carl Moyer requirements to the SOON program, contractors are expected to contribute from 15% – 50% of the cost of the repower. This is simply impossible for many equipment owners when added to the cost to comply with the statewide Off-Road Regulation. Making the program voluntary in 2008 was the proper step at that time. CIAQC recommends that the SOON Program be made voluntary and that incentive funding cover 100% of the repower costs, certainly so if it is extended beyond 2014.

GGG-3

Please do not hesitate to contact me if you have any questions or would like additional information.

Sincerely,



Michael W. Lewis,  
Senior Vice-President

---

**Responses to Comment Letter GGG**  
**CIAQC**

**Response to Comment GGG-1:**

Consistent with the previous AQMP, the current analysis shows that approximately 65% of additional NOX emissions reductions, beyond already adopted rules and measures, will be needed to meet the existing 1997 8-hour ozone standard of 80 ppb in 2023. The Basin can only demonstrate attainment of the 8-hour standard by using the CAA Section 182(e)(5) provision allowing for long-term measures that anticipate the development of new technologies or improving of existing control technologies. This CAA provision requires that these long-term measures be specifically identified at least three years prior to the attainment year (2020).

With less than 8 years remaining to identify these so-called “black box” emissions reductions, it is imperative to move forward with the identification and development of all feasible specific measures to achieve these reductions as soon as possible. If progress is delayed, there will be even less time to develop and implement strategies before the looming deadlines, and thus the resulting necessary measures could be more burdensome and disruptive. Delaying progress will also provide less certainty and lead time to the regulated community for planning compliance with potential new regulatory requirements. The considerable time it takes for new technologies to be developed, assessed and implemented widely, especially in the mobile source sector, also underscores the need to begin immediately. Note that while this Plan commits to the adoption of several ozone measures in the near-term, the implementation date and emissions reduction commitments are at least 2015 and beyond. While the District will need to adopt another ozone plan in 2015 to attain the 75 ppb standard by 2032, we cannot afford to delay implementation of the large “black box” in the existing 2007 AQMP (241 tpd NO<sub>x</sub> & 40 tpd VOC).

Recent litigation regarding U.S. EPA approvals of previous SIPs has focused on the reliance on a relatively large “commitments” to demonstrate attainment and the short time frame available to develop and deploy potential new technologies. The District believes it is important to demonstrate progress towards ozone attainment by making commitments for additional emissions reductions that reduce the size of the “black box” commitments. In U.S. EPA’s comment letter on the Draft 2012 AQMP (August 30, 2012), they state that they “fully support the District’s inclusion in the 2012 AQMP of updates on the implementation of control measures and emission reduction commitments relied upon in the South Coast 2007 AQMP to demonstrate expeditious attainment of the 1997 8-hour ozone NAAQS. We urge the District to continue working closely with EPA staff to identify the specific near-term and long-term control measures that will fulfill the NO<sub>x</sub> and VOC emission reduction commitments contained



in the SIP-approved South Coast 2007 8-hour ozone plan, and to develop appropriate methodologies for calculating the emission reductions attributed to each such measure.”

Furthermore, U.S. EPA’s recently proposed to require a new 1-hour ozone SIP for the South Coast Air Basin. In order to demonstrate attainment with this revoked standard by 2022, all feasible measures must be included in the SIP. Because the emission inventory, control strategy and RACT/RACM analysis has already been developed, the attainment demonstration for the 1-hour ozone standard has been completed (see Appendix VII). It was decided to submit the 1-hour attainment demonstration in the 2012 AQMP because it is a most efficient use of resources and early action will establish a technical approach since there is no formal technical guidance yet developed. Making enforceable emissions reductions commitments based on specific measures as they are identified is the best way to demonstrate that the District is dedicated to realizing the emission reductions necessary to achieve the 8-hour and 1-hour ozone standards. Future AQMPs will need to further identify specific measures and associated emissions reductions that will allow the “black box” commitments to shrink to zero by 2019 for the 1-hour ozone or 2020 for the 8-hour ozone.

**Response to Comment GGG-2:**

Staff agrees with the commenter that wood burning curtailment and its corresponding costs is the “best path way forward” in complying with the 24-hour PM2.5 standards. However, the ozone portion of the 2012 AQMP, as discussed in response to comment GGG-1, is intended to update the previous 8-hour ozone plan with new emission reduction commitments from a set of new control measures, which further implement the 2007 AQMP commitments. Chapter 4 of the 2012 AQMP provides thresholds for cost effectiveness (dollars per ton reduced) for VOC and NOx emissions.

**Response to Comment GGG-3:**

The SOON program is part of the approved 8-hour SIP for the South Coast (*Federal Register, Vol. 77, No. 41, March 1, 2012*), however affected operators have been provided flexibility in the past and despite mandatory requirements, staff will continue to evaluate the implementation of the program.

**HHH. Gatzke Dillon & Balance (GDB) LLP, November 09, 2012**



November 9, 2012

By E-Mail

Dr. Sue Lieu  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, California 91765-4182  
[slieu@aqmd.gov](mailto:slieu@aqmd.gov)

*Re: Comments on the Socioeconomic Report for the Draft 2012 AQMP*

Dear Dr. Lieu:

This letter is submitted on behalf of the County of Orange (“County”) in its capacity as the owner and operator of John Wayne Airport, Orange County (“JWA”). This letter contains the County’s written comments on the Socioeconomic Report (“Report”) for the Draft 2012 Air Quality Management Plan (“AQMP”), issued by the South Coast Air Quality Management District (“SCAQMD” or “District”) in September 2012. The County appreciates the opportunity to provide its comments.<sup>1</sup>

**GENERAL COMMENTS**

We are very concerned with the District’s statements in the first Chapter of the Report which indicate that socioeconomic impacts are somehow not required to be considered in connection with the preparation and adoption of the 2012 AQMP. Specifically, at Page 1-2, the Report indicates that the District is not required to “actively consider any socioeconomic impacts” in connection with the preparation and adoption of the 2012 AQMP.

HHH - 1

We respectfully disagree with this legal position for the following reasons. The California Clean Air Act specifically requires the District Governing Board to determine that the 2012 AQMP is a cost-effective strategy that will achieve attainment of the state standards by the earliest practicable date. CAL.HEALTH & SAFETY CODE §§40440(e), 40703, and 40913(b). In addition, the AQMP must include an assessment of the cost-effectiveness of available and proposed measures and a list of the measures ranked from the least cost-effective to the most cost-effective. *Id.* at §40922. Specifically, Section 40922 provides: “[i]n developing an adoption and implementation schedule for a specific control measure, the District shall consider the relative cost effectiveness of the measure, as determined under subdivision (a), as well as other factors

HHH - 2

<sup>1</sup> The County has previously submitted comment letters on the Notice of Preparation of a Draft Program EIR, the Draft 2012 AQMP, The Integra Report, the Draft EIR, and the Revised 2012 AQMP. Please see enclosed comment letters to Mr. Steve Smith from Ms. Lori Ballance, dated July 27, 2012, to SCAQMD from Mr. Alan Murphy, dated August 31, 2012, to SCAQMD from Mr. Alan Murphy, dated September 28, 2012, to Mr. Inabinet from Ms. Lori Ballance, dated October 23, 2012, and to Mr. Fine from Ms. Lori Ballance, dated October 30, 2012.



Dr. Sue Lieu  
South Coast Air Quality Management District  
November 9, 2012  
Page 2

including, but not limited to, technological feasibility, total emission reduction potential, the rate of reduction, public acceptability, and enforceability.”

Consistent with these requirements, by this letter, we request that the Socioeconomic Report be significantly revised, prior to being issued in its final form, to include consideration of the full costs of any possible regulatory program and/or proposed control measures that may have an impact on the airports and airline industry. We also request that the cost effectiveness analysis take into account the effect any emission reduction strategies may have on existing and new entrant air carriers in the Basin (particularly proposed Control Measure ADV-07), and the importance of maintaining a competitive airline environment in the Basin. A regulatory scheme that would inhibit competition would most likely result in significantly higher airfares to and from the Basin than other parts of the Country, which could in turn have a seriously negative effect on the local economy.

HHH - 3

Careful attention and response to these issues is critical in order to ensure that the District will be able to structure appropriate and effective air quality regulations which might affect the operations of the air carrier airports in the Basin while minimizing the environmental impacts of those regulations.

**SPECIFIC COMMENTS**

**EXPANSION OF REGULATORY AUTHORITY AND COST EFFECTIVE ANALYSIS**

The Draft Socioeconomic Report states, “[a]s with the previous AQMPs, the District has proposed to expand its control program for mobile sources by proposing additional mobile source control strategies to supplement CARB’s existing mobile source regulations.” Report, pg. 1-1. The Report defines off-road mobile sources to include: “[m]obile sources of air pollution (vehicles) which are not authorized to operate on streets and highways. Examples include trains, boats, aircraft, farm equipment, and earthmoving equipment.” Report, pg. G-4. The proposed 2012 AQMP off-road mobile source measures include Control Measure ADV-07 that calls for the District to work with the airlines and local airport authorities to develop mechanisms to route the cleanest aircraft to serve the South Coast Air Basin. 2012 AQMP, p. 4-40.

We continue to have a fundamental disagreement with the District regarding the extent of the District’s authority to regulate airports and aircraft. Specifically, we continue to believe that, to the extent the District attempts to regulate aircraft related emissions, directly or indirectly, any such regulation would constitute a constitutionally impermissible local intrusion into a federally preempted field of regulation. *People of State of Cal., v. Dept. of Navy* (1977) 431 F.Supp. 1271, 1281; *Washington v. General Motors Corp.* (1972) 405 U.S. 109, 92 S.Ct. 1396, 31 L.Ed.2d 727. The District’s attempted indirect regulation of airport related emissions is an impermissible and unconstitutional intrusion into an area which is pervasively and exclusively controlled by federal law and federal authority. *City of Burbank v. Lockheed Air Terminal, Inc.* (1973) 411 U.S. 624, 633.



Dr. Sue Lieu  
South Coast Air Quality Management District  
November 9, 2012  
Page 3

In addition to this fundamental legal disagreement with the District regarding the District's regulatory authority over airports and aircraft, the cost-effectiveness of proposed Control Measures MCS-03 and ADV-07 have not been quantified at this time. In fact, it appears that the District has simply deferred quantifying the costs until a later date. The District has also acknowledged the following: "[a]s with any complex analysis, some uncertainty is inherent in the methodology employed. . . . The key areas of uncertainty and caveats in this socioeconomic assessment are in estimating emission reductions, costs, air quality changes, and health benefits, among others." Report, p. 8-2. Unless or until information is obtained and provided relating to the cost-effectiveness of Control Measures MCS-03 and ADV-07, discussion of these proposed Measures should not be considered further.

#### CONCLUSION

In summary, before any further analysis is conducted regarding any of the measures provided in the 2012 AQMP directed toward airports and airlines, the District must complete appropriate and complete analyses of the cost-effectiveness of all of the proposed measures as mandated by California law. It is important for the District to take a "hard look" at these issues and to provide airports in the Basin with information which measures the full costs of any and all possible regulatory programs in terms of the increase in emission reduction costs versus program and improvement costs.

We look forward to continuing to work closely with the District on the draft 2012 AQMP and related documents. If you have any questions regarding the issues addressed in this letter, please do not hesitate to contact us at your convenience.

Very truly yours,

A handwritten signature in cursive script that reads 'Lori D. Ballance'.

Lori D. Ballance  
of  
Gatzke Dillon & Ballance LLP

LDB/rlf

cc: Supervisor Shawn Nelson, Vice Chair, 4th District  
Robert J. Franz, Interim County Executive Officer  
Alan Murphy, Airport Director, John Wayne Airport

**Responses to Comment Letter HHH**  
**Gatzke Dillon & Balance**

**Response to Comment HHH-1:**

Information presented in the Socioeconomic Report is designed to help the District's Governing Board in its deliberation process of the 2012 AQMP. Details of legal requirements for socioeconomic impact assessments are provided in Chapter 1 of the Draft Socioeconomic Report.

**Response to Comment HHH-2:**

The District has calculated cost-effectiveness of all control measures with SIP commitments except for one. Cost effectiveness values for each control measures can be found in Appendix IV to the 2012 AQMP. Cost effectiveness of other control measures cannot be quantified due to the following reasons: the nature of the control measure (e.g., educational or incentive program); emission inventory or control approach needs to be identified; or further studies such as a technical assessment needs to take place. Tables 6-3, 6-4, and 6-5 in Chapter 6 of the Final Draft 2012 AQMP rank proposed control measures by cost-effectiveness

**Response to Comment HHH-3:**

There are no control measures in the 2012 AQMP that directly affect airports or the airline industry except for Phase I RECLAIM and Control Measure CMB-03 (Reductions from Commercial Space Heating). For impacts of the 2012 AQMP on airports or the airline industry, please see Table 3-1 in Chapter 3 for cost impact, Tables 4-2, 4-3, and 4-4 in chapter 4 for job impact, and Tables 6-2 and 6-3 in Chapter 6 for competitiveness impact.

**III. Leroy Mills, October 29, 2012**

-----Original Message-----

From: Leroy Mills [mailto:leroymills-64@ca.rr.com]  
Sent: Monday, October 29, 2012 10:30 AM  
To: Elaine Chang  
Subject: Question from Workshop

Ms Chang,

I attended the Socioeconomic Workshop this past Wednesday. Please confirm for me that I heard correctly that the Socioeconomic Analysis and Report is not legally required but was accomplished under your Board's direction.

III - 1

Thank you very much for clarification.

Respectfully,

Leroy Mills

**Responses to Comment Letter III**  
**Leroy Mills**

**Response to Comment III-1:**

Legal requirements that are for socioeconomic analyses during rulemaking are not applicable to the preparation of the AQMP. Please see the discussion on page 1 in Chapter 1 of the Draft Socioeconomic Report.

**JJJ. Harvey Eder, November 10, 2012**

**From:** Harvey Eder [mailto:harveyederpspc@yahoo.com]  
**Sent:** Saturday, November 10, 2012 3:10 PM  
**To:** 2012 AQMP Comments; Michael Krause  
**Cc:** harveyederpspc@yahoo.com; earthdayla.org, jim  
**Subject:** C9omments & QuestionsS/Econ ,DEIR/Nov 2012 AQMP/ Harvey Eder &PSPC 11/10/12

Howdy Folks,SCAQMD etc.

apx 3:10 PM November 10, 2012

First questions how do I get the comments submitted of the AQMP and tge DEIR to date as of November 2012 ? Please send a hard copy of everything asap. Mike...

To Sue Lue sp sorry on Socio Economic Study for comments due on Monday Nov 12, 2012. comments are submitted herein by Harvey Eder and PSPC Public Solar Power Coalition, and for AQMP and DEIR since your still accepting comments.

Part 1

#1 There is nothing about the submitted comments timely submitted now being answered this is illegal for the AQMP and the DEIR ! There is nothing in the Public Participation section about this at all. This must be remedied at once !@&

#2 As published in Forbes this month "Solar: America's Fastest Growing Job-creation Engine ? SOLAR JOBS GREW OVER 13 % THIS YEAR in the nation usa which is most probably from 50-100% in the South Coast District ! since much of the growth is in california the report of The Solar Foundation will be out on Nov 14,2012 and info for SCD will be sent in then.

#3 With \$50 plus Billion spent in the district on energy ( Chapter 10 AQMP there should be a graph breaking this down and over \$70 billion to be stent in 10 or 20 years ( this is a low number with whats happened and is on deck for the middle east IE Iran firing on the US's military property this past week etc. and the Straights of Hormuse under threat to be mined by Iran and the Isreali Iranian tensions etc ie threat of Irna that will soon have the nuc bomb etc and 4 years ago oil hitting \$147 a barrel etc.

And the Soc/Economic Plan air pollutioin costing over \$50 billion per year in the district on mobidity and mortality Ie as District Chair says 10 people die from air pollution each day in the district comment at a board meeting over the past year or so.

The cost to the district for the dirty fossel fueled energy systme that exists in the SCDistrict is from \$100 to \$200 billion dollars per year in cost to the people of the district or from \$1 to \$2 trillion dollars over the next ten years or from \$2 to \$4 trillion dollars over the next 20 years which this plan is mistakenly limited to to 2032, when we must use the 2050 green house as well as other emissions ( including ultrafine espacially in natural gas being pushed like a dealer on the District for Transportation of our kids to school ie the Moyers Program using natural gas as cited in previous testimony comments on this AQMP/DEIR/ Soc/Econ Study etc ... or the correct but very conservatrive figure of from \$5 to \$10 trillion dollars being spent by people inb thedistrict/cost.. over the next 40 yearsfor dirty fossel fuel aqnd health and death costs in the district etcccc...

The obvious solution is convert to total solar clean renewable energy sources at once... The savings to the community is \$trillios of dollars.



#4 And the jobs that will be created are tens 10's to 100's of thousands or more in the district. And they will be spent on the low income now or the poor saving billions to trillions on unemployment and subsidies food stamps etc and contributing to tax paying jobs and people instead to the 20-40 plus percent unemployed small businesses employed people now in construction in the SC District.

#5 This will mean environmental justice which was cited in last months Socio Economic Study meeting at the District that was attended by me . Harvey Eder and PSPC the Public Solar Power Coalition and cited as necessary that a study of this be done and at least on of the economic consultants cited environmental justice as needing to be empathized by SCDistrict Soc/Econ study and the District Plan this is all on take which is herein incorporated into the record in these proceedings and a transcript of and the tape is entered into the record as well as meetings of the board where testimony on the immediate total solar conversion plan etc was cited by me Eder and for PSPC etc

JJJ - 1

#6 Millions and billions and trillions of dollars will be saved in the district by implementing the immediate total solar conversion plan cited in testimony/ comments on the record before the SCD in these proceedings ...

#7 as well as doing the right thing !!! Environmental Justice because the low middle income that will be put to work on the Immediate Total Solar Conversion Plan being implemented at once by the end of 5 years in 2016-17 not only will the federal government pay for half of it in tax credits and right offs ( remember this was put on the record during the conversation that the Board had a month or so ago when they were talking about Solar... and public solar solves the problem of companies going out of business - local cities many go belly up ie in the inland empire but the regional gov /state gov will endure

In the last economic giant problem we had in the 1930s some localities even had their own money/script etc..

Thanks for the opportunity to put his all on the record in these proceedings etc

Harvey Eder and PSPC the Public Solar Power Coalition

1218 12th Street #25

Santa Monica, Ca 90401

(310)392589

harveyederpspc@yahoo.com

PS More will follow including incorporating by reference the submittal of the Sierra Club in the coming days...

**From:** Harvey Eder [mailto:harveyederpspc@yahoo.com]  
**Sent:** Saturday, November 10, 2012 4:19 PM  
**To:** 2012 AQMP Comments; Michael Krause  
**Cc:** harveyederpspc@yahoo.com; earthdayla.org, jim  
**Subject:** Part 2 Comments/Questions To AQMP Nov 2012 DRAFT/ DEIR/Soc Ecom Plan ETC Nov 10/12 H Eder & PSPC

Howdy Again Folks @ SCDist Etc. ET Al. after 3:20 pm Nov 10,2012

Part 2 of Comments/ Testimony/ On The Record in AQMP DRAFT/DEIR/ Soc/Economic Study etc Independent and or part of the DEIR EIS Etc and submitted to CARB California Air Resources Board ( also cited before the Board both .. on the record in the past) and to both State EPA and Federal EPA and the Governor, his Office Of Planning and Research, the the State of California SGC Strategic Growth Council ( and AB/SB 375 and AB?SB 32 Scoping Plan for 2012 review at CARB including lcls low carbon fuel standards etc SB1x 33% by 2020 plan now 100% by 2020 or before by 2016/7

etc and CEC/CPUC, and Cal ISO etc everything submitted in the record in this these proceedings submitted hereing and before on the record ( Resources Agency and Dept of Conservation and to Doggr ( Division-Department of Oil Gas and Geothermal Resources) in record all submittals made in the past to all of those cited in this proceeding and in the past record to those cited past present future on in the record ( example OII 42 on Solar Finance Models before the CPUC on public solar in late 1970's early 80s etc and record on deregulation in the early 90 etc

All covered in July 17/18 2012 etc all in the past and since in on the record SCD.

Part 2 12/10/12

#8 kThe Socio economic study with the AQMP and DEIR ETC cited "Green Jobs" and is incorporated herein by reference and the solar and energy efficiency and energy conservation jobs referred to today and otherwise in the record are reference into the record

etc including Nov 8 1 pm 2012 " Solar Among the Fastest Growing Job Markets in America /Department of

Energy (US Federal Government DOE Office of Energy Efficiency and Renewable Energy)

"LI-currently the largest solar photovoltaic power plant in the Eastern United States ISF generated enough renewable energy to power approximately 4,500 homes . LISF is located at Brookhaven National Lab." etc Long Island Solar Farm "

#9 Solar as BACT Best available control technology / RACT reasonably available control technology and or LAER lowest achievable emissions reductions cited and incorporates by reference EPA information on the 200 acre solar concentrating apx 50 MW of apx 500 MW of combined cycle gas turbine to bottom cycle steam turbine electric generation plant approved by region 9 EPA in Palmdale California PDPP Palm dale Power pLANT owned by the city of Palmdale in the desert about 50 miles from los angeles ca, using line focus concentrated collectors like the 354 mw SOLAR POWER PLANTS WITHIN 50 TO 100 MILES OF THE PLANED hybrid solar power plant in the SC District. All existing power plants in the District if land is available should be retrofit with solar at gas plants and when gas is outlawed it will be a solar only power plant. Solar is not only BACT/RACT/LAER it saves money and has no cost per ton or pound of emission but rather saves money per ton or pound etc of emissions reduced. This is especially true now as cited in these proceedings since interest on a

10 year bond is as low as 1.6% now and bonds are being proposed at 30 years which is also at or near record lows vs what happened 30 years ago after the Iranian revolution when interest rates were as high as 10-20% or higher. There is considerable activity to have a solar infrastructure bank /entity set up for the US especially since Obama won the elections and global warming /climate change is now much more accepted because of tens to hundreds of thousands of users without power still on the east coast after the hurricane Sandy etc a couple of weeks ago (people are still buying gas for vehicles on odd and even days like during the 73/74 opec oil embargo following the yom kippur war in the middle east and oil tripling /quadrupling in cost at once (now to mention the thought of nucs being used then)

I first saw solar in Israel in 1968 visiting my family there who had it on their roofs who were survivors...over 44 years ago... and it started over 100 years ago solar thermal and electric right here in the South Coast District where in 1910 30% of the new homes in 1910 had solar hot water ( looking at old building permits)

Thanks for taking and responding quickly to these comments

Harvey Eder and PSPC the PUBLIC SOLAR POWER Coalition  
1218 12th St #25  
Santa Monica , Ca. 90401  
(310)3932589  
[harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com)

PS This also incorporated comments made in the next days weeks by the Sierra Club  
11/10/12 4:15 pm

**From:** Harvey Eder [mailto:harveyederpspc@yahoo.com]  
**Sent:** Sunday, November 11, 2012 3:11 PM  
**To:** 2012 AQMP Comments; Michael Krause  
**Cc:** harveyederpspc@yahoo.com; earthdayla.org, jim  
**Subject:** One For The Road FIFO Writ of Mand. Before Nov HE/PSPC S/Econ, DEIR, AQMP

Howdy Mike Krause scaqmd folks et. al., Nov 11, 2012 2:20 PM

Comments timely submitted for Soc/Econ study and if accepted for DEIR & AQMP after others have been answered including those made yesterday but it is on time for Soc/Econ to Dr. Sue Lu. Nov 11.2012 Part 2

1. Soc/Economic Chicago has passed and is forming a CCA see earlier comments public solar power etc he. But they will use dirty fossil fuels unless solar renewables are included and with 1 million people they may have to have more than one company serving them Marin went with Shell etc and may use RECs Renewable Energy Credits vs Solar Buildout etc renewables

2. Solar average pre incentive cost of going solar decreased 17% in 2010 alone plus before, the most significant annual reductions since the data has been tracked. Costs declined another 11%

in the first half of 2011 (Source Lawrence Berkeley National Lab's Tracking the Sun IV. and has continued to go down etc now source For PV solar Energy USA

3. State Ca. Plan for the District is illegal because it's due ever 3 years cited my comments to the Board SCD on the record at least once or more over the past 3 years, and now it's been 5 yerars for the Fed EPA Plan. Answer the comments that were timely submitted first then deal with late comments later. Board member Lyou commented on this ...

4. I fell like T.S. Elliost poem the Wasteland We are the thin men the hollow men head piece filled with straw allas like rats feet over broken glass in an empty field... We are in the 5th or 6th great extinction on earth the most significant since like was taken to oxygen emitting life forms eons ago. And we can't get an answer to timely legally filed comments now 1` responce for 4 or 5 months

5. We should also look at direct hydrogen storage even on an individual or more practical level neighborhood and or community block level from solar electric pv or thermal with district heating and cooling combined cycle with absorption chillers etc

6. Hydro Power sho9uld be used for storage with pumped storage in the Sierras , Cascades in Ore and Washington and BC during peak in the day or when solar best matches the use to serve peaks that don't match solar perk like the early evening or early am off peak base line etc

7. Ground storage has proven itself and as of 2010 is law for Wind Turbines in Kansas using st. domes etc which have been intregated into the system s of Germany and in Alabama. Using high pressure airturbine generators stored in the off beak and off off peaaak base load time when it's windeist to serve peak and other loads. Fracking will contaminate the air in these areas with toxins and cancerigians etc. The District as well as CARB etc CE#C CPUC should weigh in on this with Fed EPA Gov Office of Planning and Reserch and SGC Strategic Growth Coincuil etc fopr all issues and comments cited and Fed DOE and Health and Housing state and Fed as well as CSA Community Service3s agencys etd and are herein by incor[pporated to such in the record . Much of this natural gas stuff 100times co2 e over 20 years Howarth etal was brought with the DOE NREL NG study in the Scoping Plan for AB32 which is being re done now and is hereby herein submitted to them as well.

8. In answer to Dr. Phil Fines comments to my comments last mionth on the meeting on the soc econ submittal studythat soplar won't help get us in compliance with the mandated fed etc by 2014for PM it depends. and probably an extention is needed and will be asked for for 5 years more to 2019 think the plan says. Solar will eliminated with other co benefits pm 10 , pm 2.5 to 10 and pm 2.5 and under pm.1 or the ultra fines which natural gas has plenty of and must be copunted in this plan etc. According to the Nov 7 draft of the Plan the District doesn;t test for this and the only data is from Europe . Lets get with it now. and get the date for mortality and morbidity etc off paint etc.

9. This and all comments from June - NOv etc is submitted for AQMP, DEIR and Soc/Economic Study required for the state eir as well etc and fed and should be expanded to socio economic

JJJ - 2

political , or political socio econ study as well cause Mike Krause ( draft was written before see about 40 min agon MKrause3 email to me us that on the NOv7 he had recieved comments on that day or the day before the 6th of Nov and was waiting to answerthem . this issue has already been addressed herein FIFO first in first out is not timely submitted ??? it's more important to provide responce to timely filed comments to fit the scheduled hearings next 13,14,15,16 as well as the 27th deading to get copies to the Board for their Dec 7 Hearing/ Board meeting so these comments/ reso[ponses could be addressed or what the hexck is the purpose of the comment and responce process anyway ...The Process is the Product . sorry these submittals have been so casual... and the Advisory groups meeting on Nov 29th. Its the substance that cvcounts !!!

JJJ - 2

Thanks, take care

Harvey Eder and PSPC Public Solar Power Coalition  
1218 12th st. 325  
Santa Monica, ca, 90401  
(310)3932589  
[harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com)

PS Sierra Clubs

**From:** Harvey Eder [mailto:[harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com)]  
**Sent:** Sunday, November 11, 2012 4:49 PM  
**To:** 2012 AQMP Comments; Michael Krause  
**Cc:** [harveyederpspc@yahoo.com](mailto:harveyederpspc@yahoo.com); [earthdayla.org](http://earthdayla.org), jim  
**Subject:** Two (Part 2) For The Road, DEIR +AQMP/ H.Eder &PSPC Nov 11,2012 4:16 PM

Howdy Mike Krause and folks SCD ET. EL., Nov 11,2012 4:18 PM

This is part 2 of Nov 11 One for the road comments on Soc/Econ Study plus anything that can get in for DEIR and AQMP ref previous comments today One For The Road conditional etc..Cont

10. Israel fired in Syria today in return of mortar fire .. Syria is an ally to Iran that we US had fired on last few days. Middle east is a hot spot --theyre threatening to mine the straights of Hormutz where about 1/5 of the porlds oil + passes each day ( to our allys etc Europe which is an Economic Hot Spot with financial problems in Greece, and Spain and Italy etc and the US facing the Fiscal Cliff in about 50 days of cutting trillions of dollars from our budget etc. If the US had adopted an ITSCP 5 -10 years ago we wouldn't be in this shape and the world etc. But the SCAQMD can once again lead the way visa vie air quality and the economic multiplier and externalities herein hereby Oh ya Iran threatened to "wipe Israel off the map. Never Again.

11. I first saw solar on the roofs of my relatives , who are survivors, in 1969 at 18 in Israel. and haven't been the same since, over 44 years ago. Israelis also built the worlds first solar

thermal electric power plants in the 1980s. many said it couldn't be done... 354 MW operating within less than 100 miles of the District head quarters in Dimond Bar.

12 Soc Political Economics if we go over the fiscal maybe nothing will happen like Nobel L Krugman suggests. Or maybe unemployment will go to 9%plus and start a another world wide recession with China Choppy and Europe and the Middle east and all. or...maaaaaybe well buytime to implement the ITSCP the Immediate Total Solar Conversion Plan for the District or the District and S. J. District like the Vision with CARB could suggest or the hole State of CA and then the Nation and the World like comments submitted in July 17&18 2012 stated visa vie Jacobson and Delucci 2009 Nov cover Sci Am converting the world to solar renewables in 29 yrs by 2030, also Dec 2001 Energy Ploicy...Which would take an effort like we did in WW2 which got us out of the last RE/Depression in the 1930s???

13. Which brings us to Green jobs and Environmental Justice of which well have plenty if we ithe ITSCP for Sout Coast District Now.

14. The district had all agencies of the state and fed energfy environmental and economic equity muct lobby state and federal gov and powers that be to do it now ITSC

15. Bloom berg gave the Sierra Club \$50 million dollars toi fight coal and some of that money is being spent right here in LA River City County SCD to convert to Solar and Energy Eff/ Con. with staff on the ground working.. etc Not the district needs to implement the green jobs cited in the S/Econ Study and hiring low income and middle income workers (this costs much less and is more procuctive then 99 weeks of unemployment fed state payments etc... Which brings us to

16 Environmental Justice and Solar Equity Green Solar Conversion Jobs will help the Econ and EJ and Solar Equity.

17 the solar tax credits must (the wright offs acrs ) must be refundable progressively etc. and made avialable to other than the upper income

18 30 plus year ago we did a K withthe CPUC and Mayors off on this

Thanks take caree H., Eddeer Pspc sonver (Part 2) For The Roa

**Responses to Comment Letter JJJ**  
**Harvey Eder**

**Response to Comment JJJ-1:**

Figure 5-1 in Chapter 5 shows the impact of 2014 PM2.5 concentration changes on Environmental Justice Areas. This is also one of the subject areas that the District is considering expanding in the future, as shown in Chapter 8.

**Response to Comment JJJ-2:**

The commentor needs to define what the Political economy issues are. Specific suggestions on how to further expand contents of the report are welcome and will be reviewed by staff for inclusion in the analysis of future AQMPs.