



June 9, 2014

Mr. Michael Tollstrup
Chief, Project Assessment Branch
Stationary Sources Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Re: Upcoming Compliance Deadlines for Portable Diesel-Fueled Engines Air Toxic Control Measure

Dear Mr. Tollstrup:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) is sending this correspondence to communicate our concerns about the ability of regulated entities to meet the 2017 and 2020 compliance deadlines of the Portable Diesel-Fueled Engines Air Toxic Control Measure (ATCM). SCAP represents 81 public agencies that provide essential water supply and wastewater treatment to nearly 19 million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. SCAP's wastewater members provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as recycled water and renewable energy.

Background

SCAP appreciates the recent dialogue that its members have had with you and your staff regarding the subject issue. Our member agencies employ various sized fleets of portable diesel engines for both emergency and non-emergency uses in their water and wastewater treatment, conveyance, and distribution systems and will be significantly impacted by the pending ATCM compliance deadlines. Diligent efforts have been made to replace the older portable engines with the cleanest tier engines available. However, due to the delayed introduction and availability of full Tier 4 engines, we are concerned that meeting the 2017 compliance deadline will require the purchase of many new engines that are not Tier 4, since not all engines classes would be available, then later have to repurchase the Tier 4 equivalent of these engines to meet the 2020 compliance deadline. SCAP believes it was not the intent of CARB when this rule was adopted to

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require duplicate purchases of engines within this short timeframe. As public entities, SCAP members will have an extremely difficult time explaining these additional funding requests to its management and board members. We would like to work with you to amend the ATCM to reflect the Tier 4 engine market availability issues and to recognize the good faith efforts made to date.

SCAP Members' Concerns

- **Compliance with 2017 and 2020 PM emission Fleet Averages**

Since adoption of the regulation, SCAP members have complied with the past fleet average deadlines and have tried to plan accordingly for the upcoming compliance dates. Depending on the size and use of the individual fleets, purchases of replacement or new engines have either been phased over multiple years for the larger fleets, or deferred as long as possible under the regulation. Under the current ATCM, the final 2020 Fleet Average can only be met if the applicable fleet engines meet the Tier 4 emission levels, either as-purchased, or through the installation of verified control equipment. However, as the deadlines approach, it appears that the 2017 Fleet Average will be more difficult to meet, while the 2020 Fleet Average may not even be achievable. Contributing factors include the slow introduction of both Tier 4 interim and final engines into the marketplace, which has necessitated the purchase of Flex and Tier 3 engines as being the cleanest engines available; and the issue of verified control equipment that can meet the configuration requirements of existing engines. Many of these engines will not contribute to meeting the 2017 standard and certainly not the 2020 standard. As stated, this will require purchasing a Tier 4 interim now to meet 2017 Fleet Average, and repurchasing the same engine type as a Tier 4 final in a few years.

- **Replacement of Tier 0 engines by January 1, 2017**

A number of SCAP agencies have Tier 0 engines that will need to be removed from service by the 2017 deadline, including multiple engines greater than 750 bhp. Based on discussions with the engine vendors, it may be difficult to meet this timeline, since for the 750 bhp or less engines the vendors cannot definitively tell when and how many Tier 4 final units will be available for purchase, or when the Tier 4 final engines greater than 750 bhp will even be available.

- **Recommendation**

SCAP has identified some of the external factors and extenuating circumstances that will impact SCAP members' good faith efforts to comply with the portable engine ATCM Fleet Average requirements. For these reasons, SCAP is requesting CARB to provide regulatory flexibility in the 2017 and 2020 Fleet Averages. SCAP recommends a mechanism be provided to discount emissions from recently purchased Flex and Tier 3 engines, if purchased prior to the availability of applicable Tier 4 final units. This would be a reasonable compromise without delaying the regulatory deadlines. There are certainly other possibilities that can be explored, and SCAP and CARB should agree

that the mutually acceptable solution is for all engines to be a Tier 4 final level by a final date, even if that date needs to be slightly extended. All of these issues need to be explored in the context of engine tier availability and achieving a reasonable level of useful life from engines that have been purchased for earlier compliance levels.

Your consideration of SCAP's recommendations is greatly appreciated and we look forward to working with CARB in reducing diesel PM emissions. Please do not hesitate to contact me at (760) 479-4880 or at jpastore@scap1.org with any questions you may have regarding this transmittal.

Sincerely,

John Pastore, Executive Director

cc: Frank Caponi, Los Angeles County Sanitation Districts
Carol Kaufman, Metropolitan Water District of Southern California
Kris Flaig, Bureau of Sanitation, City of Los Angeles
Lisa Rothbart, Orange County Sanitation District