



July 29, 2021

Ms. Susan Nakamura, Assistant Deputy Executive Officer
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
e-mail: SNakamura@aqmd.gov

RE: Support of Proposed Amendment to Rule 1470 and Proposed New Rule 118.1

Dear Ms. Nakamura:

The California Municipal Utilities Association (CMUA) and the Association of California Water Agencies (ACWA) appreciate the opportunity to comment on the South Coast Air Quality Management District's (SCAQMD) proposed rulemaking efforts to incorporate generator provisions for Public Safety Power Shutoff (PSPS) events. CMUA represents over 50 public water agencies that serve water to 75 percent of California, including several agencies located in SCAQMD's jurisdiction. ACWA represents more than 460 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses.

CMUA and ACWA are grateful that SCAQMD has actively included our input in the process to amend Rule 1470 and develop proposed new Rule 118.1. Our members value the transparency that SCAQMD exemplified during this process.

We write to express support for the proposed amendment to Rule 1470 and proposed new Rule 118.1. The proposal provides additional flexibility for the essential operation, maintenance, and testing of emergency backup generators, while ensuring the protection of the region's air resources. We additionally offer a few suggestions that could help clarify the scope of the proposed amended rule and new rule.

Rule 1470 (Proposed Amended Rule) – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

The proposed amendment would provide much needed flexibility for the maintenance and testing of the limited number of generators that are currently limited to no more than 20 hours per year of runtime for these purposes. The amended rule would allow run-time to be averaged over a three-year period with no more than 30 hours in any single year and would not result in

the generation of more particulate matter over a three-year period or create any greater health risk as the maximum average runtime would still equate to the current 20 hours annually. The change would allow more rigorous maintenance and testing to be performed every two to three years without undue concern for exceeding the current 20-hour limitation. This rule change is critical to ensure the reliability of emergency backup generators when needed to respond to emergencies or PSPS events.

We offer one suggestion regarding proposed amended Rule 1470.

Revise Definition of Very High Fire Hazard Severity Zone

As written, the definition of “very high fire hazard severity zone” may be overly restrictive. In some jurisdictions, the State of California recommends areas to designate as very high fire hazard severity zones, but ultimately these zones are established by the local agency by local ordinance. The Government Code, referenced in the definition, refers to establishing zones in “local responsibility areas.” It would be prudent to ensure any local changes are addressed in the definition. CMUA proposes SCAQMD revise the definition of Very High Fire Hazard Severity Zone to add the underlined as follows:

VERY HIGH FIRE HAZARD SEVERITY ZONE means land designated by the California Department of Forestry and Fire Protection or a Local Agency pursuant to Public Resources Code 4201- 4204 and or Government Code 51175-51189 as an area with a very high degree of fire hazard.

Rule 118.1 (Proposed Rule) – Public Safety Provisions for Stationary Emergency Standby Engines

The new rule would allow operators of emergency standby engines located at critical service facilities to exceed the current 200-hour annual limitation if the exceedance is due to a PSPS event. The increasing number and duration of PSPS events and other emergencies that result in loss of power from the electrical grid continues to be a major concern for operators of critical service facilities as defined in the proposed rule. The provisions would allow an owner or operator of an emergency standby engine at a critical service facility to not count the operating hours of a qualifying event towards the 200-hour calendar year limitation specified in Rule 1110.2 provided timely notification is provided and records are maintained. The one-time notification and annual recordkeeping requirements for an exceedance represent a reasonable compliance burden to ensure the agency is aware of these events while maintaining a mechanism to enforce the provisions of the rule. Also, the addition of up to 3-hours for each PSPS imminent shutoff notice will support the smooth transition of power before and after each event.

CMUA offers a few suggestions to proposed Rule 118.1 to facilitate understanding by facilities that would avail themselves of the new rule.

Clarify Scope of Utility Distribution Company

The current wording in the definitions for “PSPS event” and “utility distribution company” appear to apply only to PSPS events by investor-owned utilities (IOUs). Utility distribution companies not under the purview of the California Public Utilities Commission, such as publicly owned electric utilities (POUs), have the capability to initiate PSPS events. To ensure the intent of proposed Rule 118.1 is captured, we recommend broadening these two definitions to include POUs and other utility distribution companies that service SCAQMD jurisdiction.

Add a Definition for “Imminent Shutoff Notification”

The term “imminent shutoff notification” is used throughout proposed Rule 118.1 without being defined. SCAQMD has defined the term in the various workshop meetings it has held since December 2020 as a notification from a utility distribution company about a potential power shutoff, but that power may not be shutoff. SCAQMD offers the same definition in its Draft Staff Report. The requirements that are linked to imminent shutoff notifications, such as the three-hour buffer in subsection (d)(2)(B) and the summary report content in subsection (f)(1)(D)(i), would be more explicit if proposed Rule 118.1 included a definition for “imminent shutoff notification.”

Clarify the Scope of Excluded Hours and When Notification is Required

We understand the intent of proposed Rule 118.1 is to allow applicable facilities to exclude operating hours that occurred during a PSPS event from the 200-hour annual operating limit. Subsection (e) related to Notification Requirements requires owners and operators of emergency standby engines to notify the Executive Officer when the standby engine exceeds the 200-hour annual operating limit. SCAQMD clarified our understanding of these subsections during a call on July 22, 2021.

However, to facilitate greater understanding we suggest that SCAQMD clarify some language in subsections (d) and (e). First, we suggest that SCAQMD include language in subsection (d)(2)(B) to affirm that a total of 3 hours for each imminent shutoff notification may be used before and/or after a PSPS event.

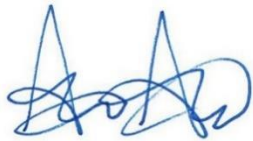
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Next, we suggest clarifying that the notification required in subsection (e) is required when the 200-hours are met but any hours attributable to a PSPS event may be excluded from the 200 hours. Alternatively, SCAQMD may clarify when notification is required and how to exclude PSPS hours by revising language in the preliminary Draft Staff Report on pages 16-17. Specifically, the word "occurrence" on page 17 of the draft Staff Report could be clarified to refer to when the facility exceeds the annual 200-hour operating limit. As written, "occurrence" could indicate a PSPS event. Additionally, SCAQMD should suggest that operators keep a log to indicate total standby engine operating hours and operating hours during PSPS events to comply with the notification and recordkeeping provisions of proposed Rule 118.1.

We appreciate the support of you and your staff to develop the proposed rule changes and to obtain concurrence from the California Air Resources Board on the proposed amendment for Rule 1470. Please do not hesitate to contact me at aabergel@cmua.org if you have any questions about our comments.

Sincerely,



Andrea Abergel
Senior Regulatory Advocate
California Municipal Utilities Association



Nicholas Blair
Regulatory Advocate
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