

## Charlene Nguyen

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**From:** Mark Abramowitz <marka@enviropolicy.com>  
**Sent:** Wednesday, November 10, 2021 9:56 AM  
**To:** Michael Morris; Uyen-Uyen Vo; Charlene Nguyen  
**Cc:** Susan Nakamura; Sarah Rees; Wayne Nastri; bbenoit@cityofwildomar.org; Sheila Kuehl; Vanessa Delgado; Veronica Padilla-Campos; Rex Richardson; Janice Rutherford (GBM); Ruthanne Taylor Berger (Ben); Dan York (Ben); Thomas Gross; Tricia Almiron; Sandra Hernandez (Del); Teresa Acosta (Del); Alisa Cota; Cristian Riesgo (Del); Loraine Lundquist; Amy Wong; Matthew Hamlett; Mark Taylor (Rut); Debra Mendelsohn  
**Subject:** Proposed Amended Rule 1135

SCAQMD staff,

Thank you for the opportunity to comment on the proposed changes to rule 1135, as presented at the Public Workshop.

CES is concerned about the lack of analysis, as well as the substance of the proposed substantive changes that reduce the stringency of the rule. A portion of the proposed changes are designed to address the plans of Southern California Edison to install brand new prime power Diesel engines on Santa Catalina Island, engines which cannot comply with the existing requirements of rule 1135. SCE chose this path after engaging NREL to evaluate several options, none of which evaluate feasible options to install zero emission fuel cells. The proposed changes weaken and reduce the stringency of Rule 1135 without an analysis evaluating the ability to use zero emission technology, or requiring BARCT. The proposed changes to the proposed rule appear to be contrary to state law and a myriad of District environmental justice and other policies.

California Health and Safety Code section 40440 requires the District to adopt rules and regulations that reflect Best Available Retrofit Control Technology (BARCT). The proposed amendments fail to reflect BARCT, as there exist zero emission technologies that can perform the same functions for prime electricity production as the very Diesel engines that SCE wishes to install. Unfortunately, the District failed to perform any BARCT or other analysis of the possibility of using zero emission technologies, which are now commercially available.

Commercially available fuel cells meet all the requirements for both Reasonably Available Control Technology and Best Available Retrofit Control Technology. In this case, since the changes will only apply to the SCE engines on Santa Catalina island, and will be replaced and not retrofitted, the rule changes should also be equivalent to Lowest Achievable Emission Rate (LAER), requirements that a fuel cell will also meet.

Adopted in September, 2011, the District has an energy policy with a number of policies that the proposed amendments appear to violate. For example, Policy 7 requires any new/repowered in-Basin fossil-fueled generation power plant to incorporate BACT/LAER as required by South Coast AQMD rules, considering energy efficiency for the application.

The proposed amendments appear to violate both the spirit and letter of the District's energy policy by amending Rule 1135 to conform to SCE's wish to install Diesel engines, engines which do not reflect BACT or LAER for generating power.

The proposed amendments would also conflict with the District's aging Clean Fuels Policy, which require the use of clean fuels as part of BACT or LAER.

The proposed amendments also are contrary to the District's 10 original environmental justice initiatives. Number 7 calls for the District "(c)reate incentives to clean-up or remove diesel engines in the basin...". The proposed amendments actually create an *incentive* for SCE by weakening Rule 1135. Without the proposed amendments, SCE could not comply with Rule 1135, and be forced to evaluate cleaner options, with cleaner fuels.

Further, the proposed amendments would be inconsistent with the intent of AB 1807 (Tanner), designed to identify and reduce emissions of toxic air contaminants. Diesel particulate matter has already been identified by the California Air Resources Board as a toxic air contamination, and the proposed amendments would facilitate their continued emission.

District staff has represented to the public on numerous occasions that it intends to include in the next AQMP a proposed measure to replace emergency backup diesel generators with zero emission technologies like batteries or fuel cells. This makes it is hard to understand why the District would propose to substantively *weakening* existing rule requirements for *prime* Diesel engines, rather than ensure that these engines are replaced by zero emission alternatives. Surely prime Diesel engine emissions will be more cost effective to reduce than emergency backup engines. And surely **all** of those emission reductions are needed to meet ambient air quality standards as soon as practicable. Yet the District offers no explanation for bypassing these potential emission reductions for these high-emitting units, or even analyzing the potential for alternatives.

We urge the District to re-evaluate the proposed amendments, perform a proper analysis, and propose amendments that would require NOx emission limits of zero, reflecting the current state of power generation technology.

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