



Chuck Weir
Tri-TAC Chair
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580
(510) 278-5910
cweir@ebda.org

March 15, 2006

Mr. Michael Tollstrup
Chief – Project Assessment Branch
California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

RE: Comments on “Proposed Amendments to the Regulation Governing the Statewide Portable Equipment Registration Program”

Dear Mr. Tollstrup:

Tri-TAC appreciates the opportunity to comment on the proposed changes to the regulation governing Portable Equipment Registration Program (PERP). Tri-TAC is a technical advisory group for Publicly Owned Treatment Works (POTWs) in California. The California Association of Sanitation Agencies (CASA), the California Water Environment Association (CWEA), and the League of California Cities jointly sponsor Tri-TAC. The constituency base for Tri-TAC collects, treats, and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California. We have been involved in your diesel risk reduction program rulemaking processes since their inception, and we appreciate the changes that have been made to the regulation governing the PERP in response to previous comments.

We have reviewed the proposed amendments to the PERP regulation, and have evaluated potential impacts upon our member organizations. As public agencies dedicated to protecting public health and the environment, our members are supportive of your efforts to reduce diesel particulate emissions and your attention to protecting the health of the people of California. However, we would like to re-iterate our concern over two provisions of the regulation.

Definition of Utility and Recordkeeping Exemption for Utilities

The proposed amendments to the regulation provide an exemption from the project-based recordkeeping requirement for utilities. In the draft staff proposal, a utility is defined as “a privately-owned company, subject to

Vice Chair
Jim Colston
Orange County
Sanitation District
P.O. BOX 9127
Fountain Valley, CA 92728
(714) 593-7458
icolston@ocsd.com

Water Committee
Co-Chairs
Ben Horenstein
East Bay Municipal
Utility District
375 11th St. MS702
Oakland, CA 94623
(510) 287-1846
bhorenst@ebmud.com

TERRIE MITCHELL
SACRAMENTO REGIONAL
COUNTY SANITATION DIST.
10545 ARMSTRONG AVE.,
SUITE 101
MATHER, CA 95655
(916) 876-6092
MITCHELLT@SACCOUNTY.NET

Air Committee Chair
Jackie Kepke
CH2M Hill
155 GRAND AVE., SUITE 1000
Oakland, CA 94612
(510) 251-2426
jkepke@ch2m.com

Land Committee
Co-Chairs
Layne Baroldi
Orange County
Sanitation District
P.O. BOX 9127
Fountain Valley, CA 92728
(714) 593-7456
lbaroldi@ocsd.com

Maura Bonnarens
East Bay Municipal
Utility District
375 11th St., MS702
Oakland, CA 94623
(510) 287-1141
mbonnare@ebmud.com

CalFOG Workgroup Chair
Trish Maguire
East Bay Municipal
Utility District
375 11th St., MS702
Oakland, CA 94623
(510) 287-1727
pmaguire@ebmud.com

governmental regulation, that provides any essential commodity or service, such as water, electricity, natural gas, transportation, or communication, to the public.”

As was stated in the Diesel Public Fleet ATCM, publicly-owned water and wastewater agencies provide an essential service to the public, on par with private utilities. Therefore, we request that you include public water and wastewater agencies in the definition of a utility. Consequently, we request that publicly-owned utilities also be subject to the same exemption from project-based recordkeeping as private utilities.

Publicly-owned utilities are tasked with the operation and maintenance of public water and wastewater infrastructure throughout a city or municipality. During emergency and routine maintenance situations, public agencies use portable equipment to properly maintain distribution lines, sewer lines, pump stations, and treatment facilities in order to protect public health by keeping drinking water safe and preventing sewage overflows. In order to perform this work, publicly-owned utilities must be mobile in the communities they serve. Project-based recordkeeping is an onerous requirement on publicly-owned utilities that are performing the same, or similar, essential public services as private utilities.

Definition of Portable Equipment and PERP Eligibility

As stated in the draft staff proposal, any engine or equipment unit “not meeting the definition of portable as defined in section 2452 (z) of the regulation” is not eligible for registration under PERP. Under the definition of portable equipment, the regulation states that any engine that is not attached to a foundation but “resides at the same location for more than 12 consecutive months” is not considered to be a portable engine. This is of concern to publicly-owned utilities that may move and utilize portable equipment at different sites throughout one large facility. We request that portable equipment that is truly being utilized as portable equipment and is moved throughout the same facility still be considered portable and therefore be eligible for PERP registration.

We appreciate the opportunity to comment on these draft regulations and look forward to working with you as this regulation takes shape. Please contact Diana Acevedo at (510) 587-7697 with any questions or comments. Thank you for your consideration.

Sincerely,



Charles V. Weir
Chair, Tri-TAC