



OFFICE OF RISK SERVICES—
ASSOCIATE VICE PRESIDENT & CHIEF RISK OFFICER

OFFICE OF THE PRESIDENT
1111 Franklin Avenue, 10th Floor
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BY E-MAIL ONLY

March 15, 2024

Yanrong Zhu
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
yzhu1@aqmd.gov

Re: Second Preliminary Draft Rule: Proposed Amended Rule 1146.2(d)(7)

Dear Ms. Zhu:

The Regents of the University of California (“University”), on behalf of its campuses in Los Angeles, Irvine, and Riverside, has discovered what it believes to be an error in the Second Preliminary Draft of Proposed Amended Rule 1146.2, and would like to bring this error to the Air District’s attention before the Draft Rule is officially released for public review on April 2, 2024.

Specifically, the University believes an error exists in PAR 1146.2(d)(7). Subsection (d)(7) proposes: “An owner or operator shall not operate any Type 1 Unit manufactured prior to January 1, 2012, in the South Coast AQMD which does not meet the NO_x emission limit of 55 ppmv.” As written, this amendment would immediately prohibit the use of Type 1 Units manufactured and in operation prior to January 1, 2001, with emissions exceeding 55 ppm NO_x. We do not believe this reflects the Air District’s intent for two reasons:

1. *Existing* Rule 1146.2 does not expressly prohibit the use of Type 1 Units manufactured and in operation before January 1, 2001, even if emissions exceed 55 ppm NO_x.
2. Tables 2 and 3 in PAR 1146.2 include a phase-out schedule for Type 1 Units manufactured and in operation before January 1, 2001.

If subsection (d)(7) is adopted as proposed, the compliance schedule in Tables 2 and 3 would be rendered meaningless because Type 1 Units manufactured before January 1, 2001 that exceed 55 ppm would need to immediately cease operation upon the Rule’s effective date. In other words, our campuses and any other facilities with pre-2001 Type 1 Units would be forced to leave buildings unheated without any opportunity to phase out these Units in accordance with proposed Tables 2 and 3.

For the above reasons, the University requests that PAR 1146.2(d)(7) be modified to correct this error. The University proposes the following edit for the Air District’s consideration: “An owner or

South Coast Air Quality Management District

March 15, 2024

Page 2

operator shall not operate any Type 1 Unit manufactured after January 1, 2001, and prior to January 1, 2012, in the South Coast AQMD which does not meet the NOx emission limit of 55 ppmv.”

The University recognizes that the Air District has yet to open a formal comment period on the Draft Rule, but we believe this error is significant enough that subsection (d)(7) should be changed before the formal comment period begins.

Thank you for your consideration of this concern and related request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Smith", written in a cursive style.

Ken Smith, CHP CIH RRPT
Executive Director of Environment Health & Safety

cc: Sarah Quiter, UC Legal Principal Counsel