



March 29, 2019

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, California 95814

sent via email: cotb@arb.ca.gov , ctr-report@arb.ca.gov

Re: WSPA Comments on AB 617 Proposed 15-Day Changes to CTR Regulation

Dear Sir or Madam,

Western States Petroleum Association (WSPA) appreciates this opportunity to provide comments to the California Air Resources Board (CARB) on its proposed 15-Day changes to the AB 617 Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) adopted on December 14, 2018. Previous written comments related to this rulemaking effort were submitted by WSPA on June 29, 2018, August 23, 2018, and December 10, 2018.

General Comments

WSPA agrees that the CTR regulation is critical to the success and implementation of AB 617 across the state. We appreciate the manner in which CARB has gone about developing this regulation, inviting comments from the public, industry, and air districts at timely stages throughout the process. WSPA respectfully submits these written comments in response to recent CARB workshops and review of the *Informal Draft* of Proposed 15-Day Changes to the CTR regulation, dated March 4, 2019.

WSPA agrees with recent concerns expressed by stakeholders that the proposed 15-Day changes are significant, and proposed changes related to applicability warrant a return to the CARB Governing Board for adoption as formal amendments to the CTR regulation.

Primary Recommendation

WSPA recommends that CARB proceed with the 15-Day changes to the CTR regulation, but limit the changes to updating only certain definitions and first-year reporting dates, and clarifying emissions data report content. Any proposed changes to applicability criteria in § 93401(a)(4), as adopted on December 14, 2018, are believed to be outside the intent of this 15-Day process and should therefore be addressed under a separate rulemaking effort.

Secondary Comments and Recommendations

§ 93401. Applicability

1. Additional Applicability - Criteria and toxics reporting thresholds

WSPA understands that the expansion of applicability criteria proposed in § 93401(a)(4) stems from public reaction that air quality objectives should be pursued statewide for all communities,

not just for select, sensitive communities. CARB presented in its recent workshop that an estimated 50,000 additional facilities will be subject to CTR reporting as a result of this applicability change. Accordingly, WSPA agrees with the proposed phase-in approach to reporting, in part, to lessen the burden on CARB and air district resources. But WSPA strongly recommends that the expansion of applicability criteria proposed in § 93401(a)(4) be addressed through a separate rulemaking process.

WSPA believes that the current regulation's reference to selected communities in § 93401(a)(4) (10 at this time) essentially equates to an initial "phase" of reporting. The proposed concepts of phase-in reporting (and mechanisms for abbreviated reporting) would add administrative value to the current regulation focused on 10 selected communities, but again, are best addressed through a separate rulemaking process.

2. Tables A-1, A-2, and A-3

CARB noted in the *Informal Draft* of its Proposed 15-Day changes that Tables A-1, A-2, and A-3 are not yet complete (i.e., references to *TBD*, industry codes provided *as an example*). WSPA believes that the time and effort needed to coordinate with various stakeholders in order to come to an agreement on the final content of these tables will be significant and cannot be resolved effectively during this 15-Day process. For example, WSPA member companies represent the interests of many gasoline service station owners and operators. We anticipate challenges to identify such facilities and educate owner/operators of their new reporting obligations.

WSPA recommends that CARB come to agreement with all stakeholders, including air districts, on content in Tables A-1, A-2, and A-3 under a separate CTR rulemaking process.

§ 93403. Emission Reporting Requirements

Based on written and verbal comments expressed by many stakeholders, particularly air districts, WSPA agrees with the proposed delay of first-year emissions reporting from data year 2018 to data year 2019 for facilities subject to § 93401(a)(1), (2), or (3).

§ 93406. Confidentiality

§ 93407. Enforcement

No significant changes have been proposed yet to confidentiality and enforcement in § 93406 and § 93407, respectively. WSPA requests that recommendations made in a previous comment letter dated December 10, 2018 be reconsidered.

WSPA appreciates this opportunity to provide comments on the 15-Day changes to the CTR regulation. We welcome the opportunity to talk with you more about these comments. Please feel free to reach me at troberts@wspa.org.

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Sincerely,

Handwritten signature of Tiffany Roberts in black ink.

Tiffany Roberts
Director, Legislative and Regulatory Policy
Western States Petroleum Association

cc: Mr. John Swanson, Manager
Dr. David Edwards, Branch Chief