



South Coast Air Quality Management District

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Comments on CARB's Informal Draft Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to provide comments on CARB's Informal Draft Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) version February 2020. We have been working closely with your staff on the CTR regulation and appreciate the dialogue, improvements to rule language, and consideration by your staff to provide a regulation that will be enforceable with realistic timelines to implement.

The proposed amendments for Additional Applicability Facilities and reporting of an expanded list of toxics will allow for a more comprehensive set of emissions data from most all industry categories. However, the amendments as drafted will present implementation issues for local air districts, and will likely lead to confusion in the regulated community. The applicability thresholds proposed in Table A-3 are extremely broad and appear to include the majority of the permitted facilities in the South Coast AQMD jurisdiction. The activity level reporting thresholds will be extremely difficult, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report are unknown.

CARB's current Proposed Updates to the Emissions Inventory Criteria and Guidelines will potentially add hundreds of additional toxics that must be quantified and reported under the CTR. It will be onerous for both local air districts and the regulated public to determine what is reportable/quantifiable. Appendix A of the EICG does not provide guidance on whether a quantification methodology exists for a particular listed compound and what those methods are (e.g., default toxic emission factors, reference to MSDS or SDS, test methods if source testing). For these reasons, the full reporting requirements under the CTR to report all "toxic air contaminants" should be delayed until this guidance is provided by CARB.

In addition, we believe that reporting Release Location Data should not be a general requirement for "Additional Applicability Facilities". This requirement can be onerous for many facilities with multiple sources and is highly subject to inaccurate and erroneous reporting. These facilities will already be submitting emissions data which can be screened first by local air districts

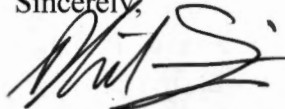
or CARB. If health risk concerns arise based on evaluation of specific toxic pollutants and amounts, this should then be the trigger to require additional information on release locations.

While we and other air districts want to help develop systems, protocols, and outreach for the implementation of this program, the ultimate responsibility will reside with CARB and on facilities. The approach from South Coast AQMD has been to provide meaningful input for rule language and assistance to CARB rule development staff to develop a reasonable rule with realistic outcomes. Without commitments for ongoing funding, air districts are limited on the amount of help that can be provided to CARB as far as implementation is concerned.

For these reasons, the South Coast AQMD encourages CARB to consider our comments on the proposed language and to acknowledge the impacts on the regulated industry on existing District emission reporting programs, and on the planning resources needed to harmonize applicable requirements of District rules and regulations with those proposed in the CTR.

We look forward to continuing to work productively with CARB on the development and implementation of this regulation. Specific comments and language in ~~strikeout~~/underline are detailed in the attachment. Please feel free to contact me to discuss these comments or any other concepts for this draft regulation.

Sincerely,



Philip M. Fine, Ph.D.

Deputy Executive Officer

Planning, Rule Development & Area Sources

South Coast Air Quality Management District

Attachment

Comments on Draft Rule Language

INFORMAL PUBLIC REVIEW DRAFT FOR WORKSHOPS

NOTE: This preliminary discussion draft of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (or CTR) is provided for review purposes only. The draft is subject to ongoing revisions and refinement. Any proposed requirements in this document have no effect until the amendments are adopted by the California Air Resources Board, approved by the California Office of Administrative Law, and endorsed by the California Secretary of State.

PROPOSED REGULATION ORDER

Note: The pre-existing regulation text is set forth below in normal type. The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol "****" means that intervening text not amended is not shown.

**PROPOSED AMENDMENTS TO THE
REGULATION FOR THE REPORTING OF CRITERIA AIR POLLUTANTS
AND TOXIC AIR CONTAMINANTS****California Code of Regulations, Title 17, Division 3, Chapter 1,
Subchapter 7.7, Articles 1 and 2**

Amend Subchapter 7.7, Article 1, and sections 93400, 93401, 93402, 93403, 93404, 93405, 93406, 93407, 93408, 93409, 93410, title 17, California Code of Regulations, and adopt new Subchapter 7.7, Article 2, sections 93420, 93421, title 17, California Code of Regulations, to read as follows:

**Subchapter 7.7: Regulation for the Reporting of
Criteria Air Pollutants and Toxic Air Contaminants****Article 1. General Requirements for Criteria and Toxics Reporting****§ 93400. Purpose and Scope**

The purpose of this article is to establish a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for ~~specified-permitted~~ facilities that have been issued one or more temporary or permanent permits to operate by a local air quality management district or air pollution control district. This article also requires owners or operators of ~~specified-permitted~~ such facilities to report to the state board (or in many cases, the local air district) annual emissions of criteria air pollutants and toxic air contaminants (or associated activity level data) using the uniform statewide system of annual reporting. This article implements the requirements of sections 39607

and 39607.1 of the California Health and Safety Code (H&SC) by identifying facilities subject to annual reporting, data to be reported, mechanisms for reporting, requirements for quantifying emissions data, and the timing and phase-in of specified data reporting requirements. It is also designed to support implementation and tracking of the requirements outlined in sections 42705.5 and 44391.2 of the H&SC.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93401. Applicability

(a) *General Applicability.*

Except as provided in section 93401(b), this article applies to the owners or operators of any facility described in sections 93401(a)(1), (2), ~~or (3)~~, or (4) that is located in California and has been issued a permit to operate by an air district. ~~The applicability determination must include the data year emissions from all permitted processes and devices at the facility. Emissions from unpermitted processes and devices, including unpermitted processes and devices releasing fugitive emissions, are not to be included in the applicability determination.~~

- (1) *Greenhouse Gas (GHG) Reporter Applicability (GHG Facility).* A facility that is required to report to the state board the facility's greenhouse gas emissions pursuant to H&SC section ~~38530~~ at the beginning of for the data year, pursuant to H&SC section 38530. For determining applicability under section 93401(a)(1), a facility includes any onshore petroleum and natural gas production facility.
- (2) *Criteria Emissions Greater Than 250 Tons per Year (tpy) Applicability (Criteria Facility).* A facility that is located in an air district for which any portion of the air district has been designated as nonattainment with respect to either the National Ambient Air Quality Standards (NAAQS) or the California Ambient Air Quality Standards (CAAQS), and that is authorized by one or more permit(s) issued by an air district to emit 250 or more tpy of any applicable nonattainment pollutant or its precursors ~~at the beginning of~~ during the data year.
- (3) *Elevated Prioritization Toxics Applicability (Elevated Toxics Facility).* A facility that is categorized by the air district as high priority for toxic air contaminant emissions at the beginning of the data year, based on cancer or noncancer health impacts pursuant to H&SC section 44360.
- (4) *Additional Applicability (Additional Applicability Facility).* A facility with one or more temporary or permanent permits to operate issued by an air district with facility-wide actual emissions or activity levels exceeding any of the thresholds specified in (A) through (C) below, within a data year. The applicability determination must include the data year emissions from all permitted processes and devices at the facility. ~~Emissions from unpermitted processes~~

~~and devices, including unpermitted processes and devices releasing fugitive emissions, are not to be included in the applicability determination.~~

Commented [Author1]: Unpermitted point source, area source and fugitive emissions can be a significant source of emissions and should be considered during applicability to report.

(A) 4 tpy of any criteria air pollutant (except for carbon monoxide).

(B) 100 tpy of carbon monoxide.

(C) Activity levels published in Appendix A, Table A-3 for a permitted emissions process at a facility classified with a matching primary or secondary Standard Industrial Classification (SIC) code or North American Industry Classification System (NAICS) code listed for the permitted emissions process. If the SIC or NAICS codes have a designation of "Any" in Table A-3 for a permitted process, then reporting for the process is required regardless of the SIC or NAICS designation for the facility performing the process, if the listed activity level reporting threshold is exceeded.

ADD

Commented [Author2]: In the older version of the rule CARB had a great provision allowing Districts to require emission report at their discretion. We suggest including that here:

(b) *Exclusions.*

"(5) If an air district requires additional facilities that do not meet the applicability criteria above to provide emissions or activity level data to the air district, the air district may report the associated emissions data to CARB; however such a facility is not required to comply with the requirements of this article."

(1) For facilities identified in section 93401(a)(1), this article does not apply to, and emissions reporting is not required for, the following facilities or entities that are subject to reporting their greenhouse gas emissions pursuant to CCR, title 17, section 95101:

(A) Suppliers of transportation fuels (CCR, title 17, section 95121), suppliers of natural gas, natural gas liquids, and liquefied petroleum gas (CCR, title 17, section 95122), and suppliers of carbon dioxide (CCR, title 17, section 95123), that do not report any facility combustion emissions under the requirements of CCR, title 17, sections 95100 through 95158.

(B) Electric power entities as defined in CCR, title 17, section 95102.

(C) Natural gas distribution facilities.

(2) This article does not apply to, and emissions reporting is not required for, the combustion of diesel fuel or other fuels in internal combustion engines used for irrigation pumps (including booster pumps and groundwater well pumps) at agricultural operations.

(3) This article does not apply to, and emissions reporting is not required for, open burning of fields, or open burning of agricultural wastes or agricultural residues that is subject to burn permitting by a local air district.

(4) This article does not apply to, and emissions reporting is not required for, tactical support equipment (TSE).

(c) *Cessation of Reporting.*

The owner or operator of a facility that is subject to reporting pursuant to the applicability criteria in sections 93401(a)(1), (2), ~~or (3)~~, or (4), and submits notification to CARB and the local air district according to this section certifying that no applicability criteria apply to the facility, may cease reporting required by this

article.

- (1) The owner or operator of the facility must provide in the notification the reason(s) for cessation of reporting, describing which applicability criteria no longer apply to the facility and why applicability is no longer triggered, for example: the facility has permanently shut down, the facility's permits to operate have been cancelled, or the facility is no longer categorized by the local air district as high priority for toxic air contaminant emissions, ~~and~~ ~~the~~ designated representative for the facility must certify in writing or via email that no applicability criteria of this article apply to the facility pursuant to this article. Facility owners or operators must provide the cessation notification to the mail address or email address indicated in section 93403(g) of this article.
- (2) The notification must be submitted no later than May 1, or by the local air district's data reporting deadline if it is earlier than May 1, of the year in which the emissions data report ~~was~~ is due.
- (3) *Reinstatement of Reporting Requirements.* Any facility that ceases reporting is again subject to reporting under the full requirements of this article if in the future it meets any of the applicability criteria in sections 93401(a)(1) through ~~(4)~~.

Commented [Author3]: This section only requires notification addresses to CARB. Since many facilities will be reporting to the local air districts directly, we suggest adding language here and/or in section 93403(g) requiring facilities to provide notification to both CARB and the respective local air district.

(d) Determination of Nonapplicability.

The Executive Officer or local air district may request from any facility owner or operator emissions data, fuel use, throughput information, activity data, or process data necessary to determine if the facility meets one or more of the applicability criteria specified under sections 93401(a)(1)-(4). Requests by the Executive Officer shall be based on the evaluation of CARB, local air district, or other information regarding the expected or known facility operations, processes, or emission levels, which indicate whether there is, or is not, reasonable potential for a facility to be subject to one or more of the applicability criteria of this article. Such requested information must be provided to the Executive Officer or local air district within 30 days of receipt of a written request.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93402. Definitions

(a) For the purposes of this article, the following definitions apply:

“Activity level” means a measurable factor or parameter of a process that relates directly or indirectly to the emissions of an air pollution source during the period for which emissions are reported. Some examples of activity levels include throughput, hours of operation, quantity of fuel consumed, quantity of material produced, quantity of coating applied, etc.

“Actual emissions” or “actual air emissions” means the mass of a criteria air pollutant or toxic air contaminant measured, observed, or estimated to have been actually released by a process into the atmosphere during an associated data year, except in the case of radionuclide emissions, where the actual emissions is quantified in units of radioactivity instead of mass.

“Agricultural operations” means the growing or harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or animals.

“Air district” or “air quality management district” or “air pollution control district” or “district” means any district created or continued in existence pursuant to the provisions of Part 3 (commencing with section 40000) of Division 26 of the H&SC.

“Air District Group” or “District Group” means the air district group identifier for a facility, as denoted in Appendix A, Table A-2. The air district classification identifier is used in conjunction with the Sector Phase to determine the initial data year for a facility subject to this article per section 93401(a)(4)(C).

“Annual” means with a frequency of once each year; unless otherwise noted, annual events such as reporting requirements will be based on the calendar year.

“Applicable nonattainment pollutant or its precursors” means:

- A pollutant for which any portion of the air district in which the facility is located has been designated as nonattainment with respect to NAAQS under 42 U.S.C section 7407(d) and the precursors of such pollutants identified in the applicable State Implementation Plan, including local attainment plans, approved by the U.S. Environmental Protection Agency;
- A pollutant for which any portion of the air district in which the facility is located has been identified as nonattainment with respect to a CAAQS under H&SC section 39608 and the precursors of such pollutants listed in CCR, title 17, section 70700.

“Best available data and methods” means technically justifiable and documented quantification methods and emission factors used in conjunction with technically justifiable and documented activity level data, for estimating criteria air pollutant and toxic air contaminant emissions. Best available data and methods may be based

on and include continuous emission monitoring systems, source test data, material balance, manufacturer-guaranteed emission rates (on an activity level basis), source-specific emissions data, facility-established methods and protocols, engineering estimates, and emission factors published in literature. Best available data and methods should not necessarily be maximum emissions values, potential to emit, or prescriptive limits established by permitting or regulation, unless those values provide the most accurate estimates available.

“Calendar year” means the time period from January 1 through December 31 of the same year.

“California Ambient Air Quality Standard” or “CAAQS” means the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment, as determined by CARB and codified in CCR, title 17, section 70200, Table of Standards.

“CARB” means the California Air Resources Board.

“Construction aggregate processing” includes the following activities: extraction from the earth of sand, gravel, or rock, and/or loading, unloading, conveying, crushing, screening, processing, and loadout of these materials.

“Continuous Emissions Monitoring System” or “CEMS” means the total equipment required to obtain a continuous measurement of an emissions concentration or emission rate from combustion or industrial processes, which meets local air district or U.S. EPA certification standards.

“Criteria air pollutant” or “criteria pollutant” means those pollutants for which there is an established California Ambient Air Quality Standard or National Ambient Air Quality Standard, including their precursors, except as otherwise specified herein. These pollutants and precursors include total volatile organic compounds (VOCs) or total reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM), lead (Pb), and ammonia (NH₃). For the purposes of this article, vinyl chloride, hydrogen sulfide, and sulfates are considered toxic air contaminants, and must be reported as such.

“Data year” means the calendar year in which emissions occurred.

“Design capacity” means, for devices or emissions units that combust gaseous, liquid, or solid fuels, the maximum design capacity of the device or emissions unit. For example, design capacity may be expressed as million British thermal units per hour (mmBtu/hr) or horsepower (hp), or for nameplate capacities for electric generators, megawatts (MW).

“Designated representative” means the person responsible for certifying and submitting the emissions data report.

“Device” means a piece of equipment that has at least one process associated with it (e.g., internal combustion engine, boiler, tank, spray paint booth, etc.).

“Direct-Drive Emergency Standby Fire Pump Engines” means engines directly coupled to pumps exclusively used in water-based fire-protection systems.

“Direct emissions” means emissions released directly from a stack, or other functionally equivalent opening.

“Emergency standby engine” means a stationary engine that meets the definition of “emergency standby engine” as defined in title 17, CCR, section 93115.

“Emission calculation method” means a description and reference of the method used to calculate emissions for a pollutant (e.g., by stack test, continuous emissions monitor, emission factor, etc.).

“Emission factor” means the value relating the quantity of emissions of a pollutant to an activity level. Emission factors are typically empirically, experimentally, or mathematically derived, and are typically multiplied by, or otherwise mathematically applied to, a measured activity level to estimate the emissions associated with that activity.

“Emissions” means the release of criteria air pollutants or toxic air contaminants into the atmosphere from any sources and processes within a facility, including direct emissions or fugitive emissions.

“Emissions report” or “report” means the report prepared each year for a facility subject to this article that provides the information required by this article. The emissions report is for the submission of required data for the calendar year prior to the year in which the report is due. For example, a 2019 emissions data report would include data for emissions that occurred during the 2019 calendar year (i.e., data year) and would be reported in 2020.

“Emittent ID” means the Emittent IDs assigned for substances as identified in Appendix A-1, Substances for which Emissions Must Be Quantified, of the Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program, version effective September 26, 2007, as issued by CARB, which is incorporated by reference herein.

“Enforceable” means legally required, and subject to enforcement actions under the authority of CARB or local air districts to hold a particular party liable and to take appropriate action if any of the provisions or requirements are violated.

“Engineering estimate” means an estimate of emissions based on engineering principles applied to measured and/or approximated physical parameters such as fuel use, hours of operation, production, throughputs, flow rates, or other data.

“Equipment unit” means equipment that emits PM₁₀ over and above that emitted from an associated engine.

“Executive Officer” means the Executive Officer of the California Air Resources Board, or his or her delegate.

“Facility” means any physical property, plant, building, structure, or stationary equipment, having one or more sources, located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control.

- Operators of military installations may classify such installations as more than a single facility based on distinct and independent functional groupings within contiguous military properties. See also the definition for “Onshore petroleum and natural gas production facility” for additional specifications regarding these facilities.

“Fugitive emissions” means those emissions from a source which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

“Geospatial coordinates” means the latitude and longitude values identifying a physical location, without considering elevation, under the North American Datum of 1983, National Oceanic and Atmospheric Administration, December 1989, incorporated by reference herein. ~~Geospatial coordinates for fugitive or non-ducted sources shall be estimated to represent the typical or average location(s) of the majority of emissions into the environment.~~

“Hazardous waste treatment, storage, disposal and recycling facility” means any facility as defined by “hazardous waste facility” in Health and Safety Code, section 25117.1 and in title 22, California Code of Regulations (CCR), section 66096 except: (1) transfer stations (as defined in title 22, CCR, section 66212) that do not pump or package hazardous waste; and (2) storage facilities (as defined in Health and Safety Code, section 25123.3) that store only containerized waste.

“Industrial sources” means those entities that report greenhouse gas emissions under the North American Industry Classification System (NAICS) codes listed in Table 8-1 of the Cap-and-Trade Regulation (CCR title 17, section 95870); this includes entities that perform manufacturing activities, mining activities, support activities for air transportation, and the growing of food in greenhouses.

“Lead” or “Pb” means lead and lead compounds, measured as elemental lead. Emissions of Pb which occur as elemental Pb or as a chemical compound containing Pb should be reported as the mass of the Pb atoms only.

“Local distribution company” or “LDC,” for purposes of this article, means a company that owns or operates distribution pipelines, not interstate pipelines, that physically deliver natural gas to end users and includes public utility gas corporations, publicly-owned natural gas utilities and intrastate pipelines that are delivering natural gas to end users.

“National Ambient Air Quality Standards” or “NAAQS” means those pollutants and associated standards identified in the Code of Federal Regulations, Title 40, Part 50, as it existed June 14, 2019, which is incorporated by reference herein.

“Natural gas distribution facility” means the collection of all distribution pipelines and metering and regulating equipment at metering or regulating stations that are operated by a local distribution company (LDC) within California that are regulated as a separate operating company by a public utility commission or that is operated as an independent municipally-owned distribution system. This also includes customer meters and regulators, infrastructure, and pipelines (both interstate and intrastate) delivering natural gas directly to major industrial users and farm taps

upstream of the local distribution company inlet.

“Nitrogen oxides” or “NO_x” means all oxides of nitrogen except N₂O.

“Nonattainment pollutant” means a criteria air pollutant for which a district is classified as a nonattainment area pursuant to the CAAQS and/or the NAAQS.

“North American Datum of 1983” or “NAD83”, means the coordinate system, and a set of reference points, used to locate places on the Earth used to define the geodetic network in North America.

“North American Industry Classification System” or “NAICS” means the six-digit code(s) that represent the products, activities, and/or services at a facility as defined in North American Industry Classification System Manual, 2017, United States Office of Management and Budget, which is incorporated by reference herein.

“Onshore petroleum and natural gas production facility” means all petroleum or natural gas equipment on a well pad, or associated with a well pad or to which emulsion is transferred and CO₂ enhanced oil recovery operations that are under common ownership or common control including leased, rented, or contracted activities by an onshore petroleum or natural gas production owner or operator that are located in a single basin as defined in the Code of Federal Regulations, title 40, section 98.238, last amended October 22, 2015, which is incorporated by reference herein. For the purposes of this article, any cogeneration plant(s) permitted by a local air pollution control district as part of an onshore petroleum and natural gas production facility, are to be included as part of the facility for the purposes of reporting criteria air pollutant and toxic air contaminant emissions. This definition applies only to the determination that an onshore petroleum and natural gas facility is subject to the reporting requirements of this article; for the reporting of emissions, air districts or CARB may choose to disaggregate the emissions required to be reported within the onshore petroleum and natural gas facility to smaller sub-facility groupings, which may also be identified as individual “facilities” within the single basin.

“Operational control” for a facility subject to this article means the authority to introduce and implement operating, environmental, health and safety policies. In any circumstance where this authority is shared among multiple entities, the entity holding the permit to operate from the local air pollution control district or air quality management district is considered to have operational control for purposes of this article.

“Operator” means the entity, including an owner or leaseholder, having operational control of a facility. For onshore petroleum and natural gas production, the operator is the operating entity listed on the state well drilling permit, or a state operating permit for wells where no drilling permit is issued by the state.

“Particulate matter” or “PM” is a criteria air pollutant for the purposes of this article. For the purposes of this article, the following definitions apply:

- “PM_{2.5}” means PM with an aerodynamic diameter equal to or less than 2.5 micrometers, including both filterable PM and condensable PM.

- “PM₁₀” means PM with an aerodynamic diameter equal to or less than 10 micrometers, including both filterable PM and condensable PM. PM₁₀ will include PM_{2.5}.
- “Condensable PM” means material that exists in vapor phase at stack conditions, but which condenses or reacts upon cooling or dilution in the ambient air to form solid or liquid PM after discharge from the stack. All condensable PM is in the PM_{2.5} size fraction.
- “Filterable PM” means particles that are directly emitted by a source as a solid or liquid at stack or release conditions such that they could be captured on the filter of a stack test sampling train. Filterable PM can be in the PM_{2.5} or PM₁₀ size fraction.

“Permit” or “Air District Permit” means a document, issued by a district, which authorizes a facility to construct or operate a device, process, or facility that emits substances into the air, including, but not limited to, criteria air pollutants and toxic air contaminants. Permits may establish numeric limits on activity levels for devices or processes, or the amount of emissions a facility is legally authorized to emit over a specified period of time.

“Permit ID” or “Air District Permit ID” means the identification code or other identifier used by the local air district for a facility permit.

“Permit or rule emissions limit” means the individual pollutant emissions limit(s) designated in applicable rule(s) or best available control technologies (BACT) determinations for a given device or emissions limit.

“Physical address,” with respect to a United States parent company as defined in this section, means the street address, city, state and zip code of that company’s actual physical location. For facilities, the physical address serves to locate one or more emission sources rather than to locate a corporate office or as a mailing address. For facilities in rural or other locations without a distinct street or other address, or that are geographically dispersed, a best available address should be provided, which is nearest to the most significant emission source(s). A best available address could include cross streets, a road or highway number, or other identifying information for the street address and city.

“Pollutant code” means the numeric codes associated with the pollutant names as specified in the table below.

Pollutant Code	Pollutant Name	Abbreviated Name
42101	Carbon Monoxide	CO
42603	Oxides of Nitrogen	NO _x
42401	Oxides of Sulfur	SO _x
11101	Particulate Matter	PM
85101	Particulate Matter 10 Microns or Less	PM ₁₀
88101	Particulate Matter 2.5 Microns or Less	PM _{2.5}
16113	Reactive Organic Gases	ROG
43101	Total Organic Gases	TOG
43104	Volatile Organic Compounds	VOC
7664417	Ammonia	NH ₃
7439921	Lead	Pb

“Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

- The engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine or equipment unit is maintained at a storage facility **and disconnected from service** shall be excluded from the residency time determination. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
- The engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or
- The engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

“Process” means a type of activity **associated with a device** that produces emissions (e.g. flaring, internal combustion, heating, painting, gravel screening, breathing loss, vehicle fueling, spillage, solvent cleaning, etc.).

"Reactive organic gases" or "ROG" means gaseous volatile organic compounds (or VOC), as defined in the Code of Federal Regulations, title 40, section 51.100(s), as of June 12, 2019, which is incorporated by reference herein.

"Release location" or "Release location exit" means the location at which a gas stream enters the ambient air.

"Release location exit gas flow rate" means the numeric value of the volumetric flow rate of a stack gas stream as measured in the stack or at the release point exit, in units of actual cubic feet per minute, or ACFM. Exit gas flow rate should represent, to the extent feasible, the typical, or the most common or generally used, annual operating conditions. Exit gas flow rate may be based on, in order of preference: direct measurements (including measurements recorded during source testing), engineering evaluation, engineering specifications, or other science-based methods.

"Release location exit gas temperature" means the numeric value of the temperature of an exit gas stream as measured in the stack or at the release point exit, in units of degrees Fahrenheit. Exit gas temperature should represent, to the extent feasible, the typical, or the most common or generally used, annual operating conditions. Exit gas temperature may be based on, in order of preference: direct measurements (including measurements recorded during source testing), engineering evaluation, engineering specifications, or other science-based methods.

"Release location exit gas velocity" means the numeric value of the velocity of an exit gas stream as measured in the stack or at the release point exit, in units of feet per minute. Exit gas velocity should represent, to the extent feasible, the typical, or the most common or generally used, annual operating conditions. Exit gas velocity may be based on, in order of preference: direct measurements (including measurements recorded during source testing), engineering evaluation, engineering specifications, or other science-based methods.

"Release location height above ground" means the physical height of a release point above the immediate surrounding terrain (underlying ground surface), in units of feet.

"Release location stack diameter" means the inner physical diameter of a circular stack or the equivalent diameter of a rectangular stack, in units of feet.

"Release location type" means the identification of whether the release location is a stack or fugitive.

"Release point type" means an indication of whether the stack or release point is vertical, horizontal, goose-neck, vertical with rain cap, or downward-facing vent.

"Sector Phase" means the sector phase identification number for a facility or activity, as identified in Appendix A, Table A-3 of this article. The Sector Phase identification number is used in conjunction with the Air District Group identifier to determine the initial data year for a facility subject per section 93401(a)(4)(C).

Commented [Author4]: Please add a reference to the provisions of 93404(c)(1)(A) which give flexibility to local air district to require its own definition of ROG.

“Short ton” means a common international measurement for mass, equivalent to 2,000 pounds.

“Shutdown” means the permanent or indefinite cessation of operation of an emission source for any purpose.

“Source” means any physical unit, process, or other use or activity that releases a criteria air pollutant or toxic air contaminant into the atmosphere.

“Source Classification Code(s)” or “SCCs” means the eight-digit code(s) that represent distinct source processes, as listed in Appendix C to the “Staff Report: Initial Statement of Reasons” published by the California Air Resources Control Board on October 23, 2018, which is incorporated by reference herein.

“Stack” or “release point” means any opening or passage designed to emit gases, solids, or liquids from a source into the air, including a chimney, vent, pipe, or duct.

“Standard cubic foot” or “scf” is a measure of quantity of gas, equal to a cubic foot of volume at 60 degrees Fahrenheit and either 14.696 pounds per square inch (1 atm) or 14.73 PSI (30 inches Hg) of pressure.

“Standard Industrial Classification Codes” or “SICs” means the four-digit codes that are used to identify and classify a company’s primary business function or activity. SIC code numbers were last updated in 1987 by the U.S. Office of Management and Budget, and are no longer maintained or revised. The SIC codes are available on the United States Department of Labor, Occupational Safety and Health Administration, “SIC Division Structure” website page, which is incorporated by reference herein.

“Stationary” means neither portable nor self-propelled, and operated at a single facility.

“Sulfur oxides” or “SO_x” means all oxides of sulfur.

“Tactical Support Equipment” or “TSE” means equipment using a portable engine, including turbines, that meets military specifications, owned by the U.S. Department of Defense, the U.S. military services, or its allies, and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations. Examples include, but are not limited to, internal combustion engines associated with portable generators, aircraft start carts, heaters and lighting carts.

“Total organic gases” or “TOG” means any gaseous compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

“Toxic air contaminant” means, for the purpose of this article, those substances identified in Appendix A-1 of the Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program, version effective September 26, 2007, as issued by CARB.

“Unit Type Code” means the three-digit numeric code that represents the broad category or type of a device, from the “UnitTypeCode” value list from the Emission Inventory System Resource defined in the U.S. EPA Data Element Registry Service

Commented [Author5]: CARB’s current Proposed Updates to the EICG will potentially add hundreds of additional toxics that must be quantified and reported under the CTR. It will be onerous for both local air districts and the regulated public to determine what is reportable/quantifiable. Appendix A of the EICG does not provide guidance on whether a quantification methodology exists for a particular listed compound and what those methods are (e.g., default toxic emission factors, reference to MSDS or SDS, test methods if source testing). For these reasons, the full reporting requirements under the CTR to report all “toxic air contaminants” should be delayed until this guidance is provided from CARB.

(DERS, Accessed August 20, 2018), which is incorporated by reference herein. Examples of Unit Type Codes include: 100 (for Boilers), 120 (for Turbines), and 200 (for Furnaces).

“U.S. EPA” means the United States Environmental Protection Agency.

“Volatile Organic Compounds” or “VOCs” means, for the purpose of this article the same as Reactive Organic Gases.

“Wastewater treatment plant” means any of the following: (1) A facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage or industrial wastes; (2) A privately owned facility used in the treatment or reclamation of sewage or industrial wastes, and regulated by the Public Utilities Commission pursuant to sections 216 and 230.6 of, and chapter 4 (commencing with section 701) of part 1 of division 1, of the Public Utilities Code; or (3) A privately owned facility used primarily in the treatment or reclamation of sewage, and for which the State Water Board or a Regional Water Board has issued waste discharge requirements. “Wastewater treatment plant” includes water recycling treatment plants. The term, “wastewater treatment plant” does not include onsite sewage treatment systems as defined in section 13290 of the Water Code.

- A covered system is one that has a covering over the physical area where the primary settling process occurs in the wastewater treatment process, such as sedimentation tanks. The primary tanks may be sealed or covered with a fixed, floating, or retractable covering and shall be air tight, thus preventing emissions from being released into the air.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93403. Emission Reporting Requirements

Owners or operators of the facilities subject to this article must submit complete annual emissions data reports according to the requirements specified in section 93403 for criteria air pollutants and toxic air contaminants.

(a) *GHG, Criteria, and Elevated Toxics Facilities Emissions Reporting: Phase-In Schedule.* Owners or operators of a GHG, Criteria, or Elevated Toxics Facility subject to reporting per sections 93401(a)(1), (2), or (3) must submit annual emissions reports according to the following phase-in schedule.

(1) *Annual Emissions Reporting Using Existing District Methods: Phase-In Period.* Owners or operators of a facility specified below in 93403(a)(1)(A) and (B) must submit annual emissions reports during the phase-in periods described below that include all data as specified by the local air district’s existing emissions reporting program and methods for the 12-month period of time currently required to be reported by the local air district. The annual emissions reports submitted during this phase-in period do not require reporting of the contents of section 93404, unless required by the local air district. Facility

owners or operators submitting emissions reports during the phase-in period must either provide emissions data for the criteria air pollutants and toxic air contaminants pursuant to the local air district's existing emissions reporting program, or provide sufficient activity level data for the air district to calculate such emissions using the existing district program and methods. Emissions reports must provide the same criteria air pollutants and toxic air contaminants that have most recently been reported to the local air district using applicable data year activity level data, or provide sufficient activity level data to calculate such emissions.

- (A) For GHG and Criteria Facilities subject to reporting per sections 93401(a)(1) and (2), the above phase-in period and district existing methods requirements apply for the 2019 data year reported in 2020.
 - 1. *Criteria Facility Permitted Emissions Reporting Delay.* Criteria Facilities subject to reporting per section 93401(a)(2), but not subject to 93401(a)(1) or 934041(a)(3), are not required to provide an annual emissions report per this article for the 2019 data year unless actual emissions of any applicable nonattainment pollutant or its precursors exceeds 250 tpy. Following the 2019 data submission in 2020 year, applicability for Criteria Facilities is based on air district permitted emissions, and not actual emissions.
- (B) For Elevated Toxics Facilities subject to reporting only per section 93401(a)(3), the above phase-in period and district existing methods requirements apply to both the 2019 data year reported in 2020, and the 2020 data year reported in 2021.

(2) *Annual Emissions Reporting.* Following the phase-in periods described above in 93403(a)(1), owners and operators of GHG, Criteria, or Elevated Toxics Facilities must submit annual emissions reports according to the requirements and containing the contents of section 93404.

(b) *Abbreviated Reporting.* Owners and operators of an agricultural operation, and subject to this article, qualify for abbreviated reporting to meet the requirements of this article. An abbreviated report may be prepared as specified below.

- (1) *Agricultural Operation Abbreviated Reporting.* The air district or CARB will prepare and submit the emission report for the facility, based on the information provided in the abbreviated report. Agricultural operations submitting an abbreviated report must report the following.
 - (A) The data year being reported and facility information and location information from the general contents of sections 93404(a)(1) and (2).
 - (B) The activity level data needed to quantify permitted emissions sources such as, for example, the number of milk producing cows for dairies, or the quantity of fuel consumed or hours of operation, as applicable, for a combustion process.
- (2) *Emissions for Abbreviated Reporting.* Emissions calculated from an abbreviated report must include the actual emissions from the permitted

Commented [Author6]: We request that the full reporting requirements for all applicable facilities be pushed at least one year later due to the following:

- No guidance provided to the public on the reporting of release location data.
- No guidance or quantification methods provided for the proposed additional toxic compounds list under CARB's Proposed Updates to the Toxics Hot Spots Emission Inventory Criteria and Guidelines.
- Time and funding needed to add toxic compounds and functionality to report release locations to the reporting tool software.

~~processes and devices at the facility. Annual emissions must include emissions of criteria air pollutants and toxic air contaminants.~~

(b) Additional Applicability Facilities Emissions Reporting: Phase-In Schedule. Owners and operators of Additional Applicability Facilities subject per section 93401(a)(4) must annually report, at a minimum, the emissions report contents specified in section 93404, according to the phase-in schedule in Appendix A, Table A-1. Once a facility is subject to reporting for one of the process or emissions limits identified in 93401(a)(4), that facility's annual emissions report must include emissions from all permitted ~~and unpermitted~~ processes, including those that may be subject to phase-in emission reporting requirements in a future data year. All agricultural operation facilities that must submit reports pursuant to a threshold identified in section 93401(a)(4), regardless of which threshold category is exceeded, may postpone the initial year of reporting to Sector Phase 3 of the schedule identified in Table A-1 of Appendix A. Agricultural operation facilities that are subject to the applicability criteria identified in sections 93401(a)(1) through (3) must comply with the phase-in schedule identified in section 93403(a).

Commented [Author7]: See comment in section 93404 (a)(4).

- (c) Submittal of Annual Emissions Reports. For facilities subject to this article, emissions reports must be submitted annually, with the contents of the annual emissions report based on the phase-in schedules in 93403(a).
- (1) Owners and operators of a facility subject to this article must submit annual emissions reports by May 1 of the year immediately following the data year.
 - (2) Annual emissions reports must be submitted to the local air district. Air districts may specify an earlier submittal date which supersedes the May 1 submittal date, and may provide approval for data submissions in other formats. Alternatively, a facility owner or operator may request to submit the annual emissions report(s) directly to a CARB administered electronic data system, if such a system is available. Requests shall be submitted to the email address in section 93403(g) and the emissions inventory staff of the local air district. In making a determination, staff will evaluate potential benefits of direct submission to the CARB system including factors such as data processing efficiencies, district and CARB data review needs, and report submission consistency. If the request is approved by representatives of both CARB and the local district, the facility data report(s) may be directly submitted to the CARB system.
 - (A) By August 1 of the year immediately following the data year, annual emissions reports submitted to the air district may be submitted by the local air district on behalf of the facility to CARB. If an air district with jurisdiction over a facility does not submit an annual emissions report to CARB on behalf of the facility by August 1 of the year immediately following the data year, CARB, after consultation with the air district, will notify the facility designated representative in order to obtain the data required by this article. The facility designated representative must provide the required data of 93404 to both the air district and CARB within 30 days of notification.

If an air district elects to quantify emissions for the owner or operator of a facility subject to this article, owners or operators must provide sufficient data for the air district to determine the data required by section 93404, except for the data elements identified in sections 93404~~(ab)~~~~(51)~~(C)(3) through ~~(d)~~10, as the air district will determine those data elements.

- (B) If data required from any facility subject to this article is found to be missing, incomplete, or incorrect, CARB will contact the air district and notify the facility designated representative of missing, incomplete, or incorrect data. For the purpose of compliance determinations, the facility owner or operator shall maintain liability for any late submittals and errors in data submitted to the local air district or CARB by the facility owner or operator.

~~(3) Electronic Reporting System. CARB will make available a state administered electronic reporting system for submitting the data required by this article.~~

(d) *Release Location Data Reporting Requirements.*

(1) *Release Location Data Reporting Timing.*

- (A) *GHG, Criteria, and Elevated Toxics Facilities.* Owners or operators of a GHG, Criteria, or Elevated Toxic Facility subject per 93401(a)(1), (2), or (3) may defer reporting the release location data specified in 93404~~(ab)~~~~(61)~~(D) until the 2022 data year reported in 2023.

~~(B) Additional Applicability Facilities. Owners or operators of an Additional Applicability Facility subject per 93401(a)(4) may defer reporting and are required to report the release location data specified in 93404(b)(1)(D) beginning the third data year of reporting if specifically notified to do so by CARB or its local air district until the third data year of reporting subject to the requirements of this article. An air district may, on behalf of a facility or group of facilities, request an alternative schedule for reporting release location data. Such requests must be submitted and approved by the CARB Executive Officer prior to the date upon which the release location data is due. Approval by the Executive Officer will be based on the number and the complexity of the facilities affected by the request, considering the workload necessary to collect the required data, available air district resources, and the significance of the sources in the district. Upon approval by the CARB Executive Officer, the alternative schedule shall take precedence over the timing required in this section.~~

Commented [Author8]: Reporting release location data should not be a general requirement for "Additional Applicability Facilities". This requirement can be onerous for many facilities with multiple sources and is highly subject to inaccurate and erroneous reporting. These facilities will already be submitting emissions data which can be screened first by local air districts or CARB. If health risk concerns arise based on evaluation of specific toxic pollutants and amounts, this should then be the trigger to require additional information on release locations.

- (2) *Update Frequency.* The data items listed in section 93404~~(ab)~~~~(61)~~(D) must be updated in the next required emissions data report, when there are physical changes to the facility structure or emissions release locations, or if there are substantive changes to emissions sources or operations, such as those requiring the addition, modification, or removal of district air permits.

(e) *Disaggregation for GHG Facilities.* For owners or operators of a facility subject to this article pursuant to section 93401(a)(1) based on greenhouse gas (GHG)

emissions, who report aggregated facility GHG emissions under CCR, title 17, sections 95100-95163, including but not limited to onshore petroleum and natural gas production facilities and geothermal electricity generation facilities, the criteria air pollutant and toxic air contaminant emissions must be quantified and reported for individual facilities as identified by local air districts.

- (f) *Reporting Responsibilities During Changes in Ownership.* The owner or operator at the time of a reporting deadline specified in this article has the responsibility for complying with the requirements of this article, including ensuring that the emissions data report is accurate and complete.
 - (1) The owner or operator at the time of a reporting deadline is responsible for submitting the emissions data report covering the complete calendar year data.
 - (2) If an ownership change takes place during the calendar year, reported data must not be split or subdivided for the year, based on ownership. The current owner or operator must submit a single annual emissions data report for the facility. This report must represent required data for the entire calendar year.
 - (3) Previous owners or operators are required to provide data and records to new owners or operators that are necessary and required for preparing annual emissions data reports required by this article.

- (g) *Addresses.* The following address (in addition to the address of the local air district) shall be used for any necessary notifications or materials that are not submitted by other means as described in this article:

Manager, Criteria Pollutant and Air Toxics Reporting Section
 Greenhouse Gas and Toxics Emission Inventory Branch
 Air Quality Planning & Science Division
 California Air Resources Board
 P.O. Box 2815
 Sacramento, CA 95812

Emailed notifications or materials must be submitted to: ctr-report@arb.ca.gov

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93404. Emissions Report Contents

Annual emissions reports must contain the general contents, emissions, sources, methods, and attestation identified in this section. Refer to section 93403 for specifications regarding when identified data elements are subject to reporting.

- (a) *General Contents.* Annual emissions reports must include the following information:
 - (1) Data year being reported.
 - (2) Facility information and location.

Commented [Author9]: We request that this language be added to also make a notification to the local air district if that is where emissions data is sent, including notifications on Cessation of Reporting under 93401(c).

- (A) Facility name and facility identification numbers established by the local air district and CARB.
- (B) Owner or Operator. Legal name(s), and physical and mailing addresses of the facility owner or operator at the time of a reporting deadline specified in this article.
- (C) NAICS code(s) that apply to the facility:
 - 1. Primary NAICS code. Report the NAICS code that most accurately describes the facility’s primary product, activity, or service. The primary product, activity, or service is the principal source of revenue for the facility. A facility that has two or more distinct products, activities, or services may report additional NAICS code(s).
 - 2. Secondary and additional NAICS code(s). Report all additional NAICS codes that describe all products, activities, or services at the facility that are not related to the principal source of revenue, as applicable.
- (D) Standard Industrial Classification (SIC) code. Report the SIC code that most accurately describes the facility’s primary business function or activity. Report any secondary or additional SIC codes that apply to the facility.
- (E) The air basin, air district, and county in which the facility is located.
- (F) The facility physical address and mailing address.
- (G) Geospatial coordinates. Latitude and longitude, in decimal degrees, of the approximate center (or centroid) of the facility, or the latitude and longitude of the location’s street address.

Commented [Author10]: As requested in previous comment letters and conference calls with CARB, please additionally require CARB IDs for facilities subject to GHG reporting. This will make implementation easier when determining applicability and whether the facility has been correctly disaggregated in cases where the report is submitted at the aggregated level.

(b) Specific Contents. In addition to the general contents of 93404(a), emissions reports must include the full report contents or abbreviated report contents below.

(1) Full Report Contents. Owners and operators of a facility that does not qualify for abbreviated reporting per section 93404(b)(2) must report the following.

- (3A) For each device at the facility:
 - ~~(A)~~1. Device name or ID
 - ~~(B)~~2. Device name or description of the device
 - ~~(C)~~3. U.S. EPA Unit Type Code
 - ~~(D)~~4. Air District Permit ID associated with the device
 - ~~(E)~~5. For combustion devices only, design capacity of device
- (4B) For each process associated with a device at the facility:
 - ~~(A)~~1. Process name or ID
 - ~~(B)~~2. Process description

- 3. ~~Device name or ID associated with the process~~
- (C) ~~Release location associated with the process, as applicable~~
- (D) ~~4. Source Classification Code~~
- (E) ~~5. Activity level~~
- (F) ~~6. Activity level unit of measure. Activity levels for fuel use are to be reported in units of million British thermal units (MMbtu) for gases (or optionally, million of standard cubic feet (MMscf)), gallons for liquids, short tons for non-biomass solids, and bone dry short tons for biomass-derived solids.~~
- (5C) For each criteria air pollutant and toxic air contaminant emitted by a process at the facility:
 - (A) ~~1. Process identifier name or ID associated with the criteria air pollutant or toxic air contaminant~~
 - (B) ~~2. Device identifier name or ID associated with the criteria air pollutant or toxic air contaminant~~
 - (C) ~~3. Pollutant eCode for criteria air pollutants or Emittent ID for toxic air contaminants~~
 - (D) ~~4. Actual emissions~~
 - (E) ~~5. Actual emissions unit of measure~~
 - (F) ~~6. Emission factor as applicable~~
 - (G) ~~7. Source of the emission factor (e.g., source test, air district provided, U.S. EPA, etc.), as described in 93404(d), as applicable~~
 - (H) ~~8. Emission factor unit(s) of measure~~
 - (I) ~~9. Emission calculation method, as described in 93404(d)~~
 - (J) ~~10. Permit or rule emissions limit(s) for industrial sources, if applicable~~
- (6D) For each release location associated with a process at the facility (refer to section 93403(d) for the reporting schedule for release location data):
 - (A) ~~1. Release location type, stack or fugitive~~
 - (B) ~~2. Geospatial coordinates~~
 - (C) ~~3. If the release location type is "stack," the following must be reported:

 - 4-a. ~~Stack identifier name or ID~~
 - 2-b. ~~Release location height above ground~~
 - 3-c. ~~Release location exit gas temperature~~
 - 4-d. ~~Release location stack diameter in feet~~~~

~~5.e.~~ Release location exit gas velocity in feet per minute or release location exit gas flow rate in actual cubic feet per minute

~~6.f.~~ Release point type

~~(D)4.~~ If the release location type is “fugitive,” then individual equipment components may be aggregated for the purposes of reporting if they are geographically located in a similar area and have similar release parameters and/or constituents. For example, fugitive emissions from flanges, valves, non-ducted venting, connectors, seals, and other similar equipment may be combined for reporting. Fugitive emissions may also be combined in a manner consistent with existing air district reporting, provided that geospatial coordinate information, as described in 93404(ab)(~~6~~1)(~~B~~D)(2), is provided.

(2) Abbreviated Report Contents. Owners and operators of a facility that qualify for abbreviated reporting pursuant to 93421(a) or (b) are required to report the contents of 93404(a) and 93404(b)(1)(B)(5) and (6), but are not required to report the remaining contents of 93404(b)(1). The abbreviated report contents must include the specific contents listed in 93421(a) for each qualifying activity, and any activity data specified pursuant to 93421(b).

~~(6c)~~ *Emissions and Sources.* Annual emissions reports must include the emissions and sources as specified in 93404(~~6c~~)(1) and (2).

(1) *Emissions.* For permitted processes and devices (and unpermitted processes and devices, if emissions reporting is required pursuant to district rules or policies), the annual direct and fugitive emissions of the following air pollutants must be reported. Alternatively, at the discretion of the local air district, sufficient activity-level data must be submitted for the air district to calculate such emissions.

(A) Criteria air pollutants, in units of short tons per year, except for lead (Pb) and ammonia (NH₃) which must be reported in units of pounds per year. For organic gases, unless otherwise required by the local air district, ROG, VOC, or total organic gases may be reported to satisfy this requirement. If a district has established a rule that defines ROG differently than this article, the district may use the district rule definition to quantify ROG. For particulate matter, emissions of PM_{2.5}, PM₁₀, and total PM must be reported, or as required by the local air district, one of the three values must be reported and CARB will quantify the other two values using existing CARB particulate matter speciation profiles.

(B) Toxic air contaminants in units of pounds per year, except for radionuclides which must be reported in units of curies per year. The list of reported toxic air contaminants must include those chemicals that are actually emitted by the facility, based on existing quantification methods.

Commented [Author11]: Is this provision also applicable to those facilities that are exclusively subject to the CTR, but not to local air district rules or policies?

Commented [Author12]: Please also reference this section in the definitions for PM and ROG, or add this language there as well.

(2) *Sources.* Except as indicated in section 93404(c)(2)(C), below, Emissions as specified in 93404(b)(1), must be reported for the following emissions sources:

- (A) Permitted processes and devices at the facility.
- (B) Unpermitted processes and devices at the facility, including unpermitted fugitive emissions, if ~~during at the beginning of~~ the data year such facility-specific emissions are required by the local air district to be reported or if the emissions are quantified on behalf of the facility owner or operator by the local air district.
- (C) Except as provided in sections 93401(b)(2) and (4), emissions of PM, ROG (or VOC) and NOx from any diesel-powered portable engines or devices operated at a facility, regardless of equipment ownership or permit status, if the engine or device is operated on site at any time during three different calendar months of the data year. The data of 93404(b)(1) does not need to be provided for portable engines or devices unless required by the local air district. The use of best available data and methods, including the use of engineering estimates, may be used to quantify emissions from portable engines, and the emissions data from multiple engines may be aggregated by engine tier. Alternatively, the activity data necessary to estimate the emissions from such portable diesel-powered engines shall be reported to the district, and the district may quantify the emissions on behalf of the facility.

~~(de)~~ *Methods Use of Best Available Data and Methods.* Annual emissions reports prepared pursuant to this article must provide the emissions calculation method, and the source of the reported emissions factor, and the control efficiency, as applicable, using best available data and methods, that are used to compute emissions of criteria air pollutants and toxic air contaminants. If an air district calculates emissions on behalf of a facility using activity level data provided by the facility, the district will report the calculation methods, emission factors and other information used to quantify emissions, using best available data and methods. Calculation methods must identify the general methods used, such as continuous emissions monitoring system, facility-specific emission factors, facility source test data, ~~air district emission provided~~ emission factors provided by an air district, or U.S. EPA emission factors. If activity data is used to calculate emissions, the reported calculation method must include a general description of the technique used to acquire the activity data, such as sales records, measurement devices, material balance, throughput, material produced, or other methods used to quantify parameters to which emission factors are applied.

~~(ee)~~ *Attestation.* With the submitted annual report, the designated representative for a facility subject to this article must provide an attestation to the local air district or to CARB that he or she is authorized by the owner or operator of the facility to submit the emissions data report, and that to the best of his or her knowledge, all information submitted by the designated representative pursuant to this article is true, complete, and correct.

Commented [Author13]: Please add language to clarify requirements for PERP equipment.

Additionally, the South Coast AQMD requests for provisions here to allow local air districts to require full reporting of emissions data from this category of portable equipment (excluding PERP), as this is our current requirement under our Annual Emissions Reporting program.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93405. Document Retention and Record Keeping Requirements

- (a) The owner or operator of a facility subject to this article, including those facilities that cease reporting pursuant to 93401(c), must retain records and documentation necessary to validate the data in the emissions data report for a minimum period of five years, notwithstanding other federal, state, or local recordkeeping requirements, from the date that the emissions report is submitted to CARB or the air district. Retained records include but are not limited to, information used to quantify or report emissions data in the emissions data report, underlying monitoring and metering data, invoices of receipts or deliveries, sales transaction data, calculation methods, protocols used, analysis results, calibration records, and other relevant information.
- (b) All records must be retained at the facility and made available to CARB or air district staff for onsite inspection at the time of inspection.
- (c) *Emission Report Audits.* Copies of any records or other materials maintained under the requirements of this article must be made available to the Executive Officer upon request, within 30 days of receipt of such request to the designated representative of the owner or operator of the facility subject to this article. The facility owner or operator must make available appropriate records, data, and personnel for either in-person on-site audits, or remotely implemented audit activities, so that CARB may review and verify the completeness and accuracy of submitted emissions data.
- (d) *Requests for Additional Data from Abbreviated Reports.* CARB may require additional information and data from the owners and operators of a facility that qualifies for abbreviated reporting, if the data from the abbreviated report indicates a potential elevated risk to receptors due to the emissions from the facility or due to the cumulative effects of emissions from the facility combined with other sources. Additional data requested includes the data elements under the *Full Report Contents* of section 93404(b). Requested information and data must be made available to the Executive Officer upon request, within 30 days of receipt of such request to the designated representative of the owner or operator of the facility subject to this article, unless a longer schedule is agreed to by CARB, to provide additional time necessary to collect and prepare complete and accurate data.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93406. Confidentiality

- (a) Emissions data submitted to CARB under this article are public information and

shall not be designated as confidential.

- (b) Any entity submitting information to the Executive Officer or local districts pursuant to this article may claim such information as “confidential” by clearly identifying such information as “confidential.” Any claim of confidentiality by an entity submitting information must be based on the entity’s belief that the information identified as confidential is either trade secret or otherwise exempt from public disclosure under the California Public Records Act (Government Code section 6250 et seq.). The designated representative must attest that the claim of confidentiality is true, correct, and complete. All such requests for confidentiality must be handled in accordance with the procedures specified in CCR, title 17 sections 91000 to 91022.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93407. Enforcement

- (a) Owners or operators of facilities subject to this article are subject to enforcement by CARB as specified:
- (1) Failure to comply with any of the requirements of this article shall be a violation of this article. Penalties may be assessed for any violation of this article pursuant to H&SC section 42400 et seq.
 - (2) Any facility report, data, or documentation submittal required by this article that is not submitted by the facility owner or operator to CARB or a district, or is submitted late by the facility owner or operator to CARB or a district, shall be a violation of this article.
 - (3) Falsifying any information or record required to be submitted or retained by this article, shall be a violation of this article.
 - (4) Failure to retain and failure to produce any record that this article requires to be retained or produced shall each constitute a violation of this article.
- (b) Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.
- (c) These enforcement provisions do not preempt any local air district enforcement authority.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93408. No Preemption of More Stringent Air District or Federal Requirements.

This regulation does not preempt any more stringent requirements imposed by any air district. Compliance with this article does not excuse noncompliance with any Federal regulation. The Executive Officer retains authority to determine whether an air district requirement is more stringent than any requirement of this article.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93409. Severability

Each part of this article is deemed severable, and in the event that any part of this article is held to be invalid, the remainder of the article shall continue in full force and effect.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93410. Implementation by CARB and by the Local Air Districts

(a) Implementation by CARB and by the Local Air Districts

- (1) The requirements of this article are provisions of state law and may be enforced by either CARB or the local air districts where facilities covered by this article are located. Local air districts may incorporate the terms of this article into local air district rules. Any penalties secured by a local air district as the result of an enforcement action that it undertakes to enforce the provisions of this article may be retained by the local air district.
- (2) Implementation and enforcement of the requirements of this article by a local air district may in no instance result in a standard, requirement, or prohibition less stringent than provided for by this article, as determined by the Executive Officer. The terms of any local air district permit or rule relating to this article do not alter the terms of this article, which remain as separate requirements for all sources subject to this article.
- (3) Implementation and enforcement of the requirements of this article by a local air district, including inclusion or exclusion of any of its terms within any local air district permit, or within a local air district rule, or registration of a facility with a local air district or CARB, does not in any way waive or limit CARB's authority to implement and enforce upon the requirements of this article. A facility's permitting or registration status also in no way limits the ability of a local air district to enforce the requirements of this article.
- (4) If an air district requires additional facilities that do not meet the applicability criteria of this article to provide emissions or activity level data to the air district to meet any district, state, or federal reporting requirements, the air district may report the associated emissions data to CARB; however such a facility is not required to comply with the requirements of this article.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

**Article 2. Requirements for Calculating and Reporting
Criteria Pollutant and Toxic Air Contaminant Emissions**

§ 93420. Purpose and Scope

The purpose of this article is to establish uniform statewide methods for quantifying emissions of criteria air pollutants and toxic air contaminants for specified permitted facilities. This article supports Subchapter 7.7, Article 1, *General Requirements for Criteria and Toxics Reporting*, therefore assisting in implementing the requirements of sections 39607 and 39607.1 of the California Health and Safety Code (H&SC) and the requirements outlined in sections 42705.5 and 44391.2 of the H&SC.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

§ 93421. Abbreviated Reporting

(a) Qualifying Activities for Abbreviated Reporting and Report Contents.

~~Except~~**Exclusively** for facilities subject to the applicability criteria in sections 93401(a)(4)(C)(1), ~~(2), and (3)~~, for the qualifying activities below, the air district or CARB may prepare and submit the emissions data on behalf of the facility. Those facility operators, **that exclusively engage in qualifying activities herein and choosing** to comply with the CTR reporting requirements using the abbreviated reporting mechanism, must submit the general data report contents specified in 93404(a), and the additional activity data as identified in subsections 93421(a)(1)-(6) for each qualifying activity, as reported under section 93404(b)(1)(B)(5) and (6). Air districts (or potentially CARB staff) will then use the submitted data to compute the source(s) emissions levels, and submit the emissions and other data to CARB following the schedule specified in section 93403(b).

Commented [Author14]: Does the language "...the air district or CARB may prepare and submit..." provide the ability for the local air district or CARB to disapprove a facility's election to use the abbreviated reporting mechanism?

(1) Agricultural operations.

~~4-(A)~~ **(A) Quantity of head of cattle.**

(2) Combustion of natural gas or propane in boilers or heaters

(A) Total annual fuel usage, in million scf or MMbtu.

(3) Emergency standby generators and direct-drive emergency standby fire pump engines.

(A) Total annual hours of operation.

(B) Horsepower of the device.

Commented [Author15]: Abbreviated reporting should only be available to facilities that exclusively engage in these rule-specified activities. Additionally, facilities that emit over 4 tpy of criteria pollutants (100 tpy CO) would be considered significant emitters and should also not qualify for abbreviated reporting similar to facilities that are > 250 tpy facilities, subject to MRR, or have elevated priority scores.

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(C) PM emission rate, in grams per brake horsepower-hour

(4) Retail sale of gasoline.

(A) Total annual gasoline dispensed, in gallons

(5) Cremation of humans or animals.

(A) Total annual mass cremated by type of remains, in pounds

(6) Construction aggregate processing, where no asphalt products are used or produced.

(A) Total annual mass of dried material produced, in tons

(b) Petition Process for Requesting Additional Qualifying Activities for Abbreviated Reporting, and for Requesting Alternative Schedules or Alternative Parameters for Acquiring Activity Data for Qualifying Activities. A facility owner or operator, or a district, on behalf of facility owners or operators, may submit a request to CARB that additional processes or activities be included as qualifying activities for abbreviated reporting. Such requests must include the name of the process or activity to be requested as a qualifying activity for abbreviated reporting, the requested activity data parameters to be used for quantifying emissions, the method and emission factors, as applicable, to be used to quantify emissions, the requested alternative activity data collection schedule, as applicable, and a justification for the request. Requests shall be submitted to the email address in section 93403(g) and, if applicable, the emissions inventory staff of the local air district. In making a determination for approval or disapproval of the request, CARB will evaluate the proposed activity, quantification method, and activity data collection schedule, as applicable, to determine whether the proposed data acquisition process meets the general requirements of this article. If CARB approves the request in writing or via email, or if CARB does not respond to the request within 90 days, the facility owner or operator, or district, as applicable, may apply the requested alternatives when preparing and submitting emissions reports. All reports using abbreviated reporting must include the data elements described in section 93404(a) and the approved or accepted activity level data, at a minimum, and may contain the emissions quantified using the abbreviated reporting mechanism.

NOTE: Authority cited: 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2, Health and Safety Code. Reference: 39607.1, 42705.5, and 44391.2 Health and Safety Code.

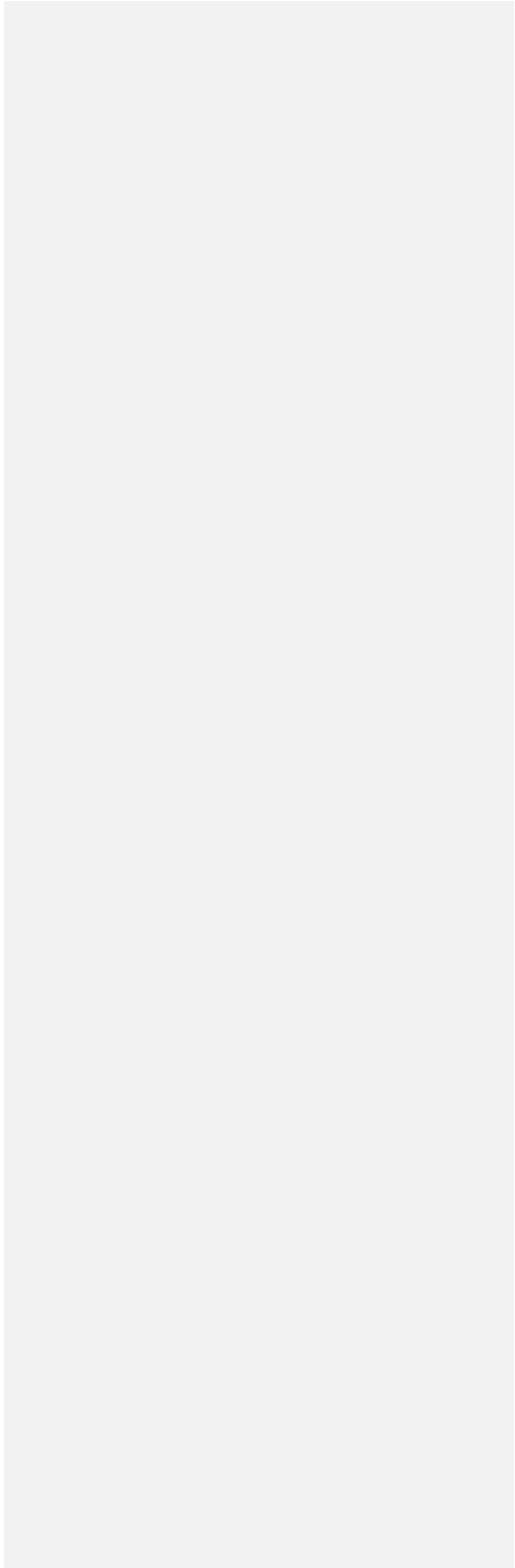
Commented [Author16]: We believe more detailed data needs to be provided for this type of operations; therefore, should not be included as an activity qualifying for abbreviated reporting.

For example, road emissions and mining emissions etc. Please refer to SCAMQD guideline for emission reporting below for more details.

<http://www.aqmd.gov/docs/default-source/planning/annual-emission-reporting/particulate-matter-emission-factors-for-processes-equipment-at-asphalt-cement-concrete-and-aggregate-product-plants.pdf?sfvrsn=16>

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Appendix A
to the Regulation for the Reporting of Criteria Air Pollutants
and Toxic Air Contaminants

Applicability Thresholds and Lookup Tables
for Facilities Subject to Reporting Per Section 93401(a)(4)

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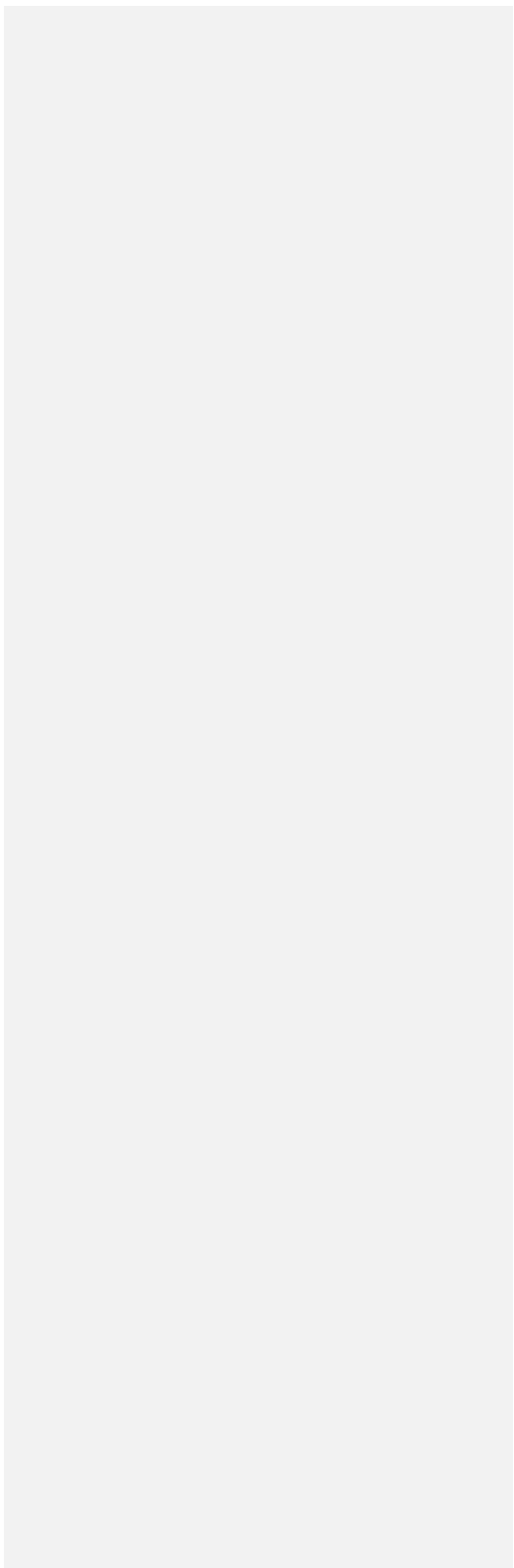


Table A-1.
Initial Data Year by District Group and Sector Phase for Additional Applicability Facilities
Subject Per 93401(a)(4)*

<u>District Group</u>	<u>93401(a)(4)(A) and (B) and Sector Phase 1**</u>	<u>Sector Phase 2</u>	<u>Sector Phase 3</u>
A	<u>2021</u>	<u>2023</u>	<u>2024</u>
B	<u>2022</u>	<u>2024</u>	<u>2025</u>

* The initial data year is the first data year subject to reporting. For example, for District Group A, Sector Phase 1, 2021 data must be submitted during 2022.

** Agricultural operation facilities that are required to submit reports pursuant to a threshold identified in section 93401(a)(4), regardless of which threshold category is exceeded, may postpone the initial year of reporting to Sector Phase 3.

Table A-2.
District Group Lookup for Additional Applicability Facilities Subject Per 93401(a)(4)

<u>District Group</u>	<u>District</u>
A	<u>Bay Area AQMD</u> <u>San Diego County APCD</u>
	<u>Imperial County APCD</u> <u>San Joaquin Valley Unified APCD</u>
	<u>Sacramento Metropolitan AQMD</u> <u>South Coast AQMD</u>
B	<u>Amador County APCD</u> <u>Mojave Desert AQMD</u>
	<u>Antelope Valley APCD</u> <u>Monterey Bay Air Resources District</u>
	<u>Butte County AQMD</u> <u>North Coast Unified APCD</u>
	<u>Calaveras County APCD</u> <u>Northern Sierra AQMD</u>
	<u>Colusa County APCD</u> <u>Northern Sonoma County APCD</u>
	<u>Eastern Kern County APCD</u> <u>Placer County APCD</u>
	<u>El Dorado County APCD</u> <u>San Luis Obispo County APCD</u>
	<u>Feather River AQMD</u> <u>Santa Barbara County APCD</u>
	<u>Glenn County APCD</u> <u>Shasta County AQMD</u>
	<u>Great Basin Unified APCD</u> <u>Siskiyou County APCD</u>
	<u>Lake County AQMD</u> <u>Tehama County APCD</u>
	<u>Lassen County APCD</u> <u>Tuolumne County APCD</u>
	<u>Mariposa County APCD</u> <u>Ventura County APCD</u>
	<u>Mendocino County AQMD</u> <u>Yolo/Solano AQMD</u>
	<u>Modoc County APCD</u>

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

<u>Sector No.</u>	<u>Sector Phase</u>	<u>Permitted Process</u>	<u>SIC Code(s)*</u>	<u>NAICS Code(s)*</u>	<u>Activity Level Reporting Threshold</u>
1	1	<u>Metal plating, anodizing, or grinding using cadmium or chromium</u>	<u>Any</u>	<u>Any</u>	<u>Any activity level</u>
2	1	<u>Plating, polishing, coating, engraving, and allied services, including thermal spraying, using chromium, cadmium, or nickel</u>	<u>347x</u>	<u>3328xx and 33991x</u>	<u>Any activity level</u>
3	1	<u>Petroleum refining and industries related to petroleum refining</u>	<u>2911 through 2999</u>	<u>3241xx, 325110, and 325194</u>	<u>Any activity level</u>
4	1	<u>Polybrominated biphenyl compounds (PBBs), and any brominated diphenyl ethers, manufacture or use</u>	<u>Any</u>	<u>Any</u>	<u>Any activity level</u>
5	1	<u>Rubber and miscellaneous plastics products manufacturing if styrene, butadiene, phthalates, carcinogenic solvents, or isocyanates are used</u>	<u>3011 through 3089, 3293, 3555</u>	<u>31332x, 31491x, 3162xx, 3252xx, 325991, 3261xx, 3262xx, and 339113</u>	<u>Any activity level</u>
6	1	<u>Industrial machinery manufacturing</u>	<u>353x, 356x</u>	<u>TBD</u>	<u>Any activity level</u>
7	1	<u>Processes emitting 1,4-dioxane in reverse osmosis equipment manufacturing, water treatment filtration systems, manufacturing of paints, lacquers, cosmetics, and cleaning agents; manufacturing or processing of petroleum, pulp and paper, explosives; commercial printing, electroplating/polishing; manufacturing of pesticides, dyes, fibers, pharmaceuticals, adhesives, semiconductors, electronic components, photographic equipment, magnetic recording media, polymers, plastics, rubber, and organic and inorganic chemicals; and cleaning or degreasing solvent use containing 1,4-dioxane</u>	<u>13xx, 22xx, 26xx, 27xx, 28xx, 29xx, 30xx, 35xx, 36xx, 37xx, 38xx, 49xx, 50xx, 51xx, 73xx, 75xx, 76xx, 97xx</u>	<u>211xxx, 221xxx, 236xxx, 2371xx, 2389xx, 3115xx, 3121xx, 3149xx, 3222xx, 3231xx, 325xxx, 326xxx, 331xxx, 332xxx, 333xxx, 334xxx, 3361xx, 3364xx, 3399xx, 4881xx, 5311xx, 5417xx, 5622xx, 61xxx, 8111xx, 92811x</u>	<u>10 pounds of 1,4-dioxane emitted per year</u>

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

2) The applicability thresholds of this table are so broad that it includes most all permitted sources in the South Coast jurisdiction (~30,000 facilities). We propose that other metrics for determining activity levels be proposed. The activity level reporting thresholds will be extremely, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report (vast majority for those in South Coast) are unknown.

3) Based on South Coast AQMD working groups related emissions inventory and reporting, stakeholders have expressed concern for the lack of guidance on how to report emissions and which toxic pollutants are expected to be reported from each of the Permitted Processes in this table. We propose that CARB list those toxic pollutants in this table per Permitted Process, including CAS #s for each listed toxic.

4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulated community on CTR requirements and train them on the use a local air district's reporting tool. This also extends resources needed to field calls/emails throughout the year, especially during the reporting ...

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
8	1	Combustion of crude, residual, distillate, or diesel oil, except for the agricultural operations and medical-related industry sectors as defined in the SIC and NAICS columns	Any, except SIC codes 0110 through 0762 and 8011 through 8099	Any, except 111xxx, 112xxx, 1151xx, 1152xx, and 621xxx through 623xxx	Tier 4 or higher diesel engines: 100 gallons of fuel combusted per year, or 5 hours per year of operation. Tier zero through tier 3 diesel engines: 30 gallons of fuel combusted per year or 5 hours per year of operation. <u>Combustion devices other than compression ignition engines: 100 gallons of fuel combusted per year.</u>
9	1	Processes emitting styrene, in boat and ship building and repair; rubber products manufacturing; plastics, resins, and foams manufacturing; utility vault manufacturing; cultured marble and stone manufacturing and wholesale; fiber cans and drums manufacturing; manufacturing and installation of polystyrene products; and furniture and fixtures manufacturing	17xx, 22xx, 23xx, 24xx, 25xx, 26xx, 28xx, 30xx, 32xx, 34xx, 35xx, 37xx, 38xx, 44xx, 45xx, 49xx, 50xx, 51xx, 75xx, 97xx	211xxx, 2123xx, 213xxx, 221xxx, 236xxx, 237xxx, 311xxx, 3121xx, 313xxx, 314xxx, 315xxx, 316xxx, 321xxx, 322xxx, 32311x, 324xxx, 325xxx, 326xxx, 327xxx, 331xxx, 332xxx, 333xxx, 334xxx, 336xxx, 337xxx, 339xxx, 441xxx, 443xxx, 4441xx, 445xxx, 447xxx, 448xxx, 481xxx, 484xxx, 485xxx, 486xxx, 4881xx, 4883xx, 493xxx, 562xxx, 62xxxx, 722xxx, 8111xx, 8114xx, 8122xx, 92811x	1 pound of styrene emitted per year
10	1	Methylene chloride use for paint or coating removal, printing or print shop cleaning, or aircraft maintenance or repair	Any	Any	1 gallon of methylene chloride used per year
11	1	Paint stripping and varnish stripping	TBD	TBD	Any activity level

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

2) The applicability thresholds of this table are so broad that it includes most all permitted sources in the South Coast jurisdiction (~30,000 facilities). We propose that other metrics for determining activity levels be proposed. The activity level reporting thresholds will be extremely, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report (vast majority for those in South Coast) are unknown.

3) Based on South Coast AQMD working groups related emissions inventory and reporting, stakeholders have expressed concern for the lack of guidance on how to report emissions and which toxic pollutants are expected to be reported from each of the Permitted Processes in this table. We propose that CARB list those toxic pollutants in this table per Permitted Process, including CAS #s for each listed toxic.

4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulated community on CTR requirements and train them on the use a local air district's reporting tool. This also extends resources needed to field calls/emails throughout the year, especially during the reporting ...

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
12	1	Isocyanate compound use, in print shops and commercial printing; aerospace manufacturing and maintenance; adhesive and sealants manufacturing; plastics foam products manufacturing; military facilities; manufacture of flexible and rigid foams, fibers, coatings such as paints and varnishes, and elastomers; spraying of polyurethane coatings on cement, wood, fiberglass and metals; surface coating of appliances; surface coating of magnetic tape; manufacture or use of blowing agents; and production of polyurethane foam. Isocyanates from auto body repair and coating operations are reported under the Phase 2 category for that process.	24xx, 25xx, 26xx, 27xx, 28xx, 30xx, 33xx, 347x, 36xx, 37xx, 39xx, 39xx, 45xx, 50xx, 51xx, and 97xx. Auto body repair and coating operations, and the associated SICs, 5511 through 5521, 7532, and 7535, are reported under Phase 2.	321xxx, 322xxx, 32311x, 324xxx, 325xxx, 326xxx, 3279xx, 331xxx, 334xxx, 335xxx, 3361xx, 3364xx, 3366xx, 339xxx, 481xxx, 4881xx, 4883xx, 5417xx, 8114xx, 92811x. Auto body repair and coating operations, and the associated NAICS, 4411xx, 44121x, 441228, 44131x, 811111, and 811121, are reported under Phase 2.	Use of materials containing 3 pounds of isocyanates per year
13	1	Tert-butyl acetate use in, aerospace manufacturing and maintenance; fabricated metal products manufacturing; manufacture or use of coatings, inks, adhesives, cleaners and degreasers; and military facilities. Tert-butyl acetate from auto body repair and coating operations are reported under the Phase 2 category for that process.	28xx, 32xx, 33xx, 34xx, 37xx, 37xx, 49xx, 50xx, 97xx. Auto body repair and coating operations, and the associated SICs, 5511 through 5521, 7532, and 7535, are reported under Phase 2.	325xxx, 327xxx, 331xxx, 332xxx, 3362xx, 3363xx, 3369xx, 3364xx, 5417xx, 5629xx, 92811x. Auto body repair and coating operations, and the associated NAICS, 4411xx, 44121x, 441228, 44131x, 811111, and 811121, are reported under Phase 2.	20 pounds of tert-butyl acetate used per year

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

2) The applicability thresholds of this table are so broad that it includes most all permitted sources in the South Coast jurisdiction (~30,000 facilities). We propose that other metrics for determining activity levels be proposed. The activity level reporting thresholds will be extremely, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report (vast majority for those in South Coast) are unknown.

3) Based on South Coast AQMD working groups related emissions inventory and reporting, stakeholders have expressed concern for the lack of guidance on how to report emissions and which toxic pollutants are expected to be reported from each of the Permitted Processes in this table. We propose that CARB list those toxic pollutants in this table per Permitted Process, including CAS #s for each listed toxic.

4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulated community on CTR requirements and train them on the use a local air district's reporting tool. This also extends resources needed to field calls/emails throughout the year, especially during the reporting ...

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
14	1	Use of parachlorobenzotrifluoride (PCBTF) in cleaning or degreasing solvents, adhesives, printing inks, or coating operations.	Any	Any	5 pounds or 0.5 gallon of parachlorobenzotrifluoride used per year
15	1	Printing and publishing including print shops and miscellaneous commercial printing	2711 through 2771, 2782	313310, 32311x, 5111xx, 51223x, 561439, 81292x	Use of graphic arts materials with no isocyanates: Annual average of 2 gallons per day. Use of graphic arts materials with isocyanates: Annual average of 0.5 gallons per day.
16	2	Hazardous waste treatment, storage, disposal and recycling at a hazardous waste treatment, storage, disposal and recycling facility	Any	Any	Any activity level
17	2	Welding, laser cutting and plasma cutting of metal materials	TBD	TBD	Any activity level
18	2	Fumigation of crops for market using ethylene oxide, propylene oxide, methyl bromide, sulfuryl fluoride, or phosphine and phosphine-generators	0723, 2033, 2034, 2068, 2099, 5148	115111, 115114, 3111xx through 3114xx, 3118xx, and 3119xx	Any activity level
19	2	Construction aggregate processing, if asphalt products are also used or produced	1442 through 1446	212321 and 212322	Any activity level
20	2	Chemicals and allied products manufacturing	2812 through 2899	211112, 311942, 331311, 325xxx	Any activity level
21	2	Bulk petroleum storage and loading, bulk benzene storage and loading, and related wholesalers	5171, 5172	4247xx	Any activity level
22	2	Dry cleaning facilities, except facilities that only use water or carbon dioxide based cleaning systems	7216, 7217	812320, 561740	Any activity level
23	2	Use of ethylene oxide for sterilization	Any	Any	Any activity level
24	2	Leather and hide tanning and finishing, processing and fabricated goods	3111	316110	Any activity level
25	2	Retail sale of gasoline	Any	Any	25,000 gallons of gasoline sold per year

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

2) The applicability thresholds of this table are so broad that it includes most all permitted sources in the South Coast jurisdiction (~30,000 facilities). We propose that other metrics for determining activity levels be proposed. The activity level reporting thresholds will be extremely, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report (vast majority for those in South Coast) are unknown.

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4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulate...

Commented [Author18]: We propose that this source be listed as a default qualifying activity for Abbreviated Reporting.

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
26	2	Auto body repair and coating operations at auto body shops, including new and used car dealers	5511 through 5521, 7531, 7532, 7535	4411xx, 44121x, 441228, 44131x, 811111, 811121	50 gallons of paint used per year
27	2	Medical services, hospitals, and related facilities which use formaldehyde (or formalin), glutaraldehyde, ethylene oxide, or diesel engines	8011 through 8099	62xxxx	110 pounds of formaldehyde emitted per year, or 110 pounds of glutaraldehyde emitted per year, or 4 pounds of ethylene oxide used per year, or 30 gallons of diesel fuel burned or 5 hours of engine operation per year.
28	2	Solvent cleaning and degreasing	13xx, 17xx, 22xx, 25xx, 26xx, 27xx, 28xx, 29xx, 30xx, 32xx, 33xx, 34xx, 35xx, 36xx, 37xx, 38xx, 39xx, 45xx, 49xx, 509x, 519x, 75xx, 7623, 7641, 8071, 822x, 9711	211xxx, 212xxx, 213xxx, 221xxx, 238xxx, 322xxx, 323xxx, 324xxx, 325xxx, 326xxx, 327xxx, 332xxx, 333xxx, 334xxx, 335xxx, 336xxx, 337xxx, 339xxx, 423xxx, 425xxx, 441xxx, 447xxx, 451xxx, 486xxx, 488xxx, 541xxx, 562xxx, 611xxx, 811xxx, 928xxx	Use of solvents that are a listed substance designated as a human carcinogen or potential human carcinogen: Any activity level. Use of solvents that are a listed substance but not designated as a human carcinogen or potential human carcinogen: Annual average of 55 gallons per month.
29	2	Wastewater treatment at wastewater treatment plants, including incineration of sludge	4952	221320	Covered systems: 10 million gallons annual average daily flow. Uncovered systems: 5 million gallons annual average daily flow. Facilities that incinerate sludge: Any activity level
30	2	Flat glass manufacturing	3211	327211	100 pounds of glass production
31	2	Pressed and blown glassware manufacturing	3229, 3221	327212, 327213	100 pounds of glass production

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

2) The applicability thresholds of this table are so broad that it includes most all permitted sources in the South Coast jurisdiction (~30,000 facilities). We propose that other metrics for determining activity levels be proposed. The activity level reporting thresholds will be extremely, if not impossible, for local air districts to determine as activity levels for facilities that do not currently report (vast majority for those in South Coast) are unknown.

3) Based on South Coast AQMD working groups related emissions inventory and reporting, stakeholders have expressed concern for the lack of guidance on how to report emissions and which toxic pollutants are expected to be reported from each of the Permitted Processes in this table. We propose that CARB list those toxic pollutants in this table per Permitted Process, including CAS #s for each listed toxic.

4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulated community on CTR requirements and train them on ...

Commented [Author19]: Does this refer to influent? More clarification needed here.

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
32	2	Clay ceramics manufacturing	3253, 3261	327120, 327110	TBD
33	3	Hexavalent chromium use in cooling towers	Any	Any	Any activity level
34	3	Incineration of hazardous, municipal, or biomedical waste, or tires	Any	Any	Any activity level
35	3	Cremation of humans or animals	7261, 6531, 8699	812220	Any activity level
36	3	Fiberglass and various fiberglass materials and product manufacturing	2221, 3229	326191, 326199, 337125	Any activity level
37	3	Pulp and paper manufacturing	2611, 2621, 2631	3221xx	Any activity level
38	3	Semiconductors and related devices manufacturing	3674	334413	Any activity level
39	3	Oil and gas extraction or production	1311 through 1389	211xxx, 213111, 213112	Any activity level
40	3	Melting, smelting, recovery, reclamation, or recycling of lead-containing materials, including but not limited to lead batteries	3300 through 3499, 3690 through 3699, 3714, 3728, 5051, 5093, 9711	331410, 331492, and 423930	Any activity level
41	3	Primary or secondary metal melting, smelting, refining, alloying, forging, or foundry/casting operations	3300 through 3499, 3690 through 3699, 3714, 3728, 5051, 5093, 9711	331410, 331492, 33151x, 33152x, and 423930	Any activity level
42	3	Use of N-methyl pyrrolidone	TBD	TBD	1 gallon of N-methyl pyrrolidone per year
43	3	Prepared feed manufacturing	2048	TBD	TBD
44	3	Wood preserving	259x	TBD	TBD

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

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3) Based on South Coast AQMD working groups related emissions inventory and reporting, stakeholders have expressed concern for the lack of guidance on how to report emissions and which toxic pollutants are expected to be reported from each of the Permitted Processes in this table. We propose that CARB list those toxic pollutants in this table per Permitted Process, including CAS #s for each listed toxic.

4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulated community on CTR requirements and train them on the use a local air district's reporting tool. This also extends resources needed to field calls/emails throughout the year, especially during the reporting ...

Table A-3. Sector Phases and Activity Level Reporting Thresholds for Additional Applicability Facilities Subject Per Section 93401(a)(4)

Sector No.	Sector Phase	Permitted Process	SIC Code(s)*	NAICS Code(s)*	Activity Level Reporting Threshold
45	3	Long term asbestos removal on a routine and predictable basis	Any	Any	One year duration
46	3	Combustion of residual, distillate, or diesel oil, in agricultural operations-related industry sectors	0110 through 0762	1111xx, 1112xx, 1113xx, 1114xx, 1119xx, 1121xx, 1122xx, 1123xx, 1124xx, 1125xx, 1129xx, 1151xx, and 1152xx	Tier 4 or higher diesel engines: 100 gallons of fuel combusted per year, or 5 hours per year of operation. Tier zero through tier 3 diesel Engines: 30 gallons of fuel combusted per year, or 5 hours per year of operation. Devices other than internal combustion engines: 100 gallons of fuel combusted per year.
47	3	Boat and ship building and repair	3731, 3732	336611, 336612, 488390, 811490	1 gallon of coatings used per year
48	3	Collection and disposal of refuse	4953	5622xx, 562920	1 pound of vinyl chloride or 1 pound of benzene emitted per year
49	3	Composting of organic waste	TBD	TBD	TBD based on consideration of ammonia and H ₂ S emissions
50	3	Recycling facilities, and material recovery facilities that separate organic waste from recyclable materials	TBD	TBD	TBD
51	3	Scrap and waste wholesale handling and recycling, including but not limited to junk metals, shredding operations, and auto dismantling	5093	423930	40,000 tons of metal shredded per year or 1,000 tons of metal recycled per year
52	3	Combustion of natural gas or propane	Any	Any	75 million standard cubic feet or 77,000 MMBtu combusted per year

* Where SIC and NAICS codes are designated, the requirements of this article apply to facilities classified with either a matching primary or secondary Standard Industrial Classification (SIC) code or North American Industry Classification System (NAICS) code listed for the permitted emissions process, and for which the listed process occurs at levels exceeding the emission or activity level threshold. If the SIC or NAICS codes have a designation of "Any" in Table A-3 for a permitted process, then the requirements of this article apply regardless of the SIC or NAICS designation for the facility performing the process, if the listed activity level reporting threshold is exceeded.

Commented [Author17]: 1) What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.

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4) There will also be associated compliance issues related to identifying facilities that should be reporting. Additionally, significant outreach efforts and funding are necessary to educate the regulate...

Commented [Author20]: Propane is usually in liquid form. As such, the volume threshold provided is not applicable to propane here.

From: [Eugene Kang](#)
To: [ARB Criteria & Toxics Regulation Reporting](#)
Cc:
Subject: RE: South Coast AQMD Comments on Proposed CTR Amendments
Date: Wednesday, March 11, 2020 12:11:19 PM
Attachments: [image001.png](#)

Hi Daniel, our apologies. Below is the full text for the comment in question:

1. What is the basis for Additional Applicability Facilities? We have heard that it is risk-based, however, if this is the case, it is not clear why certain industries were chosen, and why only some were assigned activity level reporting thresholds. Also, activity level reporting thresholds where material usage is to be evaluated is not a good indicator of emissions as it does not take into consideration variables such as emission controls and/or application techniques which would significantly reduce emissions and associated risk. Some of these permitted processes mirror established industry-wide source categories under AB 2588. Facilities that meet this definition are not required to report emissions. Instead, districts prepare industry-wide emissions and associated risk.
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From: ARB Criteria & Toxics Regulation Reporting <ctr-report@arb.ca.gov>
Sent: Wednesday, March 11, 2020 9:41 AM
To: Eugene Kang <EKang@aqmd.gov>
Cc: ARB Criteria & Toxics Regulation Reporting <ctr-report@arb.ca.gov>
Subject: RE: South Coast AQMD Comments on Proposed CTR Amendments

Eugene,

It appears that perhaps a comment on the overall Table A-3 table was cut-off when converting to PDF. Can you provide the full comment for us?

Thank you,

Daniel Sloat

Air Pollution Specialist

Criteria Pollutant and Air Toxics Reporting Section

Air Resources Board | Air Quality Planning and Science Division

California Environmental Protection Agency

(916) 445-6059 voice | daniel.sloat@arb.ca.gov



From: Eugene Kang <>

Sent: Tuesday, March 10, 2020 5:50 PM

To: ARB Criteria & Toxics Regulation Reporting <ctr-report@arb.ca.gov>

Cc: Subject: South Coast AQMD Comments on Proposed CTR Amendments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached South Coast AQMD's cover letter and comments on the informal draft amendments to the CTR.

Thank you.

Eugene Kang

Program Supervisor

Annual Emissions Reporting

Planning, Rule Development & Area Sources

South Coast Air Quality Management District

(909) 396-3524