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Dave Edwards, Chief
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California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814

RE: Comments on the Informal Draft 15-day Changes Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (§93400, et. seq.)

Dear Mr. Edwards:

The Butte County Air Quality Management District (District) provides the following comments on the proposed draft, informal 15-day Changes Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants. While we appreciate the efforts of CARB staff in conferring with districts about their established programs in the development of these proposed regulations, it is unfortunate the proposed changes diverge from those consultations. In reviewing the AB 617 and AB 197 bill languages, the emphases of both these legislations appear to focus on significant sources. The proposed draft, informal 15-day reporting regulation appears to change the focus to almost all permitted sources.

One of the goals of this regulation was said to be to gain consistency in reporting emissions throughout the State, yet the addition of language addressing applicability to permitted processes, devices, and equipment and excluding any emissions not on a permit seems counter to this goal. District programs differ in their rules and interpretations of regulations. CARB staff have stated in workshops that only permitted sources apply and, if one district "permits" an emissions unit while another "registers" the same type unit, the resulting inventory is flawed from the start. The substantial changes to the intent and scope of this proposed regulation, such as this applicability determination, with limited time to discuss with other districts is problematic.

The District has grave concerns about the proposed 15-day changes, especially striking the community-based criteria and replacing with thresholds that include a significant portion of the sources in our District. The proposed additions appear to circumvent the legislative intent of AB617 to focus on large sources of criteria pollutants, i.e. those with over 250 tons per year. By removing the community-based criteria, the 15-day changes lower the threshold for criteria pollutants from 250 tons per year of a nonattainment pollutant to 4 tons per year criteria pollutant regardless of attainment status. In our District, reducing the threshold to 4 tons per day of criteria pollutants brings in businesses like rice dryers, aggregate plants, and walnut hullers, many of which

we have determined to be not significant health risk contributors due to remote locations and seasonal operations.

The changes also appear to circumvent the legislative intent of AB617 to focus attention on significant toxic sources, i.e. those with “elevated prioritization scores”, to a much larger list of sources as newly proposed in Appendix A. District staff participated in the California Air Pollution Control Officers Association (CAPCOA) workgroup discussions and meetings with CARB staff for almost two years and had resolved that “elevated prioritization score” was best implemented as those sources with a high priority as designated by the Hot Spots Program under the provision of Health and Safety Code §44360. This 15-day change circumvents these discussions and collaborations by establishing a “zero” pound toxic emission threshold for many sources with consideration of current and previous risk-based assessments.

By revising the criteria in §93401(a)(4) to broaden the scope from selected community permitted sources to all permitted sources throughout the State, the proposed regulation would add an enormous burden to rural and small districts that do not have the associated urban issues found in larger districts. As a small rural district, emissions inventory is challenging, but our District strives to include the most accurate emissions inventory possible based on actual data from permitted sources. The proposed amendments would increase the scope of affected permitted sources in the Butte County AQMD from the estimated 22 sources to at least 380 permitted sources, which is about 70% of all our permitted sources.

As discussed in AB617 workgroup meetings and other forums, the sources that were proposed to be included in the reporting threshold for toxic concerns, are in most cases overwhelmed by the health impacts from mobile sources, especially mobile diesel sources. Other sources not considered in this regulation are impacts from sources such as residential wood combustion and other residential sources, which can be locally significant.

The District is concerned that the proposed drafted regulation deviates further from the existing, established air toxic programs. The Air Toxics “Hot Spots” Information and Assessment Act has been implemented in our District since 1989 and requires sources to report the types and quantities of toxics substances, assess health risks, to notify residents of significant risks, and to reduce significant risks. The Hot Spots Program establishes toxic emissions inventories for existing sources and then uses modeling tools to estimate risk. New sources are subject to risk evaluations prior to issuing a permit. Based on the proposed reporting criteria, it appears to us the required information is less precise than our existing process and unsure of its benefit. Risk assessment allows a better understanding of the impacts of emissions; showing mass emissions rates in ratio to other emissions (such as the GHG mapping tool) will not convey the same message. We believe this representation will fixate the public on “the number” and not more significant issues, such as mobile sources.

Another aspect of the Hot Spots Program is that sources that make efforts to reduce their inventories and/or demonstrate reduced risk impacts are put into maintenance categories or removed from the program if determined insignificant. The new proposed thresholds in §93401(a)(4) will likely ensure that only sources going out of business would meet those

requirements. We would recommend adopting an approach similar to AB2588 where sources of insignificant risk are removed from the requirements or at least report on a less frequent basis. The cessation requirements for closed sources is complicated by the need for repeated submittals. In our permitting experience, a source that removes the permitted emissions unit or activity and is no longer subject to the regulatory requirements is inspected to confirm closure and removed from our permit system as a result. We have sufficient difficulty getting throughput/emissions data from operating sources and do not recommend trying to get additional verification from closed sources as required in §93401(c)(3); permit termination with an air district should be sufficient evidence of closure. Also, how does a seasonal source that shuts down permanently determine cessation requirements if the requirements of 93401(c)(3) does not apply per 93401(c)(3)(E)? The applicability to seasonal sources is unclear based on this statement.

As noted in the AB617 workgroup and other EITAC/TARMAC calls, districts are in the process of updating their Hot Spots programs to improve inventory and reassess health impacts from these facilities based on the 2015 changes to the risk assessment guidelines. However, one cornerstone of this review process, the Emission Inventory Criteria and Guidelines, was last updated in 2007 and it makes no sense to reassess facilities if this document is to change to lower thresholds for certain facilities, change applicability for certain source categories (such as diesel engines), or include new or change significance thresholds for toxic pollutants. We have shared our belief that the revision of this regulation is necessary to legally and efficiently implement our toxics program. It appears that the proposed new Appendix A sources may be a prelude to some of these changes; however, the proposed Appendix A sources have not been vetted with the air districts or regulated community. Some source selections (or at least as worded), appear to focus on portions of a category of sources without explanation on why other sources of concern are ignored.

For a cumulative impacts review, it would seem to make sense to focus on the communities selected for monitoring to have those smaller, permitted sources incorporated into the reporting process. This would seem like a manageable pool that districts would be able to ensure accuracy and completeness.

We are concerned the proposed regulation appears to deviate from established reporting criteria found in the current Emissions Inventory Module of the Hazardous Air Pollutant Reporting Program (HARP). Our District uses this CARB tool to enter source emission inventory. The various reporting paths are confusing and places additional burdens on Districts that have been compiling inventories in accordance with existing codes and guidelines. Our permitting program requires obtaining annual throughput data for our permitted sources for compliance as well as inventory purposes. We do not have the resources to update all sources on an annual basis given the time and effort to obtain the information, perform calculations and quality assurance and enter data in to the EIM. The proposed regulation implicates a district if the information is not updated on the behalf of the permitted source, if the district's permit program requires data submittal. For the original estimated 22 sources in our District, this may not be an issue; for the proposed 380 plus, we believe it will not be achievable given the resources and tools currently available.

From our discussion with CARB staff, we understand enhanced reporting tools are being developed and support building on the existing programs by enhancing the existing reporting tools

and facilitating electronic submittals. Until the tools are developed and refined, we believe district staff will be burdened with the efforts to correct data submittals, especially for insignificant sources.

Reporting details, like having a successor owner be responsible for a prior owner's records and reporting (§93401(f)), seem unlikely and difficult to enforce, especially if the information has to be certified as correct and truthful.

In §93402 Definitions, the District does not support including reporting requirements as part of the definitions. If specific units or procedures are needed, these should be included in the appropriate section of the regulation or the definitions should be worded to define the term versus making requirements. Examples include "Activity Levels" reporting units for certain fuels and "Best Available Data" is defined then has a requirement that it "must provide..." The examples following could be included as the hierarchy of data and methods but Best Available Data requirements should be elsewhere in the regulation. The definition of "Particulate Matter" does not include total suspended particulate which is a component of current emissions inventories and basis for much emissions data, especially in the aggregate and agricultural sectors. The regulation might include references to speciation profiles to determine the PM10 and PM2.5 fractions.

Section 93404 includes proposed 15-day changes related to the information requiring reporting. The District does not believe Title V status is necessary or required information in an inventory reporting process. Likewise, permit or rule potential to emit thresholds are not necessary or required either. Both new requirements should be withdrawn. Some general comments on other reporting contents details:

- SCC: Some detailed aspects of the data parameter reporting requirements, such as Unit Type Code and Source Classification Codes, are problematic because they are too general to cover specific processes or not applicable to the all types of permitted sources. Post-harvest agricultural processes have traditionally not been represented well in the SCC format. For an SCC example, the searching the SCC list for "walnut" processing does not generate any codes applicable to processes; however, walnut growing and processing is a major industry in our rural district. Based on the proposed regulation, these data items are mandatory and, since we as District staff have problems finding representative codes, sources (especially smaller "Mom and Pop" operations) will have difficulty fulfilling these mandatory requirements in a meaningful manner. Depending on how the data is used, submitting the "best applicable" SCC code likely will not assist in refining the criteria or toxic inventory. We are not sure how to resolve the applicable SCC concern. We spend considerable resources to prepare as accurate an inventory as possible and undermining this effort with less than representative fields is unproductive.
- The definition of Emittent ID references the existing 2007 version of the EI Criteria and Guidelines. If ARB is updating this guidance and intends to change this in the near future, this requirement will require duplicative effort to ensure the work done now to comply with this regulation is compliant with future work for many, many sources.
- Release location stack cross sectional area is not a term or parameter in current inventory procedures (HARP EIM). Guidance is provided to account for non-circular stacks. The

request to calculate area provides another step for error in the reporting process. Recommend following current practice of requiring stack diameter.

- The stack information requested includes if the stack has a rain cap but does not consider whether the stack is horizontal or vertical.
- Since permitted portable equipment are included in the reporting requirements, providing “geospatial coordinates” will prove challenging.

Finally, we previously commented prior to the December consideration about the of recent catastrophic events in our District and the State and recommended this regulation (and others) include a provision to allow a source subject to this regulation the ability to submit a request to the Executive Officer for relief from this regulation, including reporting and recordkeeping provisions, if the source has been subject to a catastrophic event such as an earthquake, fire or other natural event that prohibits the ability to report emissions and/or maintain the required records as required. We see no changes or response to comments regarding this and other comments.

If you have questions regarding the above comments, please contact me at (530) 332-9400, ext. 112 or via email at jwagone@bcaqmd.org.

Sincerely,



W. James Wagoner
Air Pollution Control Officer