

**REGULATION FOR THE REPORTING OF
CRITERIA AIR POLLUTANTS AND TOXIC AIR CONTAMINANTS
PROPOSED 15-DAY MODIFICATIONS - INFORMAL DRAFT DATED 3/4/2019**

Comment Matrix

#	Location			Comment	Rationale	Response
	Page	Line	Section			
1	General			ARB has indicated a driver for the 15-day changes is that data reported to ARB is inconsistent and/or missing. If that is the case, it seems we should focus on addressing the existing processes and gaps first before attempting to gather even more data which would dilute the focus on the protecting the identified AB 617 communities.	ARB is trying to collect data consistently, but most air districts have steadily reduced staff over the past few decades in an effort to increase efficiency and improve cost-effectiveness. Less frequent emissions inventory data collection of criteria pollutant facilities and sometimes missed inventories have been a result. Typically, mountain and rural air districts have less consistent emission calculation methodologies due to staff covering many duties, but these districts are also in attainment to many ambient air quality standards, so it is not an issue. These districts also tend not to report any toxics in a criteria year. The larger air districts have well established emissions inventory programs and emissions calculation methodologies.	
2				The regulation was expanded to cover relatively small stationary sources of air emissions, where in fact, it is well documented that the majority of emissions (80% or more) and health risks are due to mobile sources. There is significant cost associated with these changes without clear environmental benefits. Implementing this regulation can stretch the already limited resources of the local air districts and potentially have a negative impact on reducing emissions protecting disadvantaged communities.		

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3	General			As an advocate for the environment, Naval Air Weapons Station, China Lake (NAWSCL) believes that the following reporting regulations would cause an unnecessary burden, not only for itself, but for facilities statewide. Due the size (over 1 million acres) and complexity of NAWSCL, annual criteria and toxic emissions reporting would require additional resources and have a significant increase in costs for the facility.		
4	General			Because this reporting is to mainly benefit disadvantaged communities, NAWSCL suggest that location and distance between these communities and the facilities be taken into account when determining reporting frequency. Because of NAWSCL's remote location, it is not located near a disadvantaged community and would be open to reporting every two years.		
5	General			Once the formal draft is issued, please allow at least 45 days to review and review and provide comments.	15 days is not sufficient for all affected parties to thoroughly review the significant changes to the regulation and provide comments.	
§ 93401. Applicability						
6	A-3		(a)(4)(A)	<p>The proposed facility actual emission threshold of 4 tons/year (tpy) for permitted equipment and processes is significantly lower than the threshold that the legislation had intended (i.e., 250 tpy). This threshold should be revisited; possibly raised; or a tiered threshold should be implemented.</p> <p>Consider annual reporting for greater than 20 tpy facilities, reporting every 2 years for between 10-20 tpy, and reporting every 4 years for 5-10 tpy facilities. This was San Diego APCD's emissions inventory guidelines.</p>	This threshold appears to be based on SCAQMD's NSR threshold for providing offsets. It is unclear the relevance of the SCAQMD threshold to a statewide reporting threshold.	

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7				<ul style="list-style-type: none"> • Add a provision to allow affected facilities to certify that their activity levels/emissions have not changed more than a certain percentage (10%, possibly?) compared to the prior year; or • Consider reducing the reporting frequency to every 2, 3 or 4 years, depending on proximity to offsite receptors. 	This regulation requires facilities to report criteria and toxics emissions year after year even if the activity levels have remained unchanged. This is a significant level of effort with potentially little environmental benefit, especially since there is already a mechanism to capture toxics emissions from larger facilities (AB 2588).	
8				<p>The regulation seems to focus on quantities of emissions and not on another component of risk- which is proximity to receptors. An applicability provision related to proximity to receptors should be added.</p> <p>An exemption from annual reporting should be added if toxic emissions are found not to result in any adverse health risk and be required to report once every 4 years. For example, an emergency generator owned by a telecommunications company or remote military function located far from any receptor.</p>	Many military facilities in CA are located miles away from any offsite homes or businesses. Making these facilities subject to annual air toxics reporting would require significant resources with no apparent environmental benefits. These resources would be better spent if applied to actual emission reduction projects.	
9			(b) Exclusions	Add an exclusion for military tactical support equipment (TSE).	Consistent with other CARB rules, TSE should be excluded from the applicability and provisions of this rule.	
§ 93402. Definitions						
10				We support the definition for Facility for military installations. Please clarify how will the classification and reporting of independent functional groups work.		

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11	A-13			Modify the definition of “Permit” or “Air District Permit” to specifically exclude: 1) hazardous waste facility permits, and 2) CARB PERP registrations, especially those related to tactical support equipment (TSE).	The specific exclusions strengthen the definition and remove ambiguity. Specific concerns are 93401(a), para 2 of pg A-13 and 93403(a)(2)(b), para d of pg A-27. These sections should specify that an air pollution permit is the permit we are talking about and that an air pollution control district is the issuing agency.	
12				“Long Term” should be defined, as Table A-3 includes that term when making Asbestos removal an affected process with a zero-reporting threshold.		
13				Define “Location” to make it completely clear whether portable equipment that moves within the facility boundary covered by this regulation.	This should be clearly defined in the regulation to avoid inconsistent interpretation/application of the requirements.	
14				Add a definition for Tactical Support Equipment.	Please see above comments. If exclusion is included for TSE, the term should be defined consistently with other CARB regulations.	
15				“Primary emissions release location” – add the word “approximately” before 80 percent or more. Clarify how this is determined and substantiated.		

§ 93403. Emission Reporting Requirements

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16				Change program start year to 2020 (for reporting in 2021).	This regulation contains a number of unresolved items including lack of manpower and impacts to budgets for facilities. It also requires significant additional APCD/AQMD resources that are not currently available. Consider postponing start date until most issues are resolved and appropriate resources are put in place. In the meantime, most large facilities are already subject to reporting under local requirements as well as under AB 2588.	
17			(d)(1)(A)	This section state if an air district does not report facility data by the due date, "The data must be submitted to both the local air district and to CARB." "Data" needs to be defined as facility, device, and process data that is normally collected by an air district used to quantify emissions, but not include emissions data. Remove the responsibility for the facility to fulfill the requirement that belongs to the local district.	San Diego APCD is unique in that it quantifies the emissions after collecting process data. If the local air district fails to calculate and report all the data it receives, our interpretation is that facilities would be responsible for quantifying and reporting the emissions to CARB which defeats the goal of consistency.	
18				Suggest reporting diesel engine activity once every 4 years to be consistent with AB 2588.	San Diego has a population of a little over 2,000 diesel engines that are mainly emergency generators that only run for maintenance and testing. It is already difficult for air districts and facilities to report this once every 4 years, so the first step should be to improve this process instead of making it an annual requirement.	
19			(b)(1)(B)	Abbreviated Reporting under (b)(1)(B) should apply to auto body shops and dry cleaners, in addition to the ones already listed, to be consistent with AB 2588 industry-wide survey sites that include gas stations.		

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§ 93404. Emissions Report Contents						
20				It is unclear and nonspecific as to what is required to be reported. For example, what is the methodology for performing emission calculations?		
21			(b)(6)(A-C)	This section requires emission release data reporting but is only necessary if an HRA threshold is triggered, resulting in unnecessary labor for CARB, air districts and facilities. Suggest that these reporting elements not be required unless specifically requested by local air district.		
22	A-35		Table A-2	Change designation of Imperial County from Group A (Large and Medium districts) to Group B (Rural and Mountain districts).	Imperial County is a sparsely populated rural area that does not fit the definition of a Large or Medium District.	
23	A-36		Table A-3	Change the title of the 5 th column to “Permitted Activity Level Reporting Threshold”. It should be crystal clear throughout the regulation that only emission units and processes that have a valid air quality permit issued by an APCD/AQMD are covered by this regulation.	This change would further emphasize that the requirements pertain to permitted sources only. The chart should have a prominent note that facilities having these processes need to have an air pollution permit to be subject to the reporting requirements. It is too tempting for enforcement to look in the activity level reporting threshold column and see the word “zero” and get the impression that everyone who performs this activity has to report.	

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24			Table A-3	<p>During the workshop, CARB stated that if one piece of equipment triggers reporting, all of the facility's equipment and processes would be subject to reporting. Please clarify whether that is the case. If it currently the case, consider limiting reporting to the emission unit/process that exceeds the applicable threshold if not other rule applicability thresholds are exceeded.</p> <p>It is unclear how some of these processes apply to the Navy and how will these be defined.</p>		
25			Table A-3	<p>Emergency generator thresholds of hours/fuel used should be only for routine maintenance and testing to be consistent with AB 2588. In other words, emergency hours and emissions should not be included when comparing to the threshold.</p>	<p>Emergency operation of standby generators are in response to natural or man- made disasters and are not time limited by permit condition.</p>	

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26			Table A-3	Remove Hazardous waste treatment, storage, disposal and recycling from the table or include a reasonable throughput threshold.	<p>These are relatively small sources of VOC emissions. A threshold of zero, could make the entire facility subject to annual reporting at a significant cost with little environmental benefit.</p> <p>These facilities are already subject to requirements that minimize emissions.</p> <p>For containerized waste to use containers that meet the Department of Transportation (DOT), performance-oriented packaging (POP). If using DOT-POP packaging, no air emissions monitoring is required.</p> <p>For tanks and the ancillary equipment attached (pumps, valves, open ended lines, connection, pressure-relief devices...etc.), there are requirements to identify the influent waste stream and know the organic concentration, which triggers requirements, depending on what type of treatment is occurring; how many hours this occurs (i.e. contact time) and if air monitoring is triggered, it is performed using direct reading instrumentation (EPA Method 21).</p> <p>The most common method of complying with meeting the hazardous waste emission control standards by having a written Leak Detection and Repair (LDAR) program.</p>	