



South Coast Air Quality Management District

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Comments on CARB's Proposed 15-Day Modifications to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to provide comments on CARB's Proposed 15-Day Modifications to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) released March 4, 2019. We have been working closely with your staff on the CTR regulation and appreciate the dialogue, improvements to rule language, and evolved concepts over the course of the rule development process. SCAQMD staff supports rulemaking efforts by CARB to fulfill the requirements of AB 617, however, we still have concerns that the current proposal is overly ambitious and will likely be impossible to successfully implement in the proposed timeframes.

The motivation for the CTR regulation seems to be CARB staff's belief that this rule is mandated by legislation and that this data is absolutely essential for the success of AB 617 Community Emission Reduction Plans (CERPs). While some elements are mandated, such as the development of a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants, the most concerning elements proposed are not required under statute. CERPs can and are currently being developed using the best available emissions data without the need for excessive requirements for statewide emissions reporting by individual facilities. Solely requiring facilities to report facility emissions does not guarantee the reporting of accurate data. Extensive protocol development, outreach, training, and auditing are needed; an effort which will take many years to be successful.

We agree with the goal of more comprehensive, accurate and consistent emissions data, but there are many approaches and methods to achieve this over time without the need for hastily developed statewide emissions reporting. As we have repeatedly expressed in our ongoing dialogue, mandatory emissions reporting by facilities may not be the most efficient or accurate approach to develop better emissions inventories. We think that the approach for basin-wide reporting is more equitable than AB617 community-specific reporting, but most of the new facilities reporting would have emissions substantially lower than the current SCAQMD Annual Emissions Reporting (AER) program applicability thresholds for criteria pollutants and toxic air contaminants, representing a very small fraction of the emissions inventory and overall toxic risk. In addition,

many of the proposed reporting variables are not necessary and will be intensive to collect and verify. Resources should be focused where air quality and public health risk problems are greatest. In our decades of experience, unidentified problems are generally not due to lack of emissions reporting.

We and other air districts want to be a part of AB 617 implementation and help develop systems, protocols, and outreach for improved emissions reporting. The approach from SCAQMD staff has been to provide meaningful input for rule language and assistance to CARB rule development staff to develop a reasonable rule with realistic outcomes.

For these reasons, the SCAQMD staff encourages CARB to reconsider some of the proposed language, and acknowledge impacts to the regulated industry and existing District emission reporting programs, in addition to the planning and resources needed to harmonize applicable requirements of District rules and regulations with those proposed in the CTR.

Our Recommendations:

- Modify the applicability to include unpermitted equipment and permitted facilities, thereby including fugitive emissions.
- Grant flexibility for air districts to determine best available data and methods for emission sources where better applicable information is available;
- Due to the potential increase of nearly 15,000 facilities reporting emissions, delay the individual reporting phases by at least one year for Phases I and II, and 2 years for Phase III.
- Restructure phases based on sector or industry as opposed to by the type of process.
- Abbreviated reporting should only apply to facilities that are exclusively conducting the activities for which such reporting qualifies. That being said, a process should be included by which other types of activities/equipment can also have streamlined emission calculations.
- Any facility that reports activity or emissions directly to CARB should have the same level of content as that require to be sent to air districts.
- Emission report contents of modeling variables should be removed.

We look forward to continuing to productively work with CARB on the development and implementation of this regulation. Specific comments on the 15-day Modifications to the CTR regulation are further discussed in more detail 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

Attachment

§93401(a) – General Applicability

We suggest that the proposed modification for applicability determination include unpermitted equipment at permitted facilities, which would also include fugitive emissions. Based on annual emission reports received for our AER program, unpermitted equipment can account for significant contributions, and in some cases more than 50% of the facility's total emissions.

§93402 – Definitions

“Best available data and methods” – We appreciate the modifications to this definition as it provides flexibility and discretion at the local air district level for what could be considered best available data and methods. Regarding use of maximum emission values (e.g., potential to emit, or prescriptive limits established by the permitting or regulation) SCAQMD staff agrees that these types of data sources should not be the primary choice for use when calculating emissions. However, in some cases it may be more accurate than what is available such as default AP-42 emission factors. We ask for clarification on whether the proposed language of “...and other air district-approved...methods may potentially qualify as being best available data and methods for emissions sources” would allow the local air district to approve the use of maximum emission values in these types of situations. If not, please modify the proposed language to allow for this, based on air district-approval.

§93403 – Emission Reporting Requirements

§93403(a)(3) – Initial Report Year for Facilities Subject to Section 93401(a)(4)

Facilities subject to Section 93401(a)(4) are required to submit annual emissions reports per the phase-in schedule provided in Appendix A, Table A-3. The AER program currently receives emission reports from approximately 2,000 facilities a year. Based on CARB's assessment of facilities affected (provided to air districts on 1-29-2019) the SCAQMD staff can potentially receive thousands of new reporters in Phase I alone.

- Combustion of crude, residual, distillate, or diesel oil (up to ~12,000 facilities)
- Metal plating, anodizing or grinding using cadmium or chromium (up to ~1,700 facilities)
- Auto body shops > 30 gallons of paint/year (up to ~1,000 facilities)

Phase II and III Sectors combined can potentially add thousands more. The additional facilities that would be required to report would most likely be smaller businesses that have emissions substantially lower than the current AER program applicability thresholds for either criteria air pollutants and toxic air contaminants, representing a very small fraction of the emissions inventory and most likely insignificant in terms of risk even when accounting for cumulative impacts. Furthermore, these facilities would not have the technical knowledge to calculate emissions and submit reports to the SCAQMD staff without significant training and outreach.

Implementation will require significant resources, time, and planning to:

- Identify all new sources subject to the proposed toxic pollutant thresholds, throughput, and/or material usage – extremely difficult absent reliable data for throughput and/or material usage;

- Perform outreach to inform the regulated industry of newly adopted state emission reporting requirements;
- Conduct training sessions for the regulated industry on how to use the AER Reporting Web Tool;
- Develop uniform methodologies to calculate emissions for industries identified in each sector;
- Conduct training sessions on how to calculate toxic emissions for a variety of industry sectors;
- Develop software modifications to handle significantly increased numbers of facilities reporting to the AER Reporting Tool; and
- Handle increased inquiries received through AER hotline and other communications from the regulated industries regarding emission reports and estimating emissions.

For these reasons, we suggest the following initial report years for each of the Phase Sectors to allow ample time to implement the above prior to receiving annual emission reports:

- Phase I – Beginning with data year 2021 reported in 2022;
- Phase II – Beginning with data year 2023 reported in 2024; and
- Phase III – Beginning with data year 2025 reported in 2026.

Appendix A, Table A-3 – Sector Phases and Activity Level Reporting Thresholds

We suggest that Table A-3 be restructured based on sector or industry type rather than on a particular toxic compound that could be emitted by any industry type. As mentioned above, it will be extremely difficult to determine which facilities will need to report if it is based on actual throughput or toxic emissions for a given compound as this data may be unavailable for those facilities that currently do not submit annual emissions reports. Determining who will need to report based on industry type will be clear and straightforward for both the local air district and the affected facilities.

§93403(b)(3) – Abbreviated Reporting

The proposed language for abbreviated reporting is currently only allowed for retail gas stations and facilities that have equipment that combust specific fuel types. We appreciate efforts to streamline emissions calculations for reporters with these types of activities/equipment and suggest that language be added to include an approval process for other types of activities/equipment to be streamlined as additional activities/equipment will most likely be identified during implementation.

We also recommend that abbreviated reporting only apply to facilities that are exclusively conducting the activities that qualify. Facilities that also have other emissions generating activities should submit a “normal” report.

§93403(d)(2) – Submittal of Emissions Reports to CARB

This section previously referred to facility activity or emissions data that could alternatively be sent to CARB, however, now only certain elements of an emissions report are applicable. Notably missing is emissions data under 93404(d). What is the basis of this exclusion? It would seem that the proposed language would create segmented reports...some portions reported to local air

districts and others to CARB. We suggest that this section be revised to reflect the intent of the original language.

§93404 – Emission Report Contents

§93404(b)(6) – Starting with the 2020 data year, facilities will be required to submit annual emissions reports that include the general contents as specified in Section 93404(b). Some of this general content includes technical metadata that we presume will be used for modeling purposes. Data points include geospatial coordinates for stacks, release location heights, exit gas temperatures, stack dimensions, exit gas velocities, etc. There is major concern with the quality and accuracy of the data that will be received from reporters who are not trained or familiar with such technical data. Some of this requested data will not be applicable to many emissions sources. Extensive training and outreach will be necessary for facilities, especially smaller businesses, in order to receive accurate and meaningful data. Additionally, the SCAQMD staff and CARB review and verification of data would be highly resource intensive with little benefit for air quality.

We request that this section be removed from the rule or significantly modified to only require this from facilities that pose potentially high health risks, possibly based on the total amount of toxic emissions the facility reports or other indicators such as proximity to sensitive receptors. Local air districts could request this data outside of the annual emissions reporting process in order to ensure that it is accurate before it is used and available to the public, as is done currently for the AB2588 program.