

# Frequently Asked Questions Regarding the Criteria Air Pollutants and Toxic Air Contaminants Reporting (CTR) Regulation

## Part I – General Questions on the CTR Program

### Why did CARB develop CTR?

The need for more rigorous emissions reporting was recognized in the original bill text of AB 617<sup>1</sup>, which specified that CARB require “stationary sources” to annually report their emissions of criteria pollutants and toxic air contaminants using a uniform statewide system of reporting. The *Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants*, or CTR, was developed to meet the objectives of AB 617, but also to address the needs of numerous other CARB programs, like the community right-to-know tenets established in AB 197, and the toxic air contaminant emissions data received and evaluated through the AB 2588 “Hot Spots” program.

The previous stationary source emissions reporting system did not provide all the data needed to support CARB’s air quality programs. CARB’s stationary source database contains emissions data from over 27,000 facilities already; however, the inventory does not include all facilities, is incomplete in some cases, and in some cases, is out of date. The CTR amendments will close these data gaps, over time. The CTR is a step forward in improving transparency, uniformity, and consistency in reported emissions across the 35 air districts in California and will ensure the quality and completeness of reported emissions data. However, the effort will take time (with significant effort from the facilities and air districts) and will be phased-in over several years.

### How does CTR support the AB 617 Community Air Protection and Air Toxics Programs?

The CTR was developed to serve the needs of the AB 617 Community Air Protection and Air Toxics Programs. While the CTR does not include any specific emissions reduction requirements, it supports the efforts of both programs by:

- Increasing both the number of sources and the number of individual toxic air contaminants to be reported from permitted stationary source facilities over a multiple-year phase in period, leading to more complete information available for the determination of pollution exposure in impacted communities.

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<sup>1</sup> AB 617 Bill Text: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB617](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB617)

- Providing data to identify areas of concern throughout the state – including potential AB 617-eligible communities that have not been chosen yet – and to track progress in emissions reduction efforts in impacted communities.
- Supporting efforts at CARB to enhance the tools that are used to import and manage emissions data (such as a new emissions reporting tool), and developing improved visualization of emissions data for the public (separate from the CTR requirements).
- Reinforcing community right-to-know by creating a mechanism for people to request whether a facility is being inventoried through CTR, and if not, whether it should be inventoried.

In addition, the amendments to CTR were developed in conjunction with amendments to the AB 2588 Air Toxics “Hot Spots” guidelines for reporting emissions (called the “Emissions Inventory Criteria and Guidelines” or EICG), to harmonize the reporting requirements of CTR and the Hot Spots programs.

### When will data from CTR be available?

CTR implementation is integrated with existing emissions data collection efforts for both criteria pollutants and toxic air contaminants. Due to the scope of the amendments, reporting requirements are phased in over a few years to minimize the burden of having many new stationary sources subject to emissions reporting all at once. The first year of data under the amendments is to be reported in 2023 – but this only includes a subset of facilities in air districts with a currently designated AB 617 community (these air districts are South Coast Air Quality Management District (AQMD), Bay Area AQMD, San Joaquin Valley Air Pollution Control District (APCD), San Diego County APCD, Sacramento Metropolitan AQMD, and Imperial County APCD). Data from additional facilities and air districts must be reported in subsequent years, according to the schedule. As the CTR is phased-in over a period of 7 years, more facilities become subject to reporting, until nearly every permitted source of air pollution will be reporting on an annual basis. The data from CTR will give a much clearer picture of air pollution from stationary sources around the state than what is currently available.

### What outreach efforts have been conducted or are planned?

The public outreach for developing the CTR has been extensive. Our intention was to provide as much outreach as possible in regions that are most likely to be affected by the proposed regulation. For both the original 2018 rulemaking and the 2020 rulemaking, CARB staff held multiple workshops across the state, in Sacramento, Oakland, the San Joaquin Valley (Fresno, Modesto, and Bakersfield), Los Angeles, and San Diego, in addition to online webinars. Attendance at the workshops included air district representatives, environmental groups, community groups, affected businesses, industry groups, academics, consultants, government agencies, and others.

Beyond the public meetings, outreach efforts also included numerous contacts via telephone, email, regular mail, and individual meetings with interested parties. CARB electronically notified over 20,000 individuals or companies via email lists. CARB staff also met with each of the 35 California local air districts to discuss how the reporting regulation would affect district workload.

During the phase-in period, additional workgroups and meetings will be held to facilitate the implementation and understanding of CTR and its requirements. CARB's CTR staff are working closely with districts to coordinate the presentation of information and materials that detail the reporting requirements.

## Part 2 – Technical Questions

### General/Miscellaneous Questions

#### **Do the CTR reporting requirements supersede or replace existing emission reporting requirements and guidance, such as air district reporting rules, CARB's emissions inventory guidance for the National Emissions Inventory (NEI), or the AB 2588 EICG reporting requirements?**

No. CTR was designed to establish consistent, minimum emissions reporting requirements to support multiple air quality programs that require robust emissions data from stationary sources, but it does not replace or supersede the requirements of other CARB programs, US EPA's requirement to submit data to the NEI, or local air district reporting programs, rules, or guidance.

The CTR program was designed to integrate and streamline the reporting of emissions from stationary source facilities, and to form a single reporting process for criteria pollutants and toxic air contaminant emissions released from facilities. This single reporting mechanism will combine (and in many cases increase or enhance) the elements of existing emissions inventory data collection programs and will satisfy the reporting requirements for these programs, in support of CARB's air quality efforts (such as the AB 617 Community Air Protection Program, AB 197 data transparency and availability, air toxics management programs including Airborne Toxic Control Measures (ATCMs), the AB 2588 Toxic Hot Spots Program, and more). However, CTR does not relieve facilities from providing data required by other programs, including air district rules and policies. If other CARB or district rules or policies related to emissions data collection are more stringent than those in CTR (or collect data in addition to the CTR requirements), the more stringent requirements apply. If there are questions about agency reporting requirements that appear to be conflicting or ambiguous, contact staff at [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov), and we will be glad to help clarify any concerns.

#### **When reporting toxics emissions, do all chemicals on the CTR/EICG list whose emissions equal or exceed applicable degree of accuracy on the AB 2588 list need to be reported?**

The CTR does not specify a reporting limit for toxics, but Section VIII(E)(3) of the EICG states, *"If facility emissions of a substance exceed one-half of the applicable degree of accuracy unit for the substance, the substance emissions shall be reported on Emission Information Forms."* Report any emissions over ½ of the degree of accuracy for each applicable chemical, as listed in Appendix A-I of the EICG. All chemicals listed in CTR are also included in the EICG.

**When reporting toxics emissions, does the facility need to report “zero” or “non-detect” for all the substances on the list that are not emitted? What if there is a substance being emitted from the facility that we are not aware of, and is not reported – will the facility be out of compliance?**

Chemicals that are known to be emitted from the facility must be reported; the facility does not need to report “zero” or “not detected” for chemicals that are not emitted by the facility. However, a reasonable effort must be made to identify and report emissions of all applicable substances that are on the CTR/EICG chemical substance lists.

Under CTR, this requirement applies to all devices and processes for which the district has issued a permit to operate; however, under EICG, the district has the discretion to request and evaluate emissions from non-permitted processes as well. To assist in this process, Appendix C of the EICG provides chemical substances that are commonly emitted by various industrial sectors and processes. If it is discovered that an applicable substance is being emitted from a facility, and those emissions were not being reported in prior facility emissions data reports, CARB and air districts will communicate with facilities and use discretion in determining whether any requirements were violated. In many cases, if emissions of a newly discovered chemical are identified and reported, the absence of reporting these emissions in past reports will not be considered a violation of the CTR reporting requirements, if the facility has made a diligent effort to identify and report all known substances.

**Who has the obligation to report emissions from portable engines and devices that are used at a facility? If the facility hires a contractor to do maintenance or construction work on-site, how can emissions be estimated from the contractor’s engines that are used while on-site?**

Under CTR, facilities that report greenhouse gas emissions to the Mandatory Reporting Program (MRR) at CARB, and facilities that are permitted to emit over 250 tons of a nonattainment criteria pollutant are required to include emissions from diesel-powered, portable engines over 50 brake-horsepower that are used on site during the year, regardless of ownership or permit status. Currently, this is a group of about 700 large facilities in the state. Facilities that don’t meet these criteria are not required to include emission estimates from portable engines under CTR, but the local district may require such emissions to be reported pursuant to district policies.

We understand that often, when a contractor uses such engines on site, the facility operator may not own or operate the engines and may not be in the practice of collecting the data necessary to quantify emissions from the portable engines. CTR does not establish stringent protocols for the quantification of emissions estimates from such devices; the use of best available data and estimates is allowed. We encourage the facility operator to collect as much information on the number, size, emission rates, and use rates (hours of operation or fuel consumed) as feasible, to allow emission estimates that are as accurate as possible. If such data are missing, reasonable and conservative estimates of such use data can be estimated using best available information (e.g., averages for emission rates based on other sources of data).

## **A facility has a source subject to CTR, but also other permitted sources. Would emissions from the other permitted sources need to be included in the reporting?**

If any facility is subject to CTR reporting for a given year, then all permitted sources (as well as any additional sources that are required under district reporting rules or policies) must be included in the emissions report, using best available data and methods.

## **Do air district-permitted non-retail fuel dispensing facilities need to report under CTR (assuming no other emission sources at that facility)?**

Non-retail fuel pumping equipment does not trigger reporting applicability under CTR; the permitted process criterion for fuel dispensing facilities is for retail gasoline pumping only. If there are no other permitted devices or processes at this facility (and the facility does not exceed four tons of criteria pollutant emissions), then the facility is not subject to reporting under CTR. As a benchmark, if one uses the quantification method for gasoline dispensing developed by CARB and the California Air Pollution Control Officers Association (CAPCOA), hypothetically one would need to dispense 15,625,000 gallons of gasoline to emit 4 tons of volatile organic compounds (VOC).

## **In Table A-3, are the diesel and natural gas fuel combustion activity thresholds for Sectors 8, 29, 45, and 47 based on a device-specific or facility-wide basis?**

These diesel and natural gas fuel combustion activity thresholds are per device, and not facility wide.

## **Abbreviated Reporting Questions**

### **If a gasoline dispensing facility (GDF) also dispenses diesel fuel, and the dispensing of diesel fuel is specifically permitted, is the GDF eligible for abbreviated reporting?**

Currently as written, if the diesel dispensing equipment and emissions are permitted, then technically the facility would not qualify for abbreviated reporting. However, the petition process in 93421(b) may provide an option for including diesel dispensing under abbreviated reporting. For more information on the petition process, contact the CTR staff at [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov).

### **Is liquefied petroleum gas (LPG) considered the same as propane (for abbreviated reporting eligibility)?**

Liquefied petroleum gas (LPG) and propane have similar composition. Boilers, heaters, and other external combustion devices fired on LPG (as well as propane) qualify for abbreviated reporting under CTR.

### **Does the term “heaters” in the abbreviated reporting section only refer to “process heaters”, as defined in the regulation?**

For abbreviated reporting in section 93421(a)(2), the term “heaters” is intended to be broad and include many different types of heaters (not just “process heaters”) fired on natural gas and/or

propane (or LPG). Heaters such as rice dryers would qualify for abbreviated reporting in most cases, but the methods, pollutants, and emission factors for quantifying emissions for rice dryers or other specific types of heaters must be considered when estimating emissions.

**If a facility engages in the activities identified as “abbreviated” sources as listed in Section 93421, does that mean the facility only needs to provide the activity data listed for those sources?**

Not necessarily. Although the provisions in Section 93421 of CTR were developed to simplify data collection at some facility types, as feasible, those provisions do not override district authority to collect and report data that the district believes is necessary to implement appropriate permitting programs as well as the AB 2588 Hot Spots program. A facility is obligated to provide any throughput data or activity data requested by the district, so that the district can quantify and evaluate emissions estimates at the facility. If other emission sources, in addition to those listed in section 93421, are present at the facility, the district is authorized to collect additional information and evaluate health risks for those emissions under the AB 2588 Hot Spots program – even if the sources are not subject to permitting. Also, if the district believes it is necessary to collect information that is in addition to the activity data types listed in 93421 to properly quantify emissions, the facility must provide that additional information as requested by the district.

**For abbreviated reporting in Section 93421 of CTR, the only activity data listed for reporting for agricultural operations is “Quantity of head of cattle,” but the CTR definition for “Agricultural operations” is broader and includes the production of crops and raising other animals or fowl. What exactly needs to be reported if the operation has sources other than cattle, and does the facility still qualify for abbreviated reporting?**

If the facility is an “agricultural operation,” as defined in the CTR, and has any combination of the activity data types specifically listed in Section 93421, the facility may report activity data as described in that section and participate as an abbreviated reporter. If there are additional permitted processes or devices at the facility for which emissions data need to be estimated and reported, CTR requires that additional information (emissions or appropriate activity data) be provided as requested by the air district. A facility may work with their local air district to request that additional source types be included as abbreviated sources for one or more facilities within the air district pursuant to the petition process in 93421(b).