



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

December 10, 2018

Clerk of the Board  
California Air Resources Board  
1001 I Street,  
Sacramento, CA 95814

RE: Regulation for the Reporting of Criteria and Toxic Air Contaminants

Dear Chair Nichols and Members of the Board:

The Bay Area Air Quality Management District (Air District) thanks the California Air Resources Board for providing the opportunity to review and provide comments on the proposed regulation and for working closely with the Air District in its development.

Below are comments on the regulation for your consideration. The comments are organized and listed by sections in the regulation. The order of the comments does not necessarily reflect any prioritization or level of concern.

**General Comment**

The Air District strongly supports the principle that air districts retain the function of having facilities report criteria and toxic air contaminant emissions directly to them. This principle is the foundation that allows the application of local expertise and knowledge, paired with local oversight and enforcement, to generate accurate emissions reporting and ensure effective facility oversight and regulation. We support this regulation that reinforces this important principle.

**Applicability (Section 93401)**

Section 93401(a)(2) – Please clarify if particulate matter includes condensable PM or not? Filterable and condensable PM are defined, but the applicability requirements remain ambiguous.

Section 93401(a)(4) – The Air District understands and supports the reason for reporting within the boundary of a “community selected by CARB pursuant to H&SC sections 42705.5 or 44391.2”, but these boundaries are not clearly defined:

- a. A boundary defined by a steering committee may not be the boundary that is used in a technical assessment of sources that impact that identified community. In other words, and this is the case for the Bay Area, the West Oakland steering committee has identified a boundary of concern that includes some, but not all, emissions sources that may impact the area within the boundary.

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- CONTRA COSTA COUNTY**  
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- b. The steering committee may wish to change the boundary. This would create different reporting requirements.
  - c. This regulation only addresses stationary sources. The technical assessments of for the Community Emission Reduction Programs (CERPs) will include mobile sources also.
  - d. There is real value in developing, reporting, and tracking an emissions inventory as part of the CERPs and the Community Air Monitoring Programs (CAMPs). However, reporting estimates of emissions, generated by air districts or ARB as part of a CERP, seems sufficient. We would support a different reporting mechanism that includes both stationary and mobile sources tied to the CERP development instead of what is proposed here.

We suggest the following revised language that would address our main concerns:

“A facility that .... and is located within the boundary selected by an air district where such boundary includes the boundary of a community selected by CARB pursuant to H&SC sections 42705.5 or 44391.2.”

#### **Definitions (Section 93402)**

The “Best available data and methods” definition includes an apparent contradiction “in CARB’s judgement, technically justifiable, air district-approved or CARB approved...”. This statement seems to imply that data and/or a method must be CARB approved regardless if it is air district-approved. We believe that if an air district approved method is more conservative than a CARB approved method, its use should be allowed.

In addition to the above comment, the definition precludes using “permitted emission levels.” This would seem to exclude using manufacturer-guaranteed emission rates (commonly used for diesel engines)? In the absence of source tests, manufacturer-guaranteed rates, on an activity basis (e.g. grams per kilowatt-hour, pounds per million British thermal units), would provide a more accurate emissions estimate than using a published default emission factor.

We suggest that the definition allow the use of manufacturer-guaranteed emission rates in the absence of more accurate data such as a source test or CEM data.

Suggested language addition: “Permitted maximum emission levels does not include maximum emission rates based on equipment manufacturer-guarantees or certifications (e.g diesel engines or furnace rates) that are activity-based when such rates are used with actual equipment usage to estimate emissions.”

“Particulate matter” – This definition includes matter with an aerodynamic diameter smaller than 100 micrometers. TSP is generally measured as PM<sub>45</sub> by EPA Method 5. Will CARB provide guidance on estimating the PM fraction larger than PM<sub>45</sub>?

“Primary release location” – This definition includes “from which the majority of the facility emissions enter the atmosphere.” However, this is ambiguous. Is “majority” defined per pollutant or the total of all pollutants? What if emissions are evenly distributed? Would no stack information have to be reported then? Suggest that stack information be requested for all defined release locations for which emissions are captured and reported by local air districts.

**Emissions Reporting Requirements (Section 93403)**

Section 93403(a)(1)(a) – Initial Year of Reporting for Facilities: The Air District strongly supports the goal of developing uniform statewide emissions reporting. However, in the first year of reporting under CTR regulation, the Air District will not be able to change business processes in time to report a true calendar year 2018 of facility emissions by August of 2019. The Air District will need more time to achieve this. This is the single greatest concern we have with the proposed regulation. We propose that this requirement be relaxed until 2021, or that the requirement be for a best-achievable estimate of the previous calendar year's emissions until 2021.

**Emissions Report Contents (Section 93404)**

Please clarify if particulate matter includes condensable PM or not? Filterable and condensable PM are defined, but the applicability requirements remain ambiguous.

In closing, the Air District thanks you for considering our comments.



Pamela Leong  
Director

PJL  
NCM