

Notice of Public Availability of Modified Text and Availability of Additional Documents and Information

Proposed Amendments to the Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities

Public Hearing Date: June 22, 2023
Public Availability Date: November 2, 2023
Deadline for Public Comment: November 17, 2023

At its June 22, 2023, public hearing, the California Air Resources Board (CARB or Board) approved for adoption the proposed amendments to sections 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677, Appendix A, and Appendix C, of Title 17, California Code of Regulations, and proposed new sections 95669.1, 95670.1, Appendix D, Appendix E, Appendix F, and Appendix G, of Title 17, California Code of Regulations (collectively, the Proposed Amendments). The Proposed Amendments amend the existing Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (the Regulation) to address United States Environmental Protection Agency (US EPA) guidance for reasonably available control technology to achieve approval of the Regulation in the State Implementation Plan (SIP), add a provision requiring owner or operator follow-up actions when notified by CARB of a remote methane emission detection at their facility, and provide additional clarifications and other improvements based on implementation experience.

The Board directed the Executive Officer to determine if additional conforming modifications to the Proposed Amendments were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the Proposed Amendments to the Board for further consideration if warranted, or take final action to adopt the Proposed Amendments after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following [CARB website: https://ww2.arb.ca.gov/rulemaking/2023/oil-and-gas-2023](https://ww2.arb.ca.gov/rulemaking/2023/oil-and-gas-2023).

CARB has determined that additional modifications to the Proposed Amendments are appropriate and has developed the proposed modifications as stated below in the "Summary of Proposed Modifications" section of this notice. The Attachments showing the specific proposed modifications to the text of the Proposed Amendments being made with these 15-

day modifications are shown in multiple ways in order to meet the requirements of the Administrative Procedures Act (APA).

In this package, the originally proposed regulatory language (as posted on April 25, 2023) is sometimes referred to as the "45-Day Changes" and staff's proposed modifications to the originally proposed regulatory language that are the subject of this notice are sometimes referred to as the "15-Day Changes."

The text of the modified regulatory language is shown in Attachments A-1, A-2, and A-3. In Attachment A-1, the originally proposed regulatory language as posted on April 25, 2023, (i.e., 45-Day Changes) is shown in "normal type." The new deletions and additions that comprise the 15-Day Changes that are made public with this notice are shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions. For ease of accessibility, Attachment A-2 is being provided as an alternate version of Attachment A-1 in Microsoft Word format. In Attachment A-2, the 45-Day Changes text is incorporated as plain, clean text and the proposed 15-Day Changes that are made public with this notice are shown in tracked changes. In Attachment A-3 (also in Microsoft Word format), the original regulatory language as currently printed in the California Code of Regulations is shown as plain, clean text, while the changes proposed in the 45-Day Changes and the 15-Day Changes are combined and shown in tracked changes.

Attachment A-1 is the authoritative version to comply with the Administrative Procedure Act while Attachment A-2 is being provided as an alternative version for increased accessibility. Attachment A-3 is being provided to make the net package of changes in the Proposed Amendments easier to view by including them in a single document.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachment A-1.

Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. Global Changes

- a. Throughout the text, staff removed the periods from section callouts. For example, in subsection 95668(a)(5), a section callout for emission rate recalculations was written as 95668(a)(3)(B)(1.) in the 45-Day Changes, and staff propose changing that to 95668(a)(3)(B)(1). This is to be consistent across the entire subarticle, because sometimes the period was included and sometimes it was not. This also necessitates adding preceding letters and numbers for clarity when multiple subsections at these deep heading levels are referred to at once, which staff have added.

2. Modifications to Section 95667, Definitions

- a. In subsection 95667(a)(23), staff propose to remove “,but are not limited to” to remove vague language while keeping the intent of the list of examples intact.
- b. In subsection 95667(a)(52), staff propose to remove “,but are not limited to” to remove vague language while keeping the intent of the list of indicators intact.
- c. In subsection 95667(a)(64), staff propose to remove the example of a type of separator used in the natural gas production segment. This addresses a comment received during the 45-day comment period. The definition is sufficiently descriptive on its own without the example and removing it avoids potential confusion.

3. Modifications to Section 95668, Standards

- a. In subsections 95668(a)(2)(C)(1)-(C)(4), staff propose to update the versions of the referenced local air district rules by changing the amended dates. Staff also propose to remove the incorporation by reference of these local air district rules.

Subsection 95668(a)(2)(C) provides exemptions for separator and tank systems that are controlled with a vapor collection system or floating roof subject to a local air district rule. In areas in non-attainment with any federal ambient air quality standard for ozone, the air district rules that can provide the exemption are listed in subsections 95668(a)(2)(C)(1)-(C)(4). Each of these local air district rules were amended after the public release of the 45-Day Changes to comply with the recommendations in US EPA’s 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry (CTG)¹ pursuant to a decision by US EPA². These include San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4623, South Coast Air Quality Management District (SCAQMD) Rules 463 and 1178, and Ventura County Air Pollution Control District (VCAPCD) Rule 71.1. Updating the amended dates is necessary to achieve SIP approval because these air district rules also contained deficiencies identified in US EPA’s decision and the recent amendments by the local air districts correct those deficiencies.

Staff intended this list of local air district rules to simply be setting out exemptions, not establishing any specific requirements from the local air district rule as part of the Proposed Amendments. Therefore, it was erroneous for staff to incorporate these local air district rules by reference in the 45-Day Changes. Additionally, in discussion with US EPA, staff determined that incorporating these rules by reference could create a SIP approvability issue because the listed local air district rules are evaluated and approved for SIP purposes separately from the Proposed Amendments. Therefore, incorporating these rules by reference in the Proposed Amendments could create an issue in the future if a local air district subsequently amends a rule because there would be

¹ US EPA. (2016). Control Techniques Guidelines for the Oil and Natural Gas Industry. <https://www.epa.gov/sites/default/files/2016-10/documents/2016-ctg-oil-and-gas.pdf>. Note: This document was previously added to the record in the 45-day notice.

² US EPA. (2022). Limited Approval, Limited Disapproval of California Air Plan Revisions; California Air Resources Board. FR Doc 2022-20870. Filed 29 September 2022. <https://www.govinfo.gov/content/pkg/FR-2022-09-30/pdf/2022-20870.pdf>. Note: This document was previously added to the record in the 45-day notice.

essentially two versions of an air district rule in the SIP (the local air district's standalone rule and the version incorporated by reference here). Therefore, it is necessary to remove the incorporation by reference for each of these rules.

- b. In subsection 95668(a)(6), staff propose to change the compliance date for owners or operators to meet the requirements in Appendix D for separator and tank systems required to use a vapor collection system as specified in section 95671 from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This change is necessary to align with implementation timelines in SJVAPCD Rule 4623, as amended on June 15, 2023.

SJVAPCD Rule 4623 includes a reduced vapor pressure limit for exemption from control requirements starting "after June 30, 2024." Based on an appendix to SJVAPCD's staff report for the adoption of Rule 4623, an estimated 811 tanks fall within the range between the vapor pressure limit that applies until June 30, 2024, and after June 30, 2024, and only 210 of those tanks may need to add emission control mechanisms.³ It is CARB staff's understanding based on discussions with SJVAPCD staff that the 601 newly subject tanks that are not estimated to need to add emission control mechanisms are already emission controlled pursuant to permit conditions. On present information, CARB staff believes these tanks are exempt from the current Regulation, and these tanks would be exempt from the Appendix D requirements in the Proposed Amendments as of July 1, 2024 (because they would be subject to Rule 4623 upon that date).

Thus, it could be interpreted that under the 45-Day Changes these tanks could be potentially subject to the requirements in Appendix D just during the three-month period between April 1 and July 1, 2024. This gap would produce uncertainty and potentially would require unproductive duplicative work during this three-month period, especially given that the Proposed Amendments include numerous initial compliance tasks and other requirements for controlled separator and tank systems (Appendix D), as well as for vapor collection systems and vapor control devices that serve those separator and tank systems (Appendices E and F). Therefore, it is necessary to change the compliance deadline to July 1, 2024, to avoid this uncertainty and potential requirement for duplicative work.

- c. In subsection 95668(b)(1), staff propose to change "must" to "shall." This change is necessary to align the terminology here with the rest of the subarticle. This will not change the meaning, interpretation, or implementation of the subsection.
- d. In subsection 95668(h)(1)(B), staff propose to change the compliance date for updating existing natural gas underground storage facility monitoring plans from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This change is necessary to be consistent about compliance dates across the 15-Day Changes, given that all other requirements with

³ SJVAPCD. (2023). Appendix C: Cost Effectiveness Analysis for Proposed Amendments to Rules 4401, 4409, 4455, 4623 and 4624. https://www.valleyair.org/Workshops/postings/2023/06-15-23_rules/c.pdf.

proposed compliance dates of April 1, 2024 (or the effective date of the Proposed Amendments, if later) in the 45-Day Changes are now being proposed to have compliance dates of July 1, 2024.

4. Modifications to Section 95669, Leak Detection and Repair

- a. In subsection 95669(c)(1), staff propose to add a clause stating that local air district rules included in the list in subsection 95669(c)(1)(B) can be the basis of an exemption even when last amended later than January 1, 2018. This change is necessary to ensure that all of the rules listed can provide exemptions because some of these rules were amended later than January 1, 2018, and the amendments were to ensure compliance with US EPA's requirements for SIP approval.
- b. In subsections 95669(c)(1)(B)(1)-(B)(2), staff propose to update the amended dates of SJVAPCD Rule 4401 and Rule 4409 to June 15, 2023. These local air district rules were amended after the release of the proposed 45-Day Changes to comply with the CTG. Updating the amended date of Rule 4401 is necessary to achieve SIP approval because this rule also contained deficiencies identified in US EPA's decision and the recent amendments by SJVAPCD correct those deficiencies. Updating the amended date of Rule 4409 is necessary to reflect the latest version of the rule that will be submitted into the SIP so that owners or operators are not potentially subject to multiple sets of leak detection and repair (LDAR) requirements for components subject to Rule 4409.
- c. In subsection 95669(c)(1)(B), staff propose to remove the incorporation by reference for each of the listed local air district rules. Staff intended this list of local air district rules to simply be setting out exemptions, not establishing any specific requirements from the local air district rules as part of the Proposed Amendments. Therefore, it was erroneous for staff to incorporate these local air district rules by reference in the 45-Day Changes. Additionally, in discussion with US EPA, staff determined that incorporating these rules by reference could create an approvability issue because the listed local air district rules are evaluated and approved for SIP purposes separately from the Proposed Amendments. Therefore, incorporating these rules by reference in the Proposed Amendments could create an issue in the future if a local air district subsequently amends a rule because there would be essentially two versions of an air district rule in the SIP (the air district's standalone rule and the version incorporated by reference here). Therefore, it is necessary to remove the incorporation by reference for each of these rules.
- d. In subsection 95669(c)(1)(B), staff propose to stipulate that components and associated equipment qualifying for an exemption due to any of the four local air district rules listed in section 95669(c)(1)(B)(3), (B)(4), (B)(7), or (B)(8), shall be included in the lists of component and equipment specified in subsections 95669(d)(1)(C)-(E). Furthermore, staff propose to require owners or operators to identify in those lists which air district rule the components and equipment are subject to. This is necessary to ensure that components and equipment subject to SJVAPCD Rule 4623, SCAQMD Rule 1148.1, VCAPCD Rule 74.10, and Yolo Solano Air Quality Management District Rule 2.23 meet the guidelines in the CTG that are necessary for US EPA's SIP approval. Specifically, the CTG

- stipulates that owners or operators need to maintain lists of equipment and components subject to leak detection and repair requirements, including a method to determine their location. The four identified rules lack such a requirement, so listing the components (and associated equipment) that are subject to those rules in the leak detection and repair plans in subsections 95669(d)(1)(C)-(E) is necessary to meet the requirements of the CTG. Requiring identification of which local air district rule the components and equipment in the lists are subject to is necessary for CARB to differentiate which components are subject to the Proposed Amendments versus each local air district rule if those lists are requested for compliance verification purposes. Additional minor wording changes are proposed for this subsection to accommodate adding this new requirement, including deleting “following” and adding “listed below.”
- e. Staff propose to add a new subsection under subsection 95669(c)(1)(B) providing an exemption from the requirements of section 95669 for components subject to SJVAPCD Rule 4623. When Rule 4623 was amended on June 15, 2023, LDAR requirements were added to the rule, which previously did not contain LDAR requirements. Addition of this rule to the exemption list is necessary so that owners or operators are not subject to multiple sets of LDAR requirements for components subject to Rule 4623, once the LDAR requirements in that rule go into effect. Staff propose to add the exemption for Rule 4623 at subsection 95669(c)(1)(B)(3) to group it together with the other two SJVAPCD rules, and staff propose to adjust the numbering for the subsequent local air district rules to keep sequential numbering of items.
 - f. In subsection 95669(c)(14), staff propose to add specificity about what circumstances and by when an inspection must occur upon completion of active drilling, completion, or maintenance activities. As evidenced by its inclusion within an exemption, CARB staff intended the inspections following the listed activities to only apply if the exemption was invoked to miss a regular inspection. A comment received during the 45-day comment period illustrated potential confusion relating to inspection of equipment after all drilling, completion, or maintenance, rather than just setting out the terms of an exemption as staff had intended. Staff’s proposed changes clarify that the inspection requirement within this exemption only applies in a situation where the exemption is invoked to miss an inspection otherwise required pursuant to subsection 95669(g). Staff set a deadline of the end of the calendar quarter in which the activity was completed to ensure that inspections resume upon the typical quarterly schedule.
 - g. In subsection 95669(d)(1), staff propose to change the date by which owners or operators must develop facility-specific leak detection and repair plans from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. SJVAPCD amended their Rules 4401, 4409, and 4623 on June 15, 2023, all of which include LDAR requirements (as amended). These amendments included changes in applicability, leak standards, and other requirements, some of which go into effect after June 30, 2024. Some of these changes may affect which components are subject to the local air district rules versus the Proposed Amendments or may affect LDAR planning. Therefore, it is necessary to align the implementation date for LDAR plans under the Proposed

Amendments with the date within SJVAPCD's amended rules to reduce the potential for unnecessary work related to adding components to LDAR plans that will soon be exempt and potential inaccuracies about which components are subject to the Proposed Amendments persisting in LDAR plans until the next annual update. This proposed change also aligns with the proposed change in implementation dates for certain separator and tank system requirements and vapor collection system requirements elsewhere in the 15-Day Changes.

- h. Staff propose to remove subsections 95669(g)(1) and 95669(g)(1)(A) (as numbered in the 45-Day Changes). Subsection 95669(g)(1) contains a provision whereby optical gas imaging (OGI) could be used as a leak screening device but is not permitted to be used in place of US EPA Reference Method 21 for quarterly surveys. This subsection is superfluous because it does not impose any new requirements—the regulation already requires use of Method 21 for quarterly surveys but does not otherwise preclude use of OGI.

Subsections 95669(g)(1) and (g)(1)(A) were originally included in the current Regulation to recognize the role that OGI could play in leak screening above and beyond the quarterly surveys by applying it outside of those surveys. However, the Proposed Amendments (and current Regulation) do not limit what activities owners or operators can perform of their own accord to screen for leaks above and beyond the screening required by the Proposed Amendments. Therefore, this provision is unnecessary and removing it does not affect the ability of owners or operators to perform their own OGI surveys outside of the required quarterly surveys. Subsection 95669(g)(1)(A) is no longer meaningful once subsection 95669(g)(1) is removed, and thus it is necessary to remove it too. Any leaks detected during quarterly surveys will still have their concentrations measured with US EPA Reference Method 21 because all components must be tested for leaks using US EPA Reference Method 21 under the remaining requirements in subsection 95669(g).

Due to deletion of section 95669(g)(1), staff propose to renumber subsection 95669(g)(2) to (g)(1).

5. Modifications to Section 95669.1, Remotely Detected Emission Plumes

- a. In subsection 95669.1(a)(1), staff propose to add "all" to clarify the already implied meaning that all of the requirements listed must be met.
- b. In subsection 95669.1(a)(1)(A), staff propose to add the word "meters" to the first spatial resolution dimension. Although already implied by the regulatory text proposed in the 45-Day Changes, this is to clarify that both dimensions are in units of meters.
- c. In subsection 95669.1(a)(2), staff propose to add a seven-business day timeline by which CARB must notify owners or operators after receiving the remote monitoring data. The timeline of seven business days was selected based on staff experience in how long it reasonably takes to verify remote emission plume detections from airplanes and then send voluntary notifications to the relevant owners and operators based on that information. This timeline balances the need to perform quality control checks to verify the presence of a

plume in the imagery and to determine the associated owner or operator to notify with the need to ensure owners and operators are contacted about current concerns. This addresses concerns from a commenter relating to the lack of a specific timeframe for CARB to notify owners or operators.

Staff also propose to add “all” in this subsection to clarify the already implied meaning that all of the information listed must be included in the notification.

- d. In subsection 95669.1(c), staff propose to change the reporting timeline from 24 hours to 72 hours. During the 45-day comment period, a commenter indicated that 24 hours is not enough time to compile the information and undergo internal reviews and approvals prior to submittal to CARB. The commenter requested that CARB consider allowing more time to accommodate the necessary internal reviews and approvals. Staff are therefore proposing to extend the timeline to 72 hours to ensure that owners or operators have sufficient time to compile the reporting and undergo reviews and approvals.
- e. In subsection 95669.1(d), staff propose to replace the period with a colon to clarify the already implied meaning that the subsections nested below it (95669.1(d)(1)-(4)) are the actions being referred to.

6. Modifications to Section 95671, Vapor Collection Systems and Vapor Control Devices

- a. In subsections 95671(d) and (e), staff propose to change the compliance date from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This would align with the proposed compliance date change for when controlled separator and tank systems would need to begin following Appendix D requirements (under these proposed 15-Day Changes, as described in section 3.b of this notice). This is necessary because the same issue with the separator and tank system rule applicability gap applies to the vapor collection systems and vapor control devices installed on those separator and tank systems for initial compliance demonstrations in Appendix E and testing in Appendix F.
- b. In subsection 95671(d), staff propose to reverse the order of subsections (1) and (2) and reword the description of areas that are subject to the vapor control device requirements under those subsections. A change was proposed in the 45-Day Changes that was intended to make the applicability of subsection 95671(d)(1) (as numbered in these 15-Day Changes) clearer because of potentially confusing wording in this subsection in the current Regulation. However, staff have learned that the language proposed in the 45-Day Changes could itself cause confusion because US EPA uses “unclassifiable” as part of a combined label of “attainment/unclassifiable” and because areas designated as “unclassifiable” typically meet air quality standards and do not need to meet the non-attainment reasonably available control technology requirements. Therefore, it is more logical and clear to start by defining the control requirements for non-attainment areas and then to subsequently define the less stringent control requirements for all other areas. The way subsection 95671(d) is written in these proposed 15-Day Changes aligns with the original intent of this subsection in the current Regulation but corrects for potentially confusing

language. This change is necessary to avoid any potential ambiguity and to simplify the regulatory language.

7. Modifications to Section 95672, Record Keeping Requirements

- a. In subsection 95672(a)(10), staff propose to change “must” to “shall.” This change is necessary to align the terminology here with the rest of the subarticle. This will not change the meaning, interpretation, or implementation of the subsection.
- b. In subsection 95672(a)(18), staff propose to change “95778” to “95668” in the section callout. This is necessary to correct a typo in the section number because the requirements described in subsection 95672(a)(18) are called for in section 95668(h)(4)(B)(2)(g).
- c. In subsection 95672(a)(23), staff propose to add “at least” and to reword “from the date of each emission notification” to “from the date of each CARB notification of a methane emission plume identified using remote monitoring data” when describing the recordkeeping requirement. This is necessary to align with how recordkeeping requirements are described elsewhere in section 95672 and to ensure that the starting point from which to count the 5-year minimum recordkeeping requirement is clear.
- d. In subsection 95672(a)(27), staff propose to change the description of the recordkeeping requirement for delay of repair requests to align with the language in subsection 95670.1(a)(5), which staff believe states the recordkeeping requirements more clearly. This is necessary to avoid potentially conflicting interpretations of the same recordkeeping requirement.

8. Modifications to Section 95673, Reporting Requirements

- a. In subsection 95673(a)(15), staff propose to change the reporting timeline from 24 hours to 72 hours to be consistent with the proposed change to this reporting requirement in subsection 95669.1(c). Staff also propose to add “all” to clarify the already intended meaning that all of the elements listed below subsection 95673(a)(15) must be reported.
- b. In subsection 95673(a)(15)(F), staff propose to clarify the scope of an “initial mitigation plan” to ensure that owners or operators understand what such a plan must contain. An initial mitigation plan must specify whether the emission source has been successfully repaired and, if not, include a description of actions the owner or operator anticipates taking to mitigate an emission source so CARB may understand what next steps the operator intends to take and whether any further action is necessary to mitigate the emissions.

9. Modifications to Appendix A, Record Keeping and Reporting Forms

- a. In Table A8, staff propose to change “report” to “record” in all three instances where “report” was used in the 45-Day Changes to describe which columns apply depending on the type of emission source found. This is necessary because although the information recorded in the form is to be reported annually through the California Electronic Greenhouse Gas Reporting Tool, the form itself is a recordkeeping form.

10. Modifications to Appendix C, Test Procedure for Determining Annual Flash Emission Rate of Gaseous Compounds from Crude Oil, Condensate, and Produced Water
 - a. In Appendix C section 3.4, staff propose to change the definition of “crude oil” to be consistent with the definition proposed in section 95667 in the 45-Day Changes. This is necessary for consistency across the Proposed Amendments so that “crude oil” could not be interpreted to mean something different in Appendix C.
 - b. In Appendix C section 3.19, staff propose to change the definition of “separator” to be consistent with the definition change proposed for section 95667 of these 15-Day Changes (to remove the example for natural gas production). This is necessary for consistency across the Proposed Amendments.
11. Modifications to Appendix D, Additional Requirements for Separator and Tank Systems
 - a. In Appendix D(h)(3), staff propose to change the date by which the initial cover and vapor collection system inspections must occur for those systems subject to Appendix D from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This aligns the initial inspection requirements within Appendix D with the proposed change to the earliest date on which separator and tank systems can become subject to the requirements of Appendix D.
12. Modifications to Appendix E, Additional Requirements for Vapor Collection Systems and Vapor Control Devices
 - a. In Appendix E(a), staff propose to remove the word “requirements” to correct a grammatical mistake.
 - b. In Appendix E subsections (a)(4) and (a)(4)(A), staff propose to replace “regulation” with more appropriate terminology. In subsection (a)(4), staff propose to use “subarticle” to align with the terminology used throughout the regulation. In subsection (a)(4)(A), staff propose to list the full citation to the subarticle because citing the regulation leaves less room for confusion or misinterpretation in the Professional Engineer’s certification statement than simply stating “regulation”.
 - c. In Appendix E(b)(1)(D), staff propose to replace “subpart” with “subarticle” to align with the terminology used throughout the Proposed Amendments. The Regulation is housed within a subarticle in the California Code of Regulations. “Subpart” was erroneously used by staff to refer to the subarticle because the surrounding language is modeled after a federal requirement that is housed in a “subpart” of the Code of Federal Regulations. Fixing this terminology does not change the intended meaning of the passage.
 - d. In Appendix E subsections (c)(2) and (c)(3), staff propose to change the date by which the initial performance tests and vapor collection system inspections must occur for those systems subject to Appendix E from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This

aligns the initial testing and inspection requirements within Appendix E with the proposed change to the earliest date on which vapor collection systems and vapor control devices can become subject to the requirements of Appendix E.

- e. In Appendix E subsections (e)(1)(B) and (e)(2)(B), staff propose to remove “include, but are not limited to” and replace it with verbiage identifying the list of defects as “examples.” This more clearly communicates the purpose of the list as broadly describing some types of defects to help regulated parties better understand what may be considered a defect under the regulation.

13. Modifications to Appendix F, Performance Test Procedures for Vapor Control Devices

- a. In Appendix F subsections (a)(4) and (a)(5), staff propose to change the date by which Notifications of Compliance would need to be submitted for systems using certain pathways within the exemptions set forth in those subsections from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This aligns the terms of the exemptions with the proposed change to the earliest date on which vapor control devices can become subject to the requirements of Appendix F.
- b. In Appendix F(b)(5)(A), staff propose to change the date by which the initial performance tests must occur for vapor control devices subject to Appendix F(b) from April 1, 2024 (or the effective date of the Proposed Amendments, if later), to July 1, 2024. This aligns the initial testing requirements within Appendix F(b)(5) with the proposed change to the earliest date on which vapor control devices can become subject to the requirements of Appendix F.
- c. In Appendix F(d)(4)(A), staff propose to remove “The owner or operator shall” because the procedures described in that subsection are for testing of a vapor control device by the device manufacturer, not by an owner or operator. This is clear in the context of the broader Appendix F(d). Inclusion of “owner or operator” in the 45-Day Changes was erroneous.
- d. In Appendix F(d)(7)(B), staff propose to remove the word “sample” because it was inadvertently included as a grammatical mistake.
- e. In Appendix F(d)(10), staff propose to replace “photos” with “photographs” to be consistent with the terminology used previously in that same subsection and “photographs” is more formal. This does not change the meaning of the passage.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

These modifications do not change implementation of the regulation in any way that affects the determinations made in the environmental analysis included in the Staff Report because the modifications consist primarily of improvements to better harmonize the Proposed Amendments with air district rules and clarifications that do not alter the compliance responses. Therefore, no additional environmental analysis is required.

Reference Corrections

The following references were included in the Initial Statement of Reasons (ISOR) or Appendix B to the ISOR, released to the public on April 25, 2023. This section outlines corrections to those references.

1. ISOR

(CalGEM 2022c). WellSTAR: Well Information. Well Status: Active; Well Type: Oil & Gas, Cyclic Steam, and Dry Gas. California Geologic Energy Management Division, accessed 8 August 2022.

The reference title was corrected.

(CalGEM 2022d) WellSTAR: Well Information. Well Status: Idle; Well Type: Oil & Gas, Cyclic Steam, and Dry Gas. California Geologic Energy Management Division, accessed 8 August 2022.

The reference title was corrected.

(CARB 2022a) 2022 Scoping Plan for Achieving Carbon Neutrality. California Air Resources Board, posted 16 November 2022. <https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf>.

The reference title was corrected.

(CARB 2021) "Carbon Mapper launches satellite program to pinpoint methane and CO2 super emitters." Press release number 21-17. California Air Resources Board, posted 14 April 2021. <https://ww2.arb.ca.gov/news/carbon-mapper-launches-satellite-program-pinpoint-methane-and-co2-super-emitters>.

The website link was corrected. The previous link led to the version of the same press release that was released by Carbon Mapper rather than the one that was released by CARB.

(CARB 2016a) Public Hearing to Consider the Proposed Regulation for Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities. Staff Report: Initial Statement of Reasons. California Air Resources Board, posted 31 May 2016. <https://www.arb.ca.gov/regact/2016/oilandgas2016/oilgasisor.pdf>.

The reference title was corrected.

(CPUC 2017) Decision Approving Natural Gas Leak Abatement Program Consistent with Senate Bill 1371. Decision 17-06-015. California Public Utilities Commission, date of issuance 19 June 2017. <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M190/K740/190740714.PDF>.

The reference title was corrected and the date was updated to reflect the "date of issuance." The link was also updated to point directly to the PDF document.

(EIA 2022b) Natural Gas Gross Withdrawals and Production. Energy Information Administration, accessed 8 Aug 2022. https://www.eia.gov/dnav/ng/ng_prod_sum_a_EPG0_FGW_mmcf_a.htm.

The reference title was corrected.

(Total Lockout 2022) Master Lock Aluminum A1107 Safety Padlock, SKU: PLO-A1107RED. Total Lockout USA, accessed 5 Dec 2022. (\$21.70).

The SKU number was corrected.

2. ISOR Appendix B

(CDHPE 2014) Regulatory Analysis for Proposed Revisions to Colorado Air Quality Control Commission Regulation Numbers 3, 6 and 7. Colorado Department of Public Health and Environment, posted 11 February 2014.

The reference title was corrected.

(Total Lockout 2022) Master Lock Aluminum A1107 Safety Padlock, SKU: PLO-A1107RED. Total Lockout USA, accessed 5 Dec 2022. (\$21.70).

The SKU number was corrected.

(US EPA 2022c) Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review. Supplemental Background Technical Support Document for the Proposed New Source Performance Standards (NSPS) and Emissions Guidelines (EG). United States Environmental Protection Agency, posted October 2022.

<https://downloads.regulations.gov/EPA-HQ-OAR-2021-0317-1578/content.pdf>.

The reference title was corrected and the link was updated to point directly to the document. Note: this is the correct reference for US EPA 2022c in the ISOR Appendix B, but as described below in the section "Additional Document(s) or Incorporated Document(s) Added to the Record," a different document was intended to be referenced in the ISOR.

(US EPA 2021) Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review. Background Technical Support Document for the Proposed New Source Performance Standards (NSPS) and Emissions Guidelines (EG). United States Environmental Protection Agency, posted October 2021. <https://downloads.regulations.gov/EPA-HQ-OAR-2021-0317-0166/content.pdf>.

The reference title was corrected and the link was updated to point directly to the document.

Additional Document(s) or Incorporated Document(s) Added to the Record

In the interest of completeness and in accordance with Government Code section 11347.1, subdivision (a), staff has also added to the rulemaking record and invites comments on the following additional documents:

Additional References

- San Joaquin Valley Air Pollution Control District (SJVAPCD). (2023). Appendix C: Cost Effectiveness Analysis for Proposed Amendments to Rules 4401, 4409, 4455, 4623 and 4624. June 15, 2023. Available at: https://www.valleyair.org/Workshops/postings/2023/06-15-23_rules/c.pdf.

- Energy Information Administration (EIA). (2022). Annual Energy Outlook 2022: Prices (2021 dollars per unit) Natural Gas at Henry Hub. Accessed November 15, 2022. This reference was cited in the ISOR Appendix B on pages 19 and 20 as EIA 2022a. However, the reference listed in the references section was for a different 2022 EIA document. Therefore, this document was inadvertently omitted from the references list and is being added here to ensure a complete record.
- EIA. (2021). FAQs: What are Ccf, Mcf, Btu, and therms? Accessed October 17, 2022. Information from this reference was used in the ISOR Appendix B on pages 19 and 20 to convert the price of natural gas in million British thermal units (MMBtu) to price in thousand cubic feet (MCF). This reference was inadvertently omitted from the ISOR Appendix B and is being added to ensure a complete record.
- United States Environmental Protection Agency (2022). Proposed Regulatory Text for Subpart OOOOc—Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities. Posted November 11, 2022. https://www.epa.gov/system/files/documents/2022-11/8510_OilandGasClimate_OOOOc%20RegText_Supplemental_20221005.pdf. This reference was cited in the ISOR on pages 15 and 132 as US EPA 2022c. However, the reference did not appear on the references list of the ISOR. Therefore, this document was inadvertently omitted from the references list and is being added here to ensure a complete record. (Note: US EPA 2022c in the ISOR Appendix B refers to a different document as included in the references list for the ISOR Appendix B).

Additional Documents Incorporated by Reference

- Title 40 Code of Federal Regulations, Part 63 – National Emission Standards for Hazardous Air Pollutants for Source, Subpart EEE. Last amended October 28, 2008. Incorporated by reference in Appendix E sections (b)(2)(B)(3) and (b)(2)(B)(4), and Appendix F sections (a)(4) and (a)(5). This document was incorporated by reference in the 45-Day Changes, however, one of the section numbers where this document was incorporated was listed inaccurately. Staff is now re-adding this document to the rulemaking record with the correct section numbers to ensure an accurate record.

These documents are available for inspection at the California Air Resources Board, 1001 I Street, Sacramento, California, 95814, between the hours of 9:00am to 4:00pm, Monday through Friday (excluding holidays). To inspect these documents please contact Bradley Bechtold, Regulations Coordinator, at bradley.bechtold@arb.ca.gov or (279) 208-7266.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Quinn Langfitt, Air Resources Engineer, Program Assessment Section, at (279) 208-7487 or (designated back-up contact) Jim Nyarady, Air Resources Supervisor I, Oil and Gas Section, at (279) 208-7596.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

California Air Resources Board



Steven S. Cliff, Ph.D.
Executive Officer

Date: November 2, 2023

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.arb.ca.gov) (www.arb.ca.gov).