

NOTE: This preliminary discussion draft of the proposed Regulation for the Reporting of Criteria Pollutants and Toxic Air Contaminants is provided for review purposes only. The draft is subject to ongoing revisions and refinement. Any proposed requirements in this document have no effect until the final regulation is adopted by the California Air Resources Board, approved by the California Office of Administrative Law, and endorsed by the California Secretary of State. Staff will propose to the Board that a final completed regulation will take effect during 2019.

Subchapter 7.7

REGULATION FOR THE REPORTING OF CRITERIA AIR POLLUTANTS AND TOXIC AIR CONTAMINANTS

Adopt new Subchapter 7.7, Article 1, sections 93400 to 93410, Title 17, California Code of Regulations, to read as follows:

This subchapter contains regulations to implement Assembly Bill 617-Nonvehicular Air Pollution: Criteria Air Pollutants and Toxic Air Contaminants (stats. 2017; Chapter 136; Health and Safety Code section 39607.1)

Article 1: Reporting of Criteria Air Pollutants and Toxic Air Contaminants

Subarticle 1. General Requirements for Criteria and Toxics Reporting

§ 93400. Purpose and Scope

The purpose of this article is to establish a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for specified stationary sources. This article also requires specified stationary sources to report to the state board annual emissions of criteria air pollutants and toxic air contaminants using the uniform statewide system of annual reporting. This article implements the requirements of section 39607.1 of the California Health and Safety Code (H&SC) by identifying sources subject to annual reporting, data to be reported, mechanisms for reporting, requirements for quantifying emissions data, and the timing and phase-in of specified data reporting requirements. It is also designed to support implementation and tracking of the requirements outlined in sections 42705.5 and 44391.2 of the H&SC.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93401. Applicability

(a) *General Applicability*

Except as provided in Section 93401(b), this article applies to the owners or operators of any facility described in Sections 93401(a)(1), (2), (3), or (4), that is located in California:

- (1) A facility that is required to report to the state board the facility's greenhouse gas emissions pursuant to H&SC section 38530 at the beginning of the reporting year. For determining applicability under section 93401(a)(1), a "facility" includes any onshore oil and gas production or processing facility as defined in California Code of Regulations (CCR), Title 17, Section 95102.
- (2) A facility that is located in an air district for which any portion of the air district has been designated as nonattainment with respect to either the National Ambient Air Quality Standard (NAAQS) or the California Ambient Air Quality Standard (CAAQS), and is authorized by one or more permit(s) issued by an air district to emit 250 or more tons per year (tpy) of any applicable nonattainment pollutant or its precursors at the beginning of the reporting year. Emissions from non-permitted sources are not included in the applicability determination.

If a facility is located within an air district for which any portion of the air district has been designated as nonattainment, the facility is subject to this article if the facility's emissions exceed the following thresholds for any applicable nonattainment pollutant or precursor or group of precursors, as follows:

- (A) 250 or more tpy of all nitrogen oxides
 - (B) 250 or more tpy of all reactive organic gases or all volatile organic compounds
 - (C) 250 or more tpy of particulate matter
 - (D) 250 or more tpy of carbon monoxide, or lead, or sulfur oxides, or ammonia
- (3) A facility that is categorized by the air district as high priority for toxic emissions at the beginning of the reporting year, based on cancer or noncancer health impacts pursuant to H&SC Section 44360.
 - (4) A facility that has one or more permit(s) to operate issued by an air district, emits any criteria pollutant or toxic air contaminant as defined in this article, and is located within the boundary of a community selected by the CARB Governing Board pursuant to Health and Safety Code sections 42705.5 or 44391.2.

[NOTE: Air Districts have indicated that this applicability criterion requires additional staff resources.]

(b) *Exclusions*

- (1) This article does not apply to, and emissions reporting is not required for the following sources that are subject to reporting their greenhouse gas emissions pursuant to H&SC section 38530:
 - (A) Fuel and carbon dioxide suppliers and electric power entities as defined in CCR Section 95101(a).
 - (B) Natural gas distribution pipelines and metering-regulating stations that are operated by a local distribution company (LDC) within the State of California that is regulated as a separate operating company by a public utility commission or that are operated as an independent municipally-owned distribution system.

(c) *Cessation of Reporting for Facilities*

- (1) Cessation of Reporting for Reduced Greenhouse Gas or Criteria Pollutant Emissions
 - (A) The owner or operator of a facility that no longer meets any of the applicability criteria in sections 93401(a)(1), (2), (3), and (4) may cease reporting.
 - (B) An owner or operator of a facility that meets the cessation criteria in section 93401(c)(1)(A) must notify CARB and the local air district, in writing, that the facility is ceasing to report, pursuant to this article. The owner or operator of the facility must provide in the notification the reason(s) for cessation of reporting, and the designated representative for the facility must certify that no other applicability criteria apply to the facility pursuant to this article. The notification must be submitted no later than May 1 of the year in which reporting of the previous year's emissions data is no longer required, or by the local air district's data reporting deadline if it is earlier than May 1. Facility owners or operators must provide the cessation notification to the mail address or email address indicated in section 93403(f) of this article.
 - (C) The owner or operator of a facility subject to this article that ceases reporting pursuant to this section must maintain the corresponding records required under section 93405 and retain such records for five years following the submission of the final emissions data report to CARB.
- (2) Cessation of Reporting for Facilities Categorized as High Priority for Toxics
 - (A) The owner or operator of a facility that meets the applicability criteria of section 93401(a)(3), and meets no other applicability criteria identified in sections 93401(a)(1), (2), and (4), may cease reporting if all of the following requirements are met.

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1. The facility has completed a district-approved health risk assessment (HRA) in accordance with the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Risk Assessment Guidelines- Guidance Manual for Preparation of Health Risk Assessments ("the OEHHA Guidelines")(version February 2015). HRAs prepared in accordance with previous editions of the OEHHA Guidelines are not considered valid for the purposes of determining cessation under this article.
 2. The results of the facility's most recent Health Risk Assessment (HRA) indicate a risk level for cancer and noncancer health impacts, summed across all pathways of exposure and all contaminants for cancer impacts, and summarized by toxicological endpoint for noncancer impacts, that does not exceed the district's established public notification threshold, pursuant to H&SC section 44362(b)
 3. For a facility that is subject to a district-required risk reduction audit and plan pursuant to H&SC 44391(a), the district determines that the risk associated with the facility's actual reported emissions from the most recent annual emissions data report do not exceed district's established public notification threshold, pursuant to H&SC section 44362(b).
 4. A facility owner or operator that meets the cessation requirements for reporting pursuant to this section must notify CARB and the local air district, in writing, that the facility is ceasing to report, pursuant to this article. The owner or operator of the facility must provide in the notification the reason(s) for cessation of reporting, and the designated representative for the facility must certify that the facility meets the cessation requirements in section 93401(c)(2)(A), and certify that no other applicability criteria apply to the facility pursuant to this article. The facility owner or operator must also, upon request, provide the HRA report to CARB within 60 days of the request. The notification must be submitted no later than May 1 or by the local air district's data reporting deadline if it is earlier than May 1, of the year in which reporting of the previous year's emissions data is no longer required. Facility owners or operators must provide the cessation notification to the mail address or email address indicated in section 93403(f) of this article.
- (3) Cessation of Reporting for Shutdown Facilities. The requirements to cease reporting for the owner or operator of a facility that indefinitely ceases to operate or permanently shuts down as defined in this section are as follows.

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- (A) If the operations of a facility are changed such that all applicable greenhouse gas, criteria pollutant, and toxics-emitting processes and operations cease to operate or are permanently shut down, the owner or operator must submit an emissions data report for the year in which the facility's emitting processes and operations ceased to operate, and for the first full year of non-operation that follows, showing zero emissions. In cases in which the business no longer exists, and owners or operators are not available to submit a final report, cancelled air permits or other documentation from the district or other government or business sources are sufficient to document that the facility has zero emissions, and a report showing zero emissions is not required.
 - (B) The owner or operator must submit a notification to CARB and the local air district that announces the cessation of reporting and certifies to the cessation of all greenhouse gas, criteria pollutant, and toxics-emitting processes and operations. The notification must be submitted no later than May 1 or by the local air district's data reporting deadline if it is earlier than May 1, of the year in which reporting of the previous year's emissions data is no longer required. The facility owner or operator, or the designated representative, must provide the cessation notification to the mail address or email address indicated in section 93403(f) of this article.
 - (C) For the purposes of this provision, "cease to operate" means the facility did not operate greenhouse gas, criteria pollutant, or toxic-emitting processes for an entire calendar year. Continued operation of space heaters and water heaters as necessary until operations are restarted in a subsequent year does not preclude a facility from meeting the definition of "cease to operate." The owner or operator must resume reporting for any future calendar year during which any of the criteria pollutant or toxic-emitting processes or operations resume operation and are subject to reporting.
 - (D) For the purposes of this provision, permanently "shut down" means the owner or operator has objective evidence that the industrial operations are permanently shut down, including but not limited to, decommissioning and cancelling air district permits. For this provision, permanent shutdown may include continued operation of space heaters and water heaters as necessary to support decommissioning activities.
 - (E) Section 93401(c)(3) does not apply to seasonal or other temporary shutdowns of operations, of less than one year duration.
 - (F) The owner or operator must resume reporting for any future calendar year during which any of the criteria pollutant or toxics-emitting processes or operations resume operation and are subject to reporting under the applicability provisions of this article.
- (4) Reinstatement of reporting requirements. Any facility that ceases reporting is again subject to reporting under the full requirements of this

article if in the future it meets any of the applicability criteria in sections 93401(a)(1)-(4).

(d) *Demonstration of Nonapplicability*

- (1) The Executive Officer or local air district may request a demonstration from any facility owner or operator that the facility does not meet one or more of the applicability criteria specified in this article. Such a demonstration must be provided to the Executive Officer or local air district within 30 days of receipt of a written request.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93402. Definitions

(a) For the purposes of this article, the following definitions apply:

“Activity level” or “activity value” means the measured amount of activity undergone by a process over a finite period, for example, one year. An activity value may be multiplied by an emission factor, or used in other ways, to generate an emissions estimate.

“Actual emissions” or “actual air emissions” means the mass of a criteria air pollutant or toxic air contaminant measured, observed, or estimated to have been actually released by a process into the atmosphere during an associated data year, except in the case of radionuclide emissions, where the actual emissions has units of radioactivity instead of mass.

“Air district” or “air quality management district” or “air pollution control district” means any district created or continued in existence pursuant to the provisions of Part 3 (commencing with Section 40000) of Division 26 of the Health and Safety Code.

“Annual” means with a frequency of once each year; unless otherwise noted, annual events such as reporting requirements will be based on the calendar year.

“Applicable nonattainment pollutant or its precursors” means:

- A pollutant for which any portion of the air district in which the facility is located has been designated as nonattainment with respect to NAAQS under 42 U.S.C section 7407(d) and the precursors of such pollutants identified in the applicable State Implementation Plan, including local attainment plans, approved by the U.S. Environmental Protection Agency;
- A pollutant for which any portion of the air district in which the facility is located has been identified as nonattainment with respect to a CAAQS under H&SC Section 39608 and the precursors of such pollutants listed in Section 70700 of CCR Title 17.

“Best available data and methods” means facility, air district, CARB, or other

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technically justifiable, supportable, and district or CARB approved methods for emissions calculations used in conjunction with facility, district, CARB, or other emission factors and other data, or other industry standard methods for accurately calculating annual criteria pollutant and toxic air contaminant emissions. The “potential” for a facility or device to emit criteria pollutants or toxic air contaminants, based on a district-issued permit or other information, is not considered best available data. Best available data and methods requires the use of actual emissions and other data, and not the “potential” to emit information.

“Boundary of a community” means... [placeholder]

“Calendar year” means the time period from January 1 through December 31 of the same year.

“California Ambient Air Quality Standard” or “CAAQS” means the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment, as determined by CARB and established at this website:

<https://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm>.

[Note: For final version, refer to statute or regulation, and not website link.]

“CARB” means the California Air Resources Board.

“Community” means... [placeholder]

“Community Emissions Reduction Program” means a program of selected emissions reduction measures, approved by the CARB Governing Board, and implemented pursuant to H&SC 44391.2

“Community Air Monitoring Program” means a program of air quality monitoring, which may include a community air monitoring system, that established and implemented by a district, CARB, and/or one or more community groups, pursuant to H&SC 42705.5.

“Community Air Monitoring System” means advanced sensing monitoring equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations and in disadvantaged communities and that may be useful for estimating associated pollutant exposures and health risks, determining trends in air pollutant levels over time, and in supporting enforcement efforts.

“Control Measure” means the type of control device or operational measure (e.g., wet scrubber, flaring, process change, ban, etc.) used to reduce emissions.

“Continuous emissions monitoring system” or “CEMS” means the total equipment required to obtain a continuous measurement of an emissions concentration or emission rate from combustion or industrial processes, which meets local air district or U.S. EPA certification standards.

“Criteria air pollutant” or “criteria pollutant” means emissions of total volatile organic compounds (VOCs) or total reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM, PM_{2.5}, PM₁₀), lead (Pb), and ammonia (NH₃).

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“Criteria emissions” means emissions of one or more criteria air pollutants.

“Data year” means the calendar year in which emissions occurred.

“Device” means a piece of equipment that has a process associated with it (e.g., internal combustion engine, boiler, tank, spray paint booth, etc.).

“Designated representative” means the person responsible for certifying and submitting the emissions data report.

“Direct emissions” means emissions released directly from a stack, vent, chimney, or other functionally equivalent opening.

“Emission factor” means the ratio relating emissions of a specific pollutant to an activity level.

“Emission calculation method” means describing how the emissions for a pollutant were calculated (e.g., by stack test, continuous emissions monitor, emission factor, etc.).

“Emissions” means the release of criteria air pollutants or toxic air contaminants into the atmosphere from any sources and processes in a facility, and may include direct emissions or fugitive emissions.

“Emissions data report” or “report” means the report prepared by the owner or operator of a facility subject to this article or an air district each year and submitted to CARB that provides the information required by this article. The emissions data report is for the submission of required data for the calendar year prior to the year in which the report is due. For example, a 2019 emissions data report would cover emissions data for the 2019 calendar year (i.e., data year) and would be reported in 2020.

“Enforceable” means the authority for CARB or local air districts to hold a particular party liable and to take appropriate action if any of the provisions of this article are violated.

“Engineering estimate” means an estimate of emissions based on engineering principles applied to measured and/or approximated physical parameters such as fuel use, hours of operation, production, throughputs, flow rates, or other data.

“Equipment” means any stationary article, machine, or other contrivance, or combination thereof, which may cause the issuance or control the issuance of air contaminants.

“Executive Officer” means the Executive Officer of the California Air Resources Board, or his or her delegate.

“Geospatial coordinates” means the latitude and longitude values identifying a physical location, without considering elevation, under the North American Datum of 1983 (NAD83).

“Facility” means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-

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of-way and under common ownership or common control.

Operators of military installations may classify such installations as more than a single facility based on distinct and independent functional groupings within contiguous military properties.

For the purposes of this article, “facility” does not mean: fuel and carbon dioxide suppliers and electric power entities as defined in CCR Section 95101(a). Also, facility does not mean natural gas distribution pipelines and metering-regulating stations that are operated by a local distribution company (LDC) within the State of California that is regulated as a separate operating company by a public utility commission or that are operated as an independent municipally-owned distribution system.

“Fugitive emissions” means those emissions from a source that typically do not pass through a stack, chimney, vent, or other functionally-equivalent opening.

“Health risk assessment”, or “HRA” means a detailed comprehensive analysis prepared pursuant to Health and Safety Code section 44360 to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure.

“Lead (Pb)” means emissions of Pb which occur as elemental Pb or as a chemical compound containing Pb.

“Local distribution company” or “LDC,” for purposes of this article, means a company that owns or operates distribution pipelines, not interstate pipelines, that physically deliver natural gas to end users and includes public utility gas corporations, publicly-owned natural gas utilities and intrastate pipelines that are delivering natural gas to end users.

“Mobile sources” means sources of air pollution such as automobiles, motorcycles, trucks, off-road vehicles, locomotives, boats and airplanes.

“National Ambient Air Quality Standards” means those pollutants and associated standards identified in the Code of Federal Regulations, Title 40, Part 50.

“Natural gas distribution” means the distribution pipelines and metering and regulating equipment at metering-regulating stations that are operated by a Local Distribution Company (LDC) within California that is regulated by a public utility commission or that is operated as an independent municipally-owned distribution system. This segment also excludes customer meters and regulators, infrastructure, and pipelines (both interstate and intrastate) delivering natural gas directly to major industrial users and farm taps upstream of the local distribution company inlet. Major leaks from pipelines or well casings, or other distribution sources are not considered part of “natural gas distribution” for the purposes of this regulation.

“Nitrogen oxides (NO_x)” means all oxides of nitrogen except N₂O.

“Nonattainment pollutant” means a criteria pollutant for which a district is classified as a nonattainment area pursuant to the CAAQS and/or the NAAQS.

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“North American Industry Classification System (NAICS) code(s)” means the six-digit code(s) that represent the product(s)/activity(s)/service(s) at a facility as defined in North American Industrial Classification System Manual 2017, available from the U.S. Department of Commerce, National Technical Information Service.

“Onshore petroleum and natural gas production facility” means all petroleum or natural gas equipment on a well pad, or associated with a well pad or to which emulsion is transferred and CO₂ enhanced oil recovery operations that are under common ownership or common control including leased, rented, or contracted activities by an onshore petroleum and natural gas production owner or operator.

“Operational control” for a facility subject to this article means the authority to introduce and implement operating, environmental, health and safety policies. In any circumstance where this authority is shared among multiple entities, the entity holding the permit to operate from the local air pollution control district or air quality management district is considered to have operational control for purposes of this article.

“Operator” means the entity, including an owner or leaseholder, having operational control of a facility. For onshore petroleum and natural gas production, the operator is the operating entity listed on the state well drilling permit, or a state operating permit for wells where no drilling permit is issued by the state.

“Particulate matter (PM)” means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

- “PM_{2.5}” means PM with an aerodynamic diameter equal to or less than 2.5 micrometers.
- “PM₁₀” means PM with an aerodynamic diameter equal to or less than 10 micrometers. Emissions of PM₁₀ will include emissions of PM_{2.5}.
- “Condensable PM” means material that exists in vapor phase at stack conditions, but which condenses or reacts upon cooling or dilution in the ambient air to form solid or liquid PM after discharge from the stack. All condensable PM is in the PM_{2.5} size fraction.
- “Filterable PM” means particles that are directly emitted by a source as a solid or liquid at stack or release conditions such that they could be captured on the filter of a stack test train. Filterable PM can be in the PM_{2.5} or PM₁₀ size fraction.
- “PM precursors” means emissions of NO_x, SO_x, NH₃, and ROG.

“Permit” or “Air District Permit” means a document, issued by a district, that authorizes a facility to construct or operate a device, process or facility that emits substances into the air, including, but not limited to, criteria air pollutants and toxic air contaminants. Permits may establish numeric limits on activity levels for devices or processes, or the amount of emissions a facility is legally authorized to emit over a specified period of time.

“Physical address,” with respect to a United States parent company as defined in this section, means the street address, city, State and zip code of that company's actual physical location. For facilities, the physical address serves to locate one or

more emission sources, rather than to locate a corporate office or as a mailing address.

“Point source” means any separately identifiable stationary point from which criteria air pollutants and toxic air contaminants are emitted.

“Portable” means designed and capable of being carried or moved from one location to another, and includes, but is not limited to, equipment within a single facility. Indications of portability include wheels, skids, carrying handles, dolly, trailer, or platform. Equipment is not portable if any one of the following conditions exists:

The equipment is attached to a foundation.

The equipment or a replacement resides at the same location for more than 12 consecutive months.

The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least two years, and operates at that facility for at least three months each year.

The equipment is moved from one location to another in an attempt to circumvent the portable residence time requirements of this definition.

“Potential to emit” means the maximum capacity of a stationary source to emit pollutant(s) under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit pollutant(s), including air pollution control equipment and restrictions on hours of operation or on the type, or amount of material combusted, or stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Potential to emit also includes temporary operating permits, such as Authorities to Construct.

“Process” means a type of activity that produces emissions (e.g. flaring, breathing loss, vehicle fueling, spillage, solvent cleaning, etc.).

“Process rate” may be used as a synonym for activity level or activity value.

Reactive organic gases (ROG)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- methane;
- methylene chloride (dichloromethane);
- 1,1,1-trichloroethane (methyl chloroform);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- chlorodifluoromethane (HCFC-22);
- 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
- 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

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- 1,1-dichloro-1-fluoroethane (HCFC-141b);
- 1-chloro-1,1-difluoroethane (HCFC-142b);
- trifluoromethane (HFC-23);
- pentafluoroethane (HFC-125);
- 1,1,2,2-tetrafluoroethane (HFC-134);
- 1,1,1,2-tetrafluoroethane (HFC-134a);
- 1,1,1-trifluoroethane (HFC-143a); [420-46-2] 1,1-difluoroethane (HFC-152a);
- cyclic, branched, or linear completely methylated siloxanes;
- the following classes of perfluorocarbons:
 - cyclic, branched, or linear, completely fluorinated alkanes;
 - cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
- acetone;
- ethane;
- methyl acetate;
- perchloroethylene; and
- parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

“Release location or “Release location exit” means the location at which a gas stream enters the ambient air.

“Release location exit gas flow rate” means the numeric value of the volumetric flow rate of a stack gas stream as measured at the release point exit, in units of actual cubic feet per minute, or ACFM.

“Release location exit gas temperature” means the numeric value of the temperature of an exit gas stream in degrees Fahrenheit as measured at the release point exit, in units of degrees Fahrenheit.

“Release location exit gas velocity” means the numeric value of the velocity of an exit gas stream as measured at the release point exit, in units of actual cubic feet per minute, or ACFM.

“Release location height” means the physical height of a release point above the surrounding terrain, in units of feet.

“Release location stack diameter” means the inner equivalent circular physical diameter of a stack, in units of feet.

“Reporting entity” means a facility owner or operator subject to the requirements of this article.

“Reporting period” means the calendar year that coincides with the data year for the emission data report.

“Reporting year” or “report year” means data year.

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“Short ton” means a common international measurement for mass, equivalent to 2,000 pounds.

“Shutdown” means the permanent or indefinite cessation of operation of an emission source for any purpose.

“Source” means any physical unit, process, or other use or activity that releases a criteria air pollutant or toxic air contaminant into the atmosphere.

“Source Classification Code(s) (SCC)” means the eight-digit code(s) that represent distinct stationary source processes, as defined by the US EPA.

“Stack” or “release point” means any opening or passage designed to emit solids, liquids, or gases from a source into the air, including a pipe or duct.

“Stationary” means neither portable nor self-propelled, and operated at a single facility.

“Sulfur oxides (SO_x)” means all oxides of sulfur.

“Throughput” means a measurable factor or parameter that relates directly or indirectly to the emissions of an air pollution source during the period for which emissions are reported. For example, throughput may refer to the amount of fuel combusted, product manufactured, or material handled or processed. It may also refer to population, employment, or number of units. Throughput is typically used to represent an activity level.

“Total organic gases (TOG)” means any gaseous compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

“Toxic air contaminant” means, for the purpose of this article, those substances identified in Appendix A-1 of the Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program, version effective September 26, 2007, as issued by CARB.

“Unit Type Code” means the three-digit numeric code that represents the broad category or type of a device, from the “UnitTypeCode” value list defined in the US EPA Data Element Registry Service (DERS).

“U.S. EPA” means the United States Environmental Protection Agency.

“Volatile Organic Compounds (VOC or VOCs)” means, for the purpose of this article the same as Reactive Organic Gases.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93403. Emission Reporting Requirements

Owners or operators of the facilities subject to this article must submit complete emissions data reports according to the requirements specified in sections 93403 and 93404, for criteria air pollutants and toxic air contaminants. The owner or

operator must submit reports that meet all requirements of this article for 2018 data and subsequent report years, except as specified in sections 93403(a)(2) and (3).

(a) *Initial Reporting Year for Facilities*

- (1) Beginning with 2018 data, if a facility meets any of the applicability criteria outlined in 93401(a)(1-3) within a calendar year, the owner or operator of a facility must report emissions data pursuant to this article for emissions that occur during the that calendar year and each subsequent year. Emissions data must be reported annually, unless and until the cessation requirements described in section 93401(d) are met.
- (2) For facilities subject to reporting based on criteria pollutant emissions as identified in section 93401(a)(2), submittal of an emissions report in 2019 and 2020, for 2018 and 2019 emissions data, respectively, is optional for a facility that meets both the criteria in sections 93401(b)(1)(A) and (B) below. Starting with 2020 data reported in 2021, and for subsequent years, the owner or operator of such a facility must submit an annual emissions report as required by this article.
 - (A) The facility meets the criteria specified in section 93401(a)(2) for nonattainment pollutants or precursors but does not trigger any of the applicability criteria in sections 93401(a)(1), (a)(3), or (a)(4); and
 - (B) The facility emits less than 250 tons per year of any applicable nonattainment pollutant or its precursors specified in Section 93401(a)(2)(A), notwithstanding the authorization to do so pursuant to a permit issued by a district.
- (3) The owner or operator of facility subject to 93401(a)(4) only, must begin annual reporting the year after a community is selected for a community monitoring program or a community emission reduction program. For example a facility located in a region selected for a community monitoring program in 2018, must report their 2019 emissions in 2020.
 - (A) A facility must report annual emissions for the first five years of the community monitoring program or a community emission reduction program. After the first five years, reporting is only required every three years, unless specifically notified by the CARB Executive Officer that an alternate reporting schedule is required.

(b) *Submittal of Emissions Reports to Air Districts*

- (1) For emissions data reports submitted pursuant to these requirements, facilities subject to this article shall submit annual emissions data and/or activity data, as applicable, to the local air district in which the facility is located, to allow air district staff to quantify total annual facility criteria pollutant and toxic emissions using existing air district methods. If a quantification method is not available from the air district, use best available data and methods. Air district or best available data and methods must be used to quantify emissions data until uniform methods

are added pursuant to Subarticle 2 of this Regulation. Facility owners or operators shall provide annual emissions or activity data to the air district on or before May 1 immediately following the calendar year in which the emissions occurred. District rules may specify an earlier submittal date, which supersedes the May 1 due date. The facility owner or operator shall maintain liability for any late submittals and inaccuracies in data submitted to the local air district. For 2020 emissions data reports submitted in 2021, and for subsequent years, all emissions and activity data must be submitted in an electronic format, if such a system is available at that time, unless the local air district provides approval for data submissions or revisions in other formats.

(c) *Submittal of Emissions Reports to CARB*

- (1) CARB will make available a database for electronically submitting criteria pollutant and air toxics emissions data. Between May 1 and August 1 of each year, air districts with jurisdiction over a facility subject to this article may quantify and submit emissions data to this CARB database on behalf of the facility. After August 1 of each year, if CARB determines that any facility subject to this article is found to have missing, incomplete, or incorrect emissions data in the database, CARB will work with the air district and/or the facility to correct the data.
 - (A) If an air district does not submit their data to CARB by August 1, CARB, after a consultation with the air district, will require that the facility provide the emissions and activity data that was provided, or should have been provided, to the air district, as required pursuant to 93403(b), within 30 days. The facility data shall be submitted to both the local air district and to CARB. The submitted emissions reports shall represent the actual emissions from the entire previous calendar year.
 - (2) Beginning with 2020 data reported in 2021, and for subsequent years, a facility owner or operator may, with approval from the local air district, report facility activity or emissions data directly to a state administered electronic data system, if such a system is available at that time. If this option is chosen by an air district, the requirements in section 93403(c)(1)(A) do not apply.
- (d) *New Facilities.* Any owner or operator of a facility identified in section 93401(a) that commences operations after January 1, 2019 shall submit an initial emissions data report as specified in this article for that facility based on emissions produced during the first full calendar year of operation. This paragraph does not apply to changes in ownership, management, or operations at existing facilities.
- (e) *Reporting Responsibilities During Changes in Ownership.* The owner or operator at the time of a reporting deadline specified in this article has the responsibility for complying with the requirements of this article, including ensuring that the emissions data report is accurate and complete.

- (1) The owner or operator at the time of a reporting deadline is responsible for submitting the emissions data report covering the complete calendar year data.
 - (2) If an ownership change takes place during the calendar year, reported data must not be split or subdivided for the year, based on ownership. The current owner or operator must submit a single annual emissions data report for the facility. This report must represent required data for the entire calendar year.
 - (3) Previous owners or operators are required to provide data and records to new owners or operators that are necessary and required for preparing annual emissions data reports required by this article.
- (f) Addresses. The following address shall be used for any necessary notifications or materials that are not submitted by other means:

Manager, Criteria and Toxics Reporting Section
Greenhouse Gas and Toxics Emission Inventory Branch
Air Quality Planning & Science Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Emailed notifications or materials shall be submitted to: ctr-report@arb.ca.gov

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93404. Emissions Report Contents

The owner or operator of a facility subject to this article must develop and submit criteria pollutant and toxics air contaminant emissions data to the air district in which the facility is located in accordance with the following requirements, in a format determined by the local air district.

- (a) *General Contents.* Each facility emissions data report must include the following facility information:
- (1) Facility name and facility identification number established by the local air district
 - (2) The air basin, air district, and county in which the facility is located
 - (3) The facility physical address and mailing address
 - (4) Geographic location (latitude and longitude, in decimal degrees). Preferably, the location reported should be the approximate center (or centroid) of the facility. Otherwise, report the geographic location using the physical address.
 - (5) For each release location at the facility:
 - (A) Release location identifier
 - (B) Release location type ("fugitive" or "stack")

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- (C) Release location height above ground
- (D) Release location exit gas flow rate if applicable
- (E) Release location exit gas temperature
- (F) If the release location type is “stack” then:
 - 1. Release location stack diameter in feet
 - 2. Release location exit gas velocity in feet per minute
 - 3. Flow rate in actual cubic feet per minute
- (G) Geospatial coordinates
- (6) For each device at the facility:
 - (A) Device identifier
 - (B) Description
 - (C) Unit Type Code
- (7) For each process associated with a device at the facility:
 - (A) Process identifier
 - (B) Identifier of the singular associated device
 - (C) Identifier of the singular associated release point
 - (D) SCC
- (8) Emissions Report Data Elements. All facilities must provide the following information with every emissions report:
 - (A) Facility identifier
 - (B) Data year
 - (C) For each process at the facility:
 - (1) Activity level
 - (2) Activity level unit of measure
 - (D) For each criteria air pollutant emitted by a process at the facility:
 - (1) Identifier of the singular associated process
 - (2) Identifier of the singular associated device
 - (3) Pollutant code
 - (4) Actual emissions
 - (5) Actual emissions unit of measure
 - (6) Emission factor
 - (7) Source of the emission factor (e.g., source test, air district provided, U.S. EPA, etc.)
 - (8) Emission factor unit of measure
 - (9) Emission calculation method
- (9) For onshore petroleum and natural gas production facilities and for geothermal electricity generation facilities subject to this article pursuant to section 93401(a)(1) based on greenhouse gas emissions, criteria and toxics emissions shall be quantified and reported for individual facilities as identified by local air districts. The criteria and toxics emissions shall not be aggregated to the geologic basin level for onshore petroleum and natural gas production facilities.

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- (10) For items listed in section 93404(a)(5) for release point information, the data must be collected and reported by May 1, 2021, or by the local air district's reporting deadline, if it is earlier than May 1. The data must be updated when there are physical changes to the facility structure or emissions release locations, or if there are substantive changes to emissions sources or operations, such as those requiring the addition or removal of district air permits.
- (b) *Emissions.* Annual emissions reports shall include the direct, process, and fugitive emissions for permitted processes and devices at the facility. Emissions from unpermitted sources that are currently reported to, or quantified by the air district, shall also be quantified and reported, but are not included in the applicability determination for criteria pollutant emissions. The annual emissions of the following air pollutants shall be reported:
- (1) Criteria air pollutants. Owners or operators of a facility subject to this article shall report the actual annual facility criteria air pollutant emissions, or activity data to calculate such emissions, in short tons per year for each criteria pollutant as defined in this article using best available data and methods. However, for lead (Pb), and ammonia (NH₃) the emissions shall be reported in units of pounds.
 - (2) Toxic air contaminants. Owners or operators of a facility subject to this article shall report the actual annual facility emissions, or sufficient activity data to calculate such emissions, in pounds per year for each toxic air contaminant as specified in the CARB Emission Inventory Criteria and Guidelines for the Air Toxics "Hot Spots" Program, Appendix A-1, September 26, 2007, using best available data and methods.
 - (3) In addition to total facility emissions, facility owners or operators shall also, to the extent feasible, estimate and report actual air emissions of criteria pollutants and toxic air contaminants at the emissions process or device level. In the absence of calculated emissions data, facility owners or operators shall, to the extent feasible, provide other activity data such as fuel use, hours of operation, or throughput data, sufficient to quantify emissions at the permitted process or device level. This requirement does not preempt any more stringent requirements imposed by any air district.
- (c) *Methods.* Owners or operators of a facility subject to this article shall provide general information describing the methods and data used to estimate emissions, when the emissions are directly calculated by the facility owners or operators. The methods and data used to estimate emissions may include, but are not limited to: facility-specific source testing, continuous emissions monitoring systems, equipment manufacturer's emission factors, U.S. Environmental Protection Agency emission factors, engineering estimates, air district toxics emission factors and speciation profiles, fuel use and emission factors, etc. Sufficient information shall be provided to determine if air district or CARB approved methods were used in estimating emissions.
- (d) *NAICS Codes.* The owner or operator of each facility subject to this article must

report the following NAICS code(s) that apply to the facility:

- (1) Primary NAICS code. Report the NAICS code that most accurately describes the facility's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the facility. A facility that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code.
 - (2) Additional NAICS code(s). Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the facility or supplier that are not related to the principal source of revenue.
- (e) *Owner or Operator.* The owner or operator of each facility subject to this article must provide legal name(s), and physical and mailing addresses of the owner or operator responsible for preparing and submitting the required emissions data report.
- (g) *Attestation.* With the submitted annual report, the designated representative for a facility subject to this article must provide an attestation to the local air district or to CARB that he or she is authorized by the owner or operator of the facility to submit the emissions data report, and that all information submitted pursuant to this article is true, complete and correct.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93405. Document Retention and Record Keeping Requirements

- (a) The owner or operator of a facility subject to this article must retain records and documentation necessary to validate the data in the emissions data report for a period of five years from the date that the emissions report is submitted to CARB.
- (b) *CARB Inspection of and Requests for Records.* All records must be retained at the facility and made available to CARB or air district staff for onsite inspection at the time of inspection. Copies of any records or other materials maintained under the requirements of this article must be made available to the Executive Officer, or his or her designee upon request, within 30 days of receipt of such request to the designated representative of the reporting entity, unless a different schedule is agreed to by CARB. Retained records include but are not limited to, information used to quantify or report emissions data in the emissions data report, underlying monitoring and metering data, invoices of receipts or deliveries, sales transaction data, calculation methods, protocols used, analysis results, calibration records, and other relevant information.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93406. Confidentiality

- (a) Emissions data submitted to CARB under this article are public information and shall not be designated as confidential.
- (b) Any entity submitting information to the Executive Officer or local districts pursuant to this article may claim such information as “confidential” by clearly identifying such information as “confidential.” Claims of confidentiality may be made at the individual source or facility level, excluding any facility-level emissions data. Any claim of confidentiality by an entity submitting information must be based on the entity’s belief that the information identified as confidential is either trade secret or otherwise exempt from public disclosure under the California Public Records Act (Government Code section 6250 et seq.). The designated representative shall attest that the claim of confidentiality is true, correct and complete. All such requests for confidentiality shall be handled in accordance with the procedures specified in title 17, California Code of Regulations, sections 91000 to 91022.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93407. Enforcement [Additional text TBD, pending further discussions with stakeholders]

- (a) Owners or operators of facilities subject to this article are subject to potential enforcement by CARB as specified:
 - (1) Any report, data, or documentation submittal required by this article that is not submitted, or is submitted late shall be a violation of this article.
 - (2) Submitting or producing inaccurate information required by this article shall be a violation of this article.
 - (3) Falsifying any information or record required to be submitted or retained by this article, or submitting or producing inaccurate information, shall be a violation of this article.
 - (4) Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.
 - (5) These enforcement provisions do not preempt any local air district enforcement authority. Also see section 93410 for additional district authority regarding enforcement and implementation.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93408. No Preemption of More Stringent Air District or Federal Requirements.

This regulation does not preempt any more stringent requirements imposed by any air district. Compliance with this article does not excuse noncompliance with any Federal

regulation. The CARB Executive Officer retains authority to determine whether an air district requirement is more stringent than any requirement of this article.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93409. Severability

Each part of this article is deemed severable, and in the event that any part of this article is held to be invalid, the remainder of the article shall continue in full force and effect.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93410. Implementation by CARB and by the Local Air Districts

(a) Implementation by CARB and by the Local Air Districts

- (1) The requirements of this article are provisions of state law and are enforceable by both CARB and the local air districts where facilities covered by this article are located. Local air districts may incorporate the terms of this article into local air district rules. An owner or operator of a facility subject to this article must pay any fees assessed by a local air district for the purposes of recovering the district's cost of implementing and enforcing the requirements of this article. Any penalties secured by a local air district as the result of an enforcement action that it undertakes to enforce the provisions of this article may be retained by the local air district.
- (2) Implementation and enforcement of the requirements of this article by a local air district may in no instance result in a standard, requirement, or prohibition less stringent than provided for by this article, as determined by the Executive Officer. The terms of any local air district permit or rule relating to this article do not alter the terms of this article, which remain as separate requirements for all sources subject to this article.
- (3) Implementation and enforcement of the requirements of this article by a local air district, including inclusion or exclusion of any of its terms within any local air district permit, or within a local air district rule, or registration of a facility with a local air district or CARB, does not in any way waive or limit CARB's authority to implement and enforce upon the requirements of this article. A facility's permitting or registration status also in no way limits the ability of a local air district to enforce the requirements of this article.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

§ 93411. Incorporated by Reference

CARB Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program, September 26, 2007

Other referenced documents as needed.

NOTE: Authority cited: 39600, 39601, 39607.1, 39701, 41511, 42705.5, 44391.2, Health and Safety Code

**Subarticle 2. Requirements for Calculating and Reporting
Criteria Pollutant and Toxic Air Contaminant Emissions**

*Subarticle 2 is reserved for future revisions to the
Criteria Pollutant and Toxics Air Contaminant Reporting Program
to include Uniform Statewide Methods*