

July 30 – August 8, 2018

**Proposed
Regulation for Criteria Pollutant
and Toxic Air Contaminant
Emissions Reporting**



Presentation Outline

- ✓ Introduction and Overview
- Proposed Regulation: Key Elements
 - Breaks for comments at major sections
- Additional Comments and Discussion
- Next Steps and Adjourn

Link to Slides

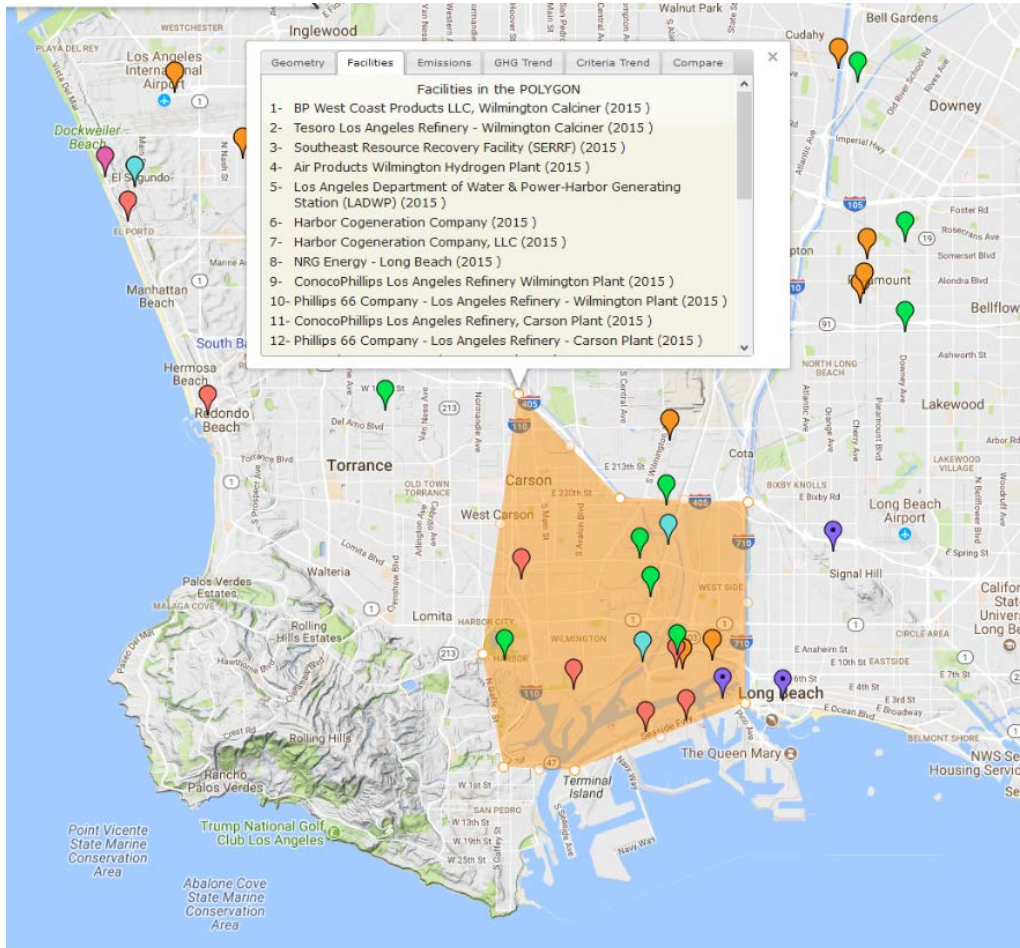
<https://www.arb.ca.gov/ei/ctr/ctr-regulation/ctr-regulation.htm>



Integrated Emissions Data is a Foundation of CARB's Programs

- Understand sources of different air pollutants
- Support and track progress of state and federal programs
- Harmonize data submittal requirements, methods, deadlines, frequency
- Provide enhanced transparency and public right-to-know under AB 197 and AB 617 requirements
- Modernize and integrate data management processes
 - Dramatically improve access in user-friendly forms such as maps

Overview of AB 617 Emissions Reporting Requirements



- Annual emissions data for specified stationary sources
- Uniform, statewide reporting system
- Allows for collection of other relevant facility-level data
- Provides options for data certification or verification

Progress Since First Workshops

- Incorporated feedback received, including 12 comment letters providing input
- Ongoing meetings with stakeholders to discuss implementation details
- Developed preliminary draft regulation text
- Preparing regulatory documents

Comment Letters Received

- Received 12 comment letters following the 1st workshops
- The full comments are available here:
<https://www.arb.ca.gov/ei/ctr/ctr-regulation/ctr-regulation-comments.htm>
- Comments were provided on the following topics:

- Implementation
- Standardization
- Dates & Timing
- Applicability
- Toxics Elevated Prioritization

- Community Inventory
- Reporting System
- Emissions Reported
- Verification
- Data Access

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Criteria and Toxics Emissions Reporting Regulation

- Develop initial statewide regulation now, with ongoing updates planned
- Improve method consistency, data consistency, and data accessibility

Initial Regulation

- Establish applicability – facilities subject to reporting
- Require annual reporting of criteria and toxics emissions using existing methods
- Provide data reporting requirements for sources

Overview: Primary Regulation Sections

- § 93401: Applicability - Sources subject to regulation, exemptions, exclusions, cessation
- § 93402: Definitions
- § 93403 to 93404: Emission Reporting Requirements and Report Contents
- 93405 to 93409: Document Retention, Confidentiality, Enforcement, Preemption, Severability
- 93410: Implementation by CARB and Districts

§ 93401(a) – Applicability: Sources Subject to Regulation - MRR

- Four applicability categories for “Stationary sources” subject to reporting, as described in 1st workshops
 - (1) Facilities subject to GHG Mandatory Reporting Regulation (MRR)
 - Sources are well identified though MRR
 - Regulation includes language requiring disaggregation of combined MRR oil & gas production and geothermal power plants to air district facility levels
 - Does not include fuel suppliers, carbon dioxide suppliers, natural gas distribution networks, or electric power entities because they are not discrete “stationary sources”

§ 93401(a) – Applicability: Sources Subject to Regulation - Criteria

- (2) Authorized to emit 250 tons per year (tpy) or more of a nonattainment **criteria pollutant** or its precursors
 - First two years of applicability based on actual emissions, not district-permitted “authorized to emit” quantity
 - Aggregation of all ROG or VOCs, all NO_x, and other nonattainment pollutants are individually considered related to the 250 tpy threshold; i.e., they are not all summed together

§ 93401(a) – Applicability: Sources Subject to Regulation - Toxics

- (3) Receives an “elevated” Air Toxics Hot Spots prioritization score based on cancer or noncancer health impacts
 - “Elevated” means 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, of the Air Toxics “Hot Spots” program

§ 93401(a) – Applicability: Sources Subject to Regulation - Community

- (4) All permitted sources within selected communities
- Emits any criteria pollutant or identified toxic air contaminant
 - Is located within the boundary of a community selected pursuant to H&SC 42705.5 or 44391.2.
 - Reporting required the year after a community is selected, i.e., a facility within a community selected in 2018 must report 2019 emissions in 2020
 - Annual emissions reporting required for initial five years
 - Emissions reporting every three years afterwards, unless CARB establishes a different reporting schedule for a facility

Comments

Comments:
Applicability

§ 93401(b) – Exclusions

- (b) Establishes that the regulation does not apply to greenhouse gas MRR non-stationary source facilities
 - Applies to: Fuel and CO₂ suppliers, electric power entities, natural gas pipelines and natural gas metering-regulation stations

§ 93401(c-d) – Cessation and Nonapplicability

(c) Cessation

- Facilities no longer meeting MRR and Criteria Pollutant applicability may cease reporting *if not in a selected community*
- Facilities subject to toxics applicability may cease reporting if they perform a health risk assessment (HRA), and are not subject to public notification, and other requirements
- Operators must notify CARB and district if ceasing reporting

(d) Demonstration of Nonapplicability

- Provides CARB and air districts authority to request a demonstration that a facility does not meet applicability

§ 93402 – Definitions (1)

- Section includes definitions of terms used in the regulation, examples include:
 - “Applicable nonattainment pollutant or its precursors” – used to identify facilities subject to reporting based on criteria air pollutant emissions
 - “Criteria air pollutant” – Identifies the gaseous emissions classified as criteria pollutants which are: ROG or VOCs, NO_x, SO_x, CO, PM, lead, and ammonia
 - “Toxic air contaminant” – Identifies which toxic emissions are reportable
 - Proposing: Substances in Appendix A-1 of the Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program
 - Includes substances for which emissions must be quantified

§ 93402 – Definitions (2)

- Additional definitions:
 - “Facility” – Establishes what is, and is not, a facility for the purposes of reporting
 - Similar to GHG Mandatory Reporting definition for individual facilities
 - “Best available data and methods” – Identifies how emissions are to be quantified, in the absence of a uniform statewide system
 - “Data year” and “Reporting year” – The calendar year in which the emissions occurred. “Calendar year” is the time period from January 1 through December 31 of a single year.
 - “Operator” and “Operational control” – Provided to identify who has responsibility for reporting

Comments

Comments:
Exemptions,
Cessation, Definitions

§ 93403(a) – Emission Reporting Requirements: Reporting Year

- Facilities subject to reporting based on GHG, criteria, and toxic emissions start reporting with 2018 data in 2019
 - For 2018 and 2019 data, facilities subject to criteria pollutant applicability are subject to reporting based on “actual” emissions
 - Starting with 2020 data, applicability based on permitted “authorized to emit” criteria emissions
- For facilities in selected communities, reporting starts the year after the community is selected
 - If selected in 2018, then 2019 data reported in 2020
 - Report for first five years, then every three years, unless CARB approves different schedule

§ 93403(b-c) – Emission Reporting Requirements Submittal of Reports (1)

- Annual facility emissions or activity data to be submitted to air districts, no later than May 1
- Must use currently accepted district or CARB methods, using best available data
- Emissions data must be transferred to CARB by August 1
 - Districts may submit data on behalf of facility operators
- For reports not submitted to CARB by August 1, or for incomplete or inaccurate reports, CARB will work with districts and facilities to obtain required data

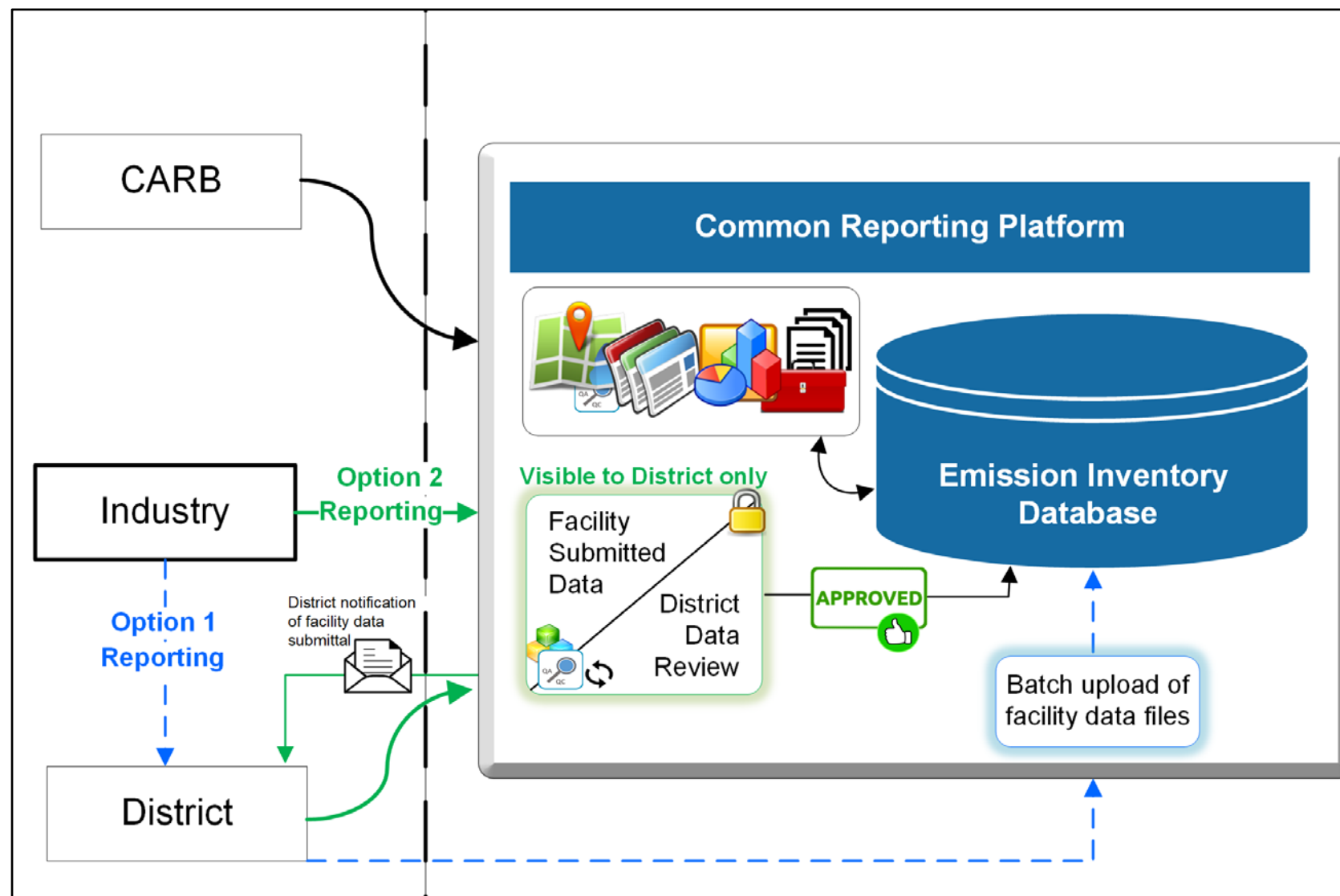
§ 93403(c-e) – Emission Reporting Requirements

Submittal of Reports (2)

- Starting with 2020 data, facility emissions information may be submitted in an electronic format
 - CARB will provide an electronic data system for facilitating data transmittals for districts without an existing robust inventory infrastructure
 - Districts to provide approval to facilities for reporting to CARB system
 - Facilities may use other district-approved data submission methods
- New facilities are subject to reporting emissions for the first full calendar year of operation
- For changes of ownership, the owner or operator at the time of a reporting deadline has responsibility for reporting

Electronic Data Reporting Conceptual Diagram

- Potential data flow for proposed CARB electronic data system
- Allows for data submission via district, or direct data submission to CARB



§ 93404 – Emissions Report Contents (1)

- Reports to include facility detailed location information
- To the extent feasible, reporting is required at the permitted device or process level for: direct, process, and fugitive emissions
- Emissions release location information required for stacks, vents, etc., and updated if there are facility changes
- Emission estimation methods and factors must be provided

§ 93404 – Emissions Report Contents (2)

- The following emissions must be reported:
 - Actual annual emissions of each criteria pollutant
 - Actual annual emissions of each reportable toxic air contaminant
 - Reportable toxics are as specified in Appendix A-1 of the “Hot Spots” Criteria and Guidelines document
- Reports must include the NAICS code, owner operator, and other information for the facility
- Submitted facility data must include an attestation that the submitted data is true, complete, and correct

§ 93405 – Document Retention & Record Keeping

- Records and documentation must be retained for five years
- CARB or district staff may inspect records onsite
- Records that are requested must be provided within 30 days
- Records include, but are not limited to information used to quantify or report emissions data, underlying monitoring or metering data, invoices of deliveries, calculation methods, protocols, etc.

§ 93406 – Confidentiality

- Emissions data is public information, and cannot be designated as confidential
- Facility operators may claim information as “confidential” by clearly identifying it as such
- Claims of confidentiality must be based on the belief that the information is trade secret or otherwise exempt from public disclosure
- Any requests for confidentiality shall be handled in accordance with CCR sections 91000-91022

Comments

Comments: Reporting
Requirements,
Contents, etc.

§ 93407 – Enforcement

- Late reports, reports that are not submitted, and incomplete reports are a violation of the regulation
- Falsifying data, or submitting or producing inaccurate information is a violation
- CARB enforcement authority does not preempt local air district enforcement authority

§ 93408 - 93409 – Preemption and Severability

- This regulation does not preempt any more stringent air district requirements
 - CARB Executive Officer retains authority to determine if air district requirement is more stringent
- Compliance with this article does not excuse noncompliance with Federal regulations
- If any part of this article is held invalid, the remainder of the article remains in full force

§ 93410 – Implementation by CARB and Districts

- Requirements are enforceable by CARB and local air districts
- Implementation or enforcement by a district may not result in a standard, requirement, or prohibition less stringent than provided in this article
- Any district permit or rule do not alter the terms of this article
- Implementation or enforcement by districts does not in any way waive or limit CARB's authority

Subarticle 2. Calculating and Reporting Emissions Methods

- Subarticle 2 is a placeholder section
- In the future, it will include approved uniform methods for use by facility operators statewide
- Methods will be developed in coordination with industry, air districts, CAPCOA, and others

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Comments

Comments:
Enforcement,
Implementation,
Any Topics

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Next Steps

- Continue working with stakeholders to refine current regulation text
- Prepare staff report with rationale, costs, etc.
- Tentative Board Date: December 2018
 - Staff documents and final proposed regulation text available late October (45-day comment period) for December Board meeting
- Please submit comments by August 23 to:
 - ctr-report@arb.ca.gov

Contact Us – Reporting Regulation

Criteria Pollutant and Air Toxics Reporting



- Website:
 - <https://www.arb.ca.gov/ei/ctr/ctr-regulation/ctr-regulation.htm>
- Email
 - ctr-report@arb.ca.gov
- Click “[Subscribe](#)” for Criteria & Toxics Reporting Regulation listserve registration

Contact Us – Reporting: Key Staff

Criteria Pollutant and Air Toxics Reporting



- Dave Edwards, Branch Chief
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916.323.4887
- John Swanson, Manager
john.swanson@arb.ca.gov
916.323.3076
- Patrick Gaffney, Lead Staff
patrick.gaffney@arb.ca.gov
916.322.7303

End



OCAP Contact Us – Community Selection, Monitoring, BACT/BARCT

CARB Office of Community Air Protection

- Website:

- <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program-ab617>

- Email

- CommunityAir@arb.ca.gov
- AireComunitario@arb.ca.gov

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