



August 1, 2019

California Air Resources Board
Sacramento, California

RE: Comments regarding Revised CTR Regulation

Dear Board Members:

Thank you for this opportunity for the Industrial Environmental Association (IEA) to submit comments regarding the revised proposed CTR Regulation. Once again, we appreciate the outreach and availability of staff to discuss these revisions.

Following are recommendations respectfully submitted by IEA for your consideration:

§ 93401. Applicability

- **General Applicability**

- **(b) Exclusions**

- Comment: The regulation is structured in a way that no reasonable exemption can be sought. We recommend including a mechanism to negotiate an exemption status for yearly reporting at the discretion of ARB or the local APCD/AQM. For example, under exclusions; add paragraph B, clause 4: "This article does not apply to facilities or emission units that meet exemption criteria as approved by the local air districts or ARB." Examples of criteria for exclusion include: Remoteness of facilities; distance from receptors, less than 10% change in operations; stability of operations, etc.

- **(a)(4) Additional Applicability/Additional Applicability Facility**

- Comment: We appreciate that ARB has at least postponed discussion and decisions regarding this section. For the record, we would like to reiterate key points

raised in our previous comment letter of June 6, 2019 which we feel deserve careful consideration and discussion if the ARB intends to move forward with that proposal.

- The expanded regulation puts the emphasis on relatively small contributors to air pollution at great cost to the local agencies and regulated entities.
- It is well documented that the majority of emissions (80% or more) and health risks are due to mobile sources, which this regulation does not address
- The proposed facility actual emission threshold of 4 tons/year (tpy) for permitted equipment and processes is significantly lower than the threshold that the legislation had intended (i.e., 250 tpy). In San Diego alone, this threshold would pull an addition 7,500 facilities into the annual reporting program, putting a significant strain on San Diego APCD's already strained resources
- There is significant cost associated with the proposed modifications without clear environmental benefits.
- Implementing this portion of the regulation, as currently proposed, would stretch the already limited resources of the local air districts and potentially have a negative impact on reducing emissions, protecting disadvantaged communities, and providing a predictable and reliable permit process that is essential to businesses and facilities that choose to continue their operations in California.

§ 93402. Definitions

- **"Best available data and methods"**

Comment: IEA recommends adding "EPA-approved" to the definition.

- **"Portable"**

Comment: The extended definition for portable units (including "Equipment Unit" definition is kept in the regulation when the reporting requirements for portable units are removed. This can cause confusion. Recommend removing definitions for Portable and Equipment Unit.

- **"Stationary"**

Comment: A reference is made to "portable" in the definition of "stationary". We recommend revising the definition as follows: **"Stationary" means neither portable (as defined in the CARB Portable Equipment Registration Program) nor self-propelled and operated at a single facility.**

§ 93403. Emission Reporting Requirements

- **(a)(1)(A)(1):** *“1. Criteria Facility Permitted Emissions Reporting Delay. Criteria Facilities subject to reporting per Section 93401(a)(2), but not subject to 93401(a)(1) or 93404(a)(3), are not required to provide an annual emissions report per this article for the 2019 data year unless actual emissions of any applicable nonattainment pollutant or its precursors exceeds 250 tpy. Following the 2019 data year, applicability for Criteria Facilities is based on permitted, and not actual emissions.*

Comment: Please extend the delay through 2020 data year to allow more time for facilities to seek emission limits, etc. We also request that ARB consider providing an “off-ramp” for facilities with high PTE and low actual emissions.

- **(c)(1):** *Owners and operators of a facility subject to this article must submit annual emissions reports by May 1 of the year immediately following the data year.*

Comment: We recommend adding: “unless an extension is granted by CARB or the district.”

- **(c)(2)(A):** *“By August 1 of the year immediately following the data year, annual emissions reports submitted to the air district may be submitted by the local air district on behalf of the facility to CARB. If an air district with jurisdiction over a facility does not submit an annual emissions report to CARB on behalf of the facility by August 1 of the year immediately following the data year, CARB, after consultation with the air district, will notify the facility designated representative in order to obtain the data required by this article. The facility designated representative must provide the required data of 93404 to both the air district and CARB within 30 days of notification.”*

Comment: For large facilities, the 30-day requirement represents a serious hardship. We request that you change 30 days to 45 days and add: “unless an extension is granted by CARB or the district.”

§ 93404. Emissions Report Contents

- **(a)(5)**

Comment: The regulation requires emissions to be reported by source. This methodology will not work for facilities with a facility-wide cap. For such facilities, alternate reporting methodologies approved by the local district or ARB should be used. An example is test cell facilities, where emissions are reported based on the number and size of engines tested not specifically by individual test cell.

- **(b)(1): “Emissions.** For permitted processes and devices (and at the discretion of the air district for unpermitted processes and devices) the annual direct and fugitive emissions of the following air pollutants must be reported.

Comment: This regulation is intended to capture permitted emission units and processes. However, it contains language that allows the local districts to expand the scope to nonpermitted units at their discretion. In the interest of achieving ARB’s stated goal of a uniform state-wide reporting program, we recommend eliminating these provisions because they encourage non-uniform reporting requirements and will result in a complete lack of standardization from one air district to the next. (c)

- **“Methods.** Annual emissions reports prepared pursuant to this article must provide the emissions calculation method, source of the reported emissions factor, and other general information required to document that best available data and methods were used to report emissions of criteria air pollutants and toxic air contaminants.”
- Comment: Facilities should not be required to submit this information annually if the information has not changed. We recommend clarifying that only new or revised information should be added.

Should you require any additional information to support our recommendations or have any questions, we would be happy to respond. In the meantime, thank you for your consideration.

Best regards,



Jack Monger
CEO

cc: David Edwards
Assistant Division Chief
Air Quality and Science Division
California Air Resources Board