



August 1, 2019

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

sent via email: cotb@arb.ca.gov, ctr-report@arb.ca.gov

Re: WSPA Comments on AB 617 Second 15-Day Notice of Modifications to CTR Regulation

Dear Sir or Madam,

The Western States Petroleum Association (WSPA) appreciates this final opportunity to provide comments to the California Air Resources Board (CARB) on its second 15-day notice of modifications to the AB 617 Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) adopted on December 14, 2018. Previous written comments related to this rulemaking effort were submitted by WSPA on June 29, 2018, August 23, 2018, December 10, 2018, March 29, 2019, and June 7, 2019.

WSPA recognizes the importance and value of the CTR regulation as a component of AB 617, and accordingly, has devoted significant time and resources to this rulemaking process over the past two years. We look forward to seeing the final regulation published later this year. WSPA respectfully submits these written comments in response to the 15-day *Notice of Second Public Availability of Modified Text and Availability of Additional Documents and/or Information* dated July 17, 2019.

General Comments

- WSPA supports CARB's decision to remove the § 93401(a)(4) additional applicability criteria from the CTR regulation. Challenges associated with costs, resources, and outreach are very significant for this large group of facilities, and hence a separate rulemaking process is justified. WSPA is committed to working with CARB and the air districts to readdress this topic at a later date.
- WSPA would like to reiterate that successful implementation of the CTR regulation will require a strong partnership between itself and the local air districts. We recommend that the regulation be amended at any point during the 5-year roll out period in response to practical needs such as adjusting the reporting deadlines. We also recommend that both CARB and the air districts communicate to facilities well in advance to confirm applicability and communicate reporting requirements that differ from current practice (e.g., new activity level data reporting formats, changes to online reporting software, new written guidelines and instructions). WSPA member companies, in particular, quantify emissions for numerous sources, source categories, and pollutants. They will be heavily burdened by the CTR reporting requirements and would benefit from early communication and outreach.

Specific Comments

- **§ 93402(a).** In response to stakeholder input, the definition of “Activity level” was modified to report gaseous fuels in units of MMbtu only. WSPA offers that emission factors for gaseous fuels are commonly expressed in both units of MMbtu and MMscf. In particular, it is more common (and sometimes practical) to report utility grade natural gas activity level data on a volume basis (MMscf). Most importantly, units of measure for Source Classification Codes (SCCs) reported per § 93404(a)(4)(D) are more commonly expressed on a volume basis for fuels. WSPA recommends that both unit options remain in the definition of activity level for gases, i.e., “million standard cubic feet” and “million British thermal units (MMbtu)”.
- **§ 93404(a)(5)(J).** The stated requirement to report a “permit or rule emissions limit” for each facility process (if applicable) implies that only one such limit exists. This is not always the case and in fact, multiple emission limits often exist (i.e., stemming from different rules, permit conditions, increments of time, etc.). WSPA recommends that the language be modified to specify reporting of only annual emissions limits, if applicable. When more than one annual limit exists for a facility process (or device), report the most stringent limit.
- **§ 93404(b)(1)(A).** § 93402(a) defines “Reactive organic gases” (ROG) and “Volatile Organic Compounds” (VOC) as being synonymous for purposes of this article. Per the Notice, the option to report organic gas emissions as either ROG or VOC is allowed to accommodate current reporting differences at the air district level. WSPA believes it is problematic to identify these terms as synonymous given their distinctly different definitions published in other rules and regulations. Hence, the option to report as ROG or VOC should be temporary. WSPA recommends that a single reference (name) and definition for reporting organic gases be addressed as part of rulemaking for Article 2, *Requirements for Calculating and Reporting Criteria Pollutant and Toxic Air Contaminant Emissions*.
- **§ 93404(b)(1)(B).** The description of toxic air contaminants for which emissions should be reported was modified to state that “reported toxic air contaminants must include those chemicals that are actually emitted by the facility”. WSPA found this language to be unclear and subject to interpretation. The Notice states that “only those toxics that are actually known to be emitted by the facility are subject to reporting”. But the word “known” was not included in the new regulatory language. To prevent over-reporting, which is the implied intent of the Notice, WSPA recommends the following alternative language be used to describe toxic air contaminants to be reported:

“Reported toxic air contaminants for each source must include only those chemicals both known to be emitted by the facility and identified in the quantification method. For purposes of this article, a known toxic should not be presumed solely from the existence of non-detect sampling or test measurement data.”

In a previous comment letter dated December 10, 2018, WSPA also recommended that the regulation allow owners and operators to apply facility-specific process knowledge to identify “Hot Spots” Appendix A-1 substances emitted from each source.

- **§ 93404(b)(2)(B).** Although § 93404(b)(1) was updated to emphasize that emissions reporting applies to permitted processes and devices, much discretion still lies with the air districts with regard to reporting unpermitted source emissions. WSPA recommends that any unpermitted source emissions not currently inventoried by an air district at the time of this regulation's adoption, but considered for inclusion as part of CTR reporting, must first be addressed and defined as part of rulemaking for Article 2, *Requirements for Calculating and Reporting Criteria Pollutant and Toxic Air Contaminant Emissions*. WSPA recommends that this section be reworded as follows:

“Unpermitted processes and devices at the facility, including unpermitted fugitive emissions, if at the time of this regulation’s adoption such facility-specific emissions are required to be reported by the local air district or quantified by the local air district.”

- **§ 93404(b)(2)(C).** WSPA appreciates that CARB recognizes the many challenges associated with reporting emissions from portable equipment, and supports removal of this subsection from the CTR regulation. Emissions reporting for portable equipment is deserving of reconsideration as part of future rulemaking.
- **§ 93407(a)(2).** To more clearly distinguish between facility and air district submissions, WSPA recommends the words “facility” and “by the facility” be added to this section:

“Any facility report, data, or documentation required by this article that is not submitted by the facility to CARB or a district, or is submitted by the facility late to CARB or a district, shall be a violation of this article.”

WSPA appreciates this opportunity to provide comments on this second 15-day notice of modifications to the CTR regulation. Please feel free to reach me at troberts@wspa.org.

Sincerely,



Tiffany Roberts
Director, Legislative and Regulatory Policy
Western States Petroleum Association

cc: Mr. John Swanson, Manager
Dr. David Edwards, Branch Chief